

DOMESTIC VIOLENCE AND SEXUAL ASSAULT – as amended Feb. 18, 2012

The League of Women Voters of Juneau believes all individuals have the right to live in a fear-free environment, and to be safe from sexual assault (SA); psychological, emotional and physical abuse; and neglect. A special degree of protection is needed for vulnerable, dependent people of any age.

Intervention by public agencies should take place when there is evidence of sexual assault or of physical, psychological or emotional abuse (including stalking) of one family member by another or one partner by another (including dating partnerships). However, this is not to suggest that mandated reporting be instituted as this may actually increase danger for victims/survivors. When necessary to separate family members, it is preferable to remove the perpetrator rather than the victim from the home, particularly if the victim is a child. Physical or sexual assault should be prosecuted whether or not the victim presses charges.

Federal, state, and local governments should share responsibility for the health and safety of family members, with primary responsibility at state and local levels. Adequate funding is necessary for the care and protection of the spouse (including ex-spouse, partner, etc.) and children victimized by violence, and costs must be shared by all levels of government, private charitable contributions, and a special fund into which perpetrators are required to pay. To the maximum extent possible, perpetrators should be held financially responsible for these costs, and no victim should ever be required to pay any costs associated with a domestic violence (DV) or sexual assault incident.

Domestic violence, stalking, and sexual assault require a coordinated response by law enforcement officials, prosecutors, judges, social service/victim agencies, and the medical community. All people who work with domestic violence and sexual assault incidents must receive specialized training specific to working with victims, including trauma and its effects. Training can be provided by experts in the field such as those at local DV/SA agencies. This training should be customized to the area of practice of the service providers and include basic training for new hires and periodic follow-up training for all those who work with victims.

AMPLIFICATION:

The following areas should be addressed in any comprehensive program concerning domestic violence and sexual assault.

PREVENTION:

Focused and directed preventive programs for domestic, sexual, emotional, physical and economic abuse of any person (women, children, men) must be developed throughout statewide agencies and services. These programs must be multi-faceted, comprehensive, and culturally relevant.

Preventive education should begin early in schools, using age-appropriate, skill-based curriculum, on the issues of human rights; domestic violence; sexual assault; sexual harassment; and anger, power, and control issues including conflict resolution, safety training, problem identification, and available assistance. Evidence-based healthy

relationship and dating violence prevention curricula should be introduced into every middle and high school; social-emotional curricula can be used in the earlier grades.

PUBLIC SERVICES TO VICTIMS:

Public services should be available to all victims of domestic violence and sexual assault, regardless of the person's ability to pay.

Responsible, knowledgeable and informed policy, intervention, and protection should be in place and available.

Shelter for victims and their dependents is essential.

A sufficient number of social workers trained in all aspects of DV/SA must be available, as well as foster care, if needed.

Adequate counseling and advocacