

LEGISLATING COERCIVE CONTROL

INTIMATE
PARTNER
VIOLENCE

IPV

COERCIVE CONTROL
IS THE FOUNDATION OF MOST
INTIMATE PARTNER VIOLENCE

CRIMINALIZING CONTROLLING BEHAVIORS IN A RELATIONSHIP

For decades, law enforcement agencies worldwide have seen intimate partner violence almost exclusively in physical terms, measuring its severity in individual beatings and injuries.

By **CRIMINALIZING** behaviors many previously considered merely unpleasant, domestic abuse advocates hope these laws will transform how society views acceptable power dynamics in relationships and how we tackle abuse (Nugent, 2019).

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EXECUTIVE SUMMARY

This policy brief is written in support of amending domestic violence legislation to include **coercive control** as a form of abuse.

We can **no** longer only look to physical evidence as a way to determine domestic abuse.

Domestic abuse, in all its forms, should be looked at as a **primary** factor in determining child custody.

Abusive parents should **not** be awarded shared custody of children unless measures have been put in place to ensure the safety of the children.

Research shows that **coercive control**, often a non-physical abuse, is a key factor in most domestic violence cases and in cases where victims and their children are murdered. **Coercive control** encompasses sexual, psychological, financial, and legal abuse with the "tactics used by offenders deployed to hurt and intimidate victims (coercion) and those designed to isolate and regulate [victims] (control)" (Stark, 2012).

Revision of Domestic Violence Laws

- Revise the legal definition of Domestic Violence/Abuse in the civil/criminal law statute to include **coercive control**, often a non-physical form of abuse.
- Revise the dissolution of marriage statute to include DV as a factor. The legal system is often manipulated by offenders of DV, another tactic to harm the adult victim and subsequently harming the child victims. This is a form of child abuse.
- Revise the child custody statute to elevate DV to become the primary factor, to be examined and adjudicated first.
- Make electronic applications for restraining orders available as a permanent option.

Acknowledging **coercive control** as the foundation of intimate partner violence is paramount to understanding how to prevent injuries and death to adult and child victims. In the last ten years, England, Wales, Scotland, Ireland, Taiwan, and Ontario, Canada have expanded their domestic violence laws to include **coercively controlling** behaviors. This legislation is now expanding

Coercive control is described as a non-physical form of abuse, but it can be a predictor of serious violence. In a review of **358 homicides** in the UK, it was found that **controlling or obsessive behaviors was present in 92% to 94% of the cases**

(Monckton-Smith, Szymanska, & Haile, 2017).

Studies have demonstrated, that a **pattern of coercive controlling behaviors can precede, motivate, or increase the likelihood of violence** in relationships

(Crossman, Hardesty, & Raffaelli, 2016).

Offenders who exercised control over their partner's daily activities were **more than 5 times** more likely to kill them (Zahn, 2003).

The National Coalition Against Domestic Violence (n.d.) states that **72% of all murder-suicides involve an intimate partner & 94% of the victims of these murder-suicides**

INTRODUCTION

Coercive control is a term that is used to describe the controlling nature of an abusive relationship and encompasses the aspects of power and control, physical and non-physical, with intent to harm another emotionally and to exert control over another.

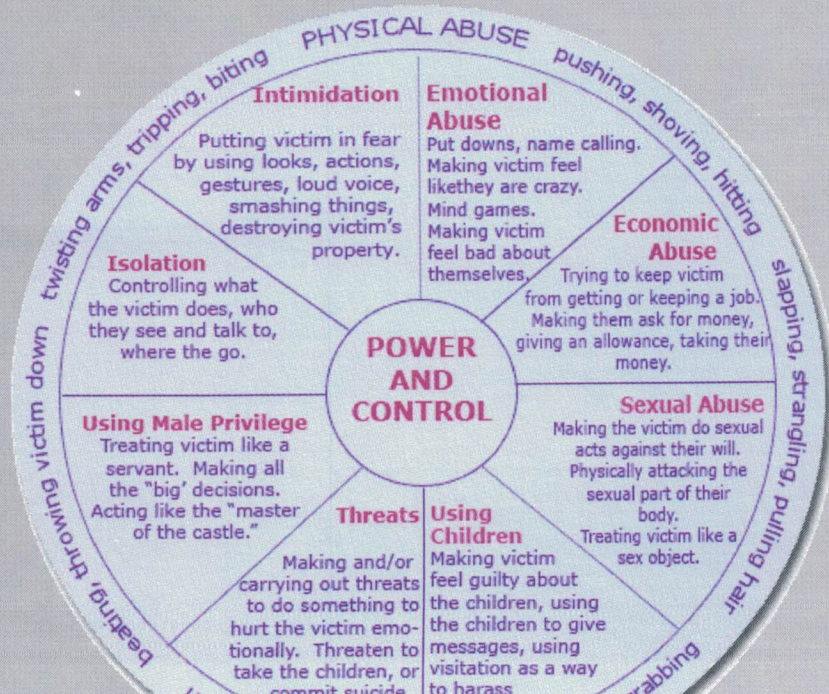
COERCIVE CONTROL is the GOLDEN THREAD running through risk identification and assessment for domestic violence" (Myhill & Hohl, 2016).

In most parts of the world, law, policy and prevention work addressing domestic violence is created based on a "violence model," which fails to take into account the "well-documented fact that physical abuse almost never consists of an isolated incident". Almost half of all reported cases involve serial abuse in which victims reported daily assaults, physical and non-physical, over the lifespan of the relationship, with abusers using **coercive control** (Stark, 2012).

A National Institute for Justice Study found:

In 70 to 80 percent of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder. The research affirms that **a way to decrease intimate partner homicide is to identify and intervene promptly with abused women at risk. Half of all female homicides are killed by an intimate partner** (Petrosky, Blair, Betz, Fowler, Jack, Lyons, 2017).

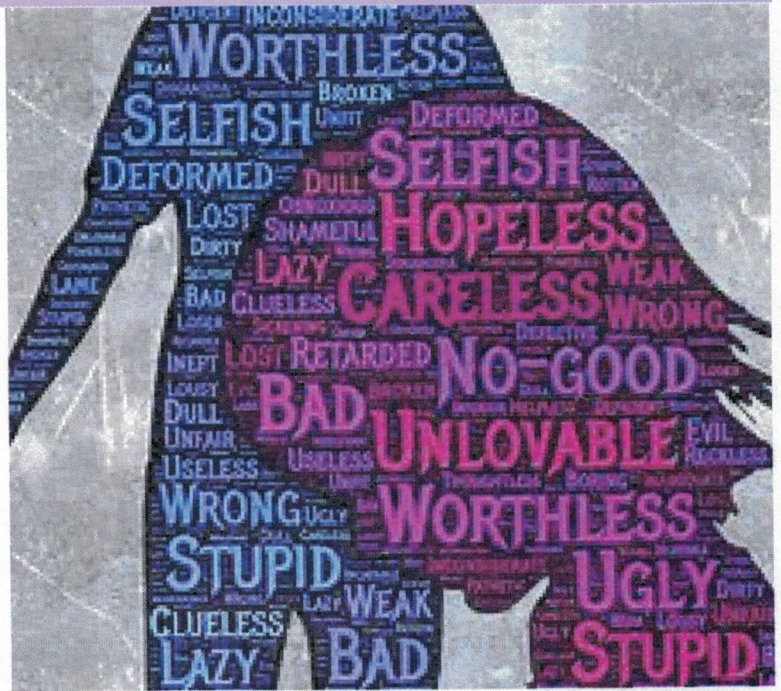
(Domestic Violence Abuse Intervention Project 1980's)



Why Coercive Control?

Physical abuse, the abuse recognized by our criminal justice system, (the "violence model") (Stark, 2012), leaves a bruise and is horrifying, oftentimes requiring medical intervention. However, other abuses that are covert, such as sexual abuse, psychological abuse, financial abuse, legal abuse, use of the children as weapons in multiple ways, including attempts to harm the adult victim and the adult victim's relationship with the child victims, are based on the need for control by the offender. These behaviors do not require medical intervention, are hidden and therefore insidious, making them more difficult to explain and ultimately define. Studies have demonstrated, that a pattern of coercively controlling behaviors can precede, motivate, or increase the likelihood of violence in relationships (Crossman, Hardesty, & Raffaelli, 2016).

Sometimes called the "problem with no name", coercively controlling behaviors committed by offenders, such as economic exploitation or deprivation and entrapment, would be considered crimes if only committed by strangers and are rarely identified as such (Stark, 2012).



The Impact of Coercive Control

Since this abusive behavior takes place repeatedly and continuously and when multiple reports are made, oftentimes with no visible physical violence, "many abused women appear in family court, child welfare or health care systems carrying what Evan Stark calls "pseudopsychiatric labels" that imply they are the problem, not the abuser (Stark, 2012).

An evident gaslighting by the system intended to protect the victim.

Posttraumatic Stress Disorder (PTSD) is the most prevalent disorder associated with IPV (Johnson and Zlotnick, 2009). Intensity, duration, and perception of the battering experience is a significant factor in the severity of the PTSD symptoms (Jones, Hughes, & Unterstaller, 2001).

Domestic Violence and child abuse are considered Adverse Childhood Reactions (ACES) (Filetti, Anda, Nordenberg, Williamson, Spitz, Edwards, Koss, & Marks, 1998).

Abuse [coercive control] is a pattern, a war of attrition that wears a person down," says Laura Richards, a British criminal behavioral analyst who helped pass the 2015 law in England making coercive control against the law (Richards, 2020).

Women make up 95% of those who experience coercive control and 74% of perpetrators are men (Johnson, Barlow & Kirby, 2008)

The [adult] victims AND their children, child victims, are trapped under the offenders coercively controlling



POST SEPARATION ABUSE

The concept of Post Separation Abuse (PSA) is now becoming widely recognized as an abuse that occurs at the time the victim has departed from the relationship. The **coercive control** intensifies, the offender realizing the loss of control over the victim. This is often against the backdrop of the dissolution of the relationship and heightened risk that adult victims and their children enter child custody proceedings. The offender sets their sights on the child(ren) to exert control and to subsequently harm the children (Jeffries, 2016).

Batterers are more likely to seek custody of children than non-batterers. A recent study (2019) found that child abuse claims are under-validated considerably, putting children at great risk. Research suggests that federally funded program evaluations should be mandated to explore whether abuse is an underlying reason why a mother may resist a father's access to their children (Meier, Dickson, O'Sullivan, Rosen, & Hayes).

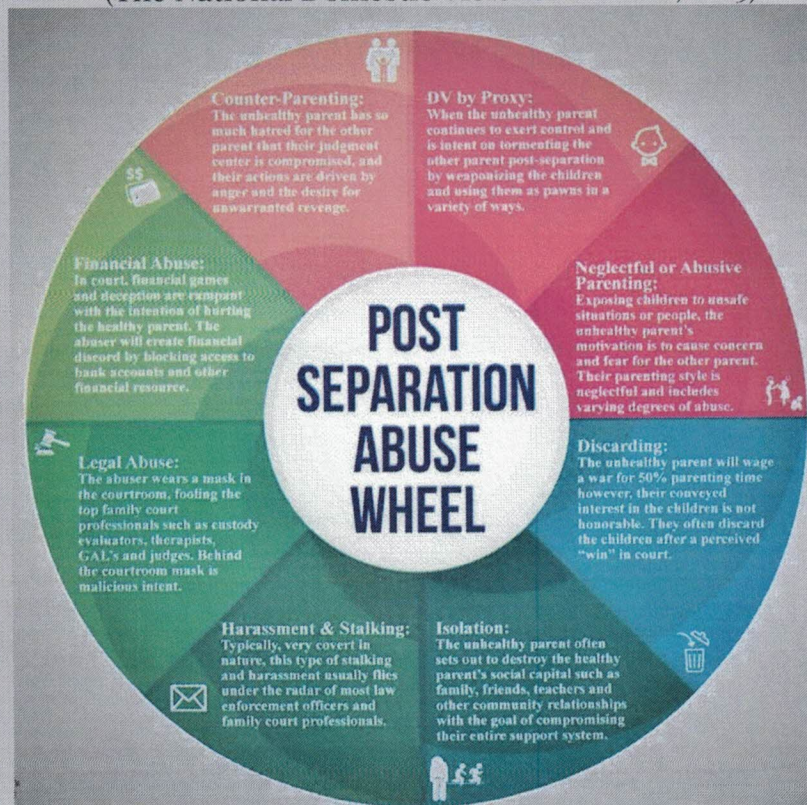
Post separation is also the time when the victim is most at risk for injury or death since the **coercive control** that was already occurring, escalates. Sharp-Jeffs, Kelly, & Klein (2017) reported that when victims removed themselves from the immediate control of an abusive partner, **over 90 percent experienced post-separation abuse.**

OF TOTAL DOMESTIC VIOLENCE HOMICIDES, **ABOUT 75% OF THE VICTIMS WERE KILLED AS THEY ATTEMPTED TO LEAVE THE RELATIONSHIP OR AFTER THE RELATIONSHIP HAD ENDED** (Domestic Abuse Shelter, Inc.).

"1/5 OF HOMICIDE VICTIMS WITH RESTRAINING ORDERS ARE MURDERED WITHIN TWO DAYS OF OBTAINING THE ORDER; 1/3 ARE MURDERED WITHIN THE FIRST MONTH" (Vittes, 2008, p. 195).

It takes a victim of IPV seven attempts to leave an abusive relationship & research affirms that the most unsafe time for a victim is when she exits the relationship.
(The National Domestic Violence Hotline, 2013).

Domestic Violence by Proxy
Neglectful or Abusive Parenting
Discarding
Isolation
Counter-Parenting
Financial Abuse
Legal Abuse
Harassment & Stalking
(Domestic Violence Abuse Intervention Project 1980's)



There is an association between child domestic homicide and adult domestic violence, since child domestic homicide is often preceded by adult domestic violence (Bourget, Grace, and Whitehurst, 2007). **50% of all homicides of children are committed by their mother's current or former male partners** (Rennison, 2003)

References

- Bourget, Dominique, Grace, Jennifer, Whitehurst, Laurie. (2007, March). A Review of Maternal and Paternal Filicide. *Journal of the American Academy of Psychiatry and the Law Online*, 35 (1) 74-82.
- Campbell, Emmaline. (2017). How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It. *UCLA Women's Law Journal*, 24(1). <https://escholarship.org/content/qt31z272j1/qt31z272j1.pdf>.
- Crossman, K. A., Hardesty, J. L., & Raffaelli, M. (2016). "He could scare me without laying a hand on me": Mothers' experiences of nonviolent coercive control during marriage and after separation. *Journal of Violence Against Women*, 22, 454-473.
- Domestic Abuse (Scotland) Act 2018. [Legislative.gov. https://www.legislation.gov.uk/asp/2018/5/contents](https://www.legislation.gov.uk/asp/2018/5/contents).
- Domestic Abuse Shelter, Inc. (n.d). *Definition of Domestic Violence*. <https://domesticabuseshelter.org/domestic-violence/>.
- Domestic Violence Abuse Intervention Project. (1980's). *Power and Control Wheel*. Duluth, MN.
- Domestic Violence Abuse Intervention Project. (1980's). *Post Separation Abuse Wheel*. Duluth, MN.
- Domestic Violence Legal Empowerment and Appeals Project. (2013). *Rates at Which Accused and Adjudicated Batterers Receive Sole or Joint Custody*. <http://www.dvleap.org/LinkClick.aspx?fileticket=97dd05pFEso%3D&tabid=1118> [<https://perma.cc/S3C4-DU25>].
- Domestic Violence Act of 2018. Irish Statute Book. <http://www.irishstatutebook.ie/eli/2018/act/6/section/39/enacted/en/html>.
- Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, Koss MP, Marks JS. (1998, May). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study. *Am J Prev Med*. 114(4):245-58. DOI: 10.1016/S0749-3797(98)00017-8. PMID: 9635069.
- Jeffries, Samantha. (2016, March 10). Review. In the best interests of the abuser: Coercive control, child custody proceedings, and the "expert" assessments that guide judicial determinations. School of Criminology and Criminal Justice, Griffith Institute of Criminology, Griffith University, Australia.
- Johnson, Dawn & Zlotnick, Caron. (2009). HOPE for battered women with PTSD in domestic violence shelters. *Professional Psychology, Research and Practice*, 40, 234-241. DOI: 10.1037/a0012519.
- Jones, Loring, Hughes, Margaret, and Unterstaller, Ulrike. (April 2001). Post-Traumatic Stress Disorder (PTSD) in Victims of Domestic Violence: A Review of the Research. *Journal of Trauma, Violence & Abuse*, 2(2), pp. 99-119.
- Katz, Emma, Anna Nikupeteri and Merja Laitinen (2020) When Coercive Control Continues to Harm Children: Post-Separation Fathering, Stalking, and Domestic Violence. *Child Abuse*

References

- Laws and Regulations Database of the Republic of China. (2015, Feb). Domestic Violence Prevention Act. Ministry of Health and Welfare
<https://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=D0050071>
- Legislative Assembly of Ontario. (2020, Nov.) Bill 207: An Act to amend the Children's Law Reform Act, the Courts of Justice Act, the Family Law Act and other Acts respecting various family law matters (https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2020/2020-11/b207ra_e.pdf).
- Lewis-Herman, Judith. (1992, July). Complex PTSD: A syndrome in survivors of prolonged and repeated trauma. *Traumatic Stress*, 5(3): 377-391. DOI: <https://doi.org/10.1002/jts.2490050305>.
- Meier, Joan S., Dickson, Sean, O'Sullivan, Chris, Rosen, Leora, and Hayes, Jeffrey. (2019). Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations. GWU Law School Public Law Research Paper No. 2019-56. *GWU Legal Studies Research Paper* No. 2019-56. DOI: doi.org/10.2139/ssrn.3448062.
- Monckton-Smith, J., Szymanska, K., and Haile S. *Exploring the relationship between stalking and homicide. Project Report*. University of Gloucestershire in association with Suzy Lamplugh Trust, Cheltenham. <http://eprints.glos.ac.uk/4553/>.
- Myhill, Andy, Hohl, Katrin. (2016). The "Golden Thread": Coercive Control and Risk Assessment for Domestic Violence. *Journal of Interpersonal Violence*, 34. DOI: [10.1177/0886260516675464](https://doi.org/10.1177/0886260516675464).
- The National Coalition Against Domestic Violence. (n.d.). *Learn More: What happens when the abusive relationship ends*. <https://www.ncadv.org/learn-more/what-is-domestic-violence/abusive-partner-sign>.
- The National Domestic Violence Hotline. (2013, June 10). *50 Obstacles to Leaving*. <https://www.thehotline.org/2013/06/10/50-obstacles-to-leaving-1-10/>.
- Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. (2017). Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017;66:741–746. DOI: [http://dx.doi.org/10.15585/mmwr.mm6628a1External](https://dx.doi.org/10.15585/mmwr.mm6628a1External).
- Richards, Laura. (2019, June 21). Interviewed by Ciara Nugent. "Abuse is a pattern". Why these nations took the lead in criminalizing controlling behavior in relationships. *Time Magazine*. <https://time.com/5610016/coercive-control-domestic-violence/>.
- Rennison, Callie Marie. (2003). Intimate partner violence, 1993–2001. *Bureau of Justice Statistics: Crime Data Brief No. JCF 197838*. <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=197838>.
- SB1141 (2019–2020). *Domestic Violence: Coercive Control*. California Legislative Information. https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200SB1141.
- Serious Crime Act 2015 (n.d.). <http://www.legislation.gov.uk/ukpga/2015/9/part/5/crossheading/domestic-abuse/enacted>.

References

- Sharp-Jeffs, Nicola, Kelly, Liz, & Klein, Renate. (2017, February, 2). Long journeys toward freedom: The relationship between coercive control and space for action—measurement and emerging evidence. *Violence Against Women*, 24(2):163-185. DOI:10.1177/1077801216686199.
- Stark, Evan. (2007). *Coercive Control: How men entrap women in personal life*. New York, NY: Oxford University Press.
- Stark, Evan. (2012). *Re-presenting battered women: Coercive control and the defense on liberty* [Paper Presentation]. Violence Against Women : Complex Realities and New Issues in a Changing World. Les Presses de l'Université du Québec. Rutgers School of Public Affairs and Administration. https://www.stopvaw.org/uploads/evan_stark_article_final_100812.pdf.
- Stark, Evan. (2018). Personal interview with New York State: *Office for the Prevention of Domestic Violence. Controlling and Psychological Intimate Partner Abuse*. <http://www.coercivecontrol.us/new-york-state-office-for-the-prevention-of-domestic-violence-interview-with-dr-evan-stark/>.
- Stark, Evan, Hester, Marianne. (2019). Coercive Control: Update and Review. *Violence Against Women*, 25(1) 81-104. DOI: 10.1177/1077801218816191.
- Serious Crime Act. (2015). U.K. Parliament. <https://services.parliament.uk/bills/2014-15/seriouscrime.html>.
- Vittes, K. A., and Sorenson, S. B. (2008). Restraining orders among victims of intimate partner homicide. *Injury Prevention*, 14:191-195. DOI:10.1136/ip.2007.017947.
- Women's Aid. (n.d). *What is Coercive Control*. <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/coercive-control/>.
- Zahn, Margaret. (2003). The U.S. Department of Justice. Intimate Partner Violence Homicide. *National Institute of Justice Journal*, 250. <https://www.ncjrs.gov/pdffiles1/jr000250.pdf>.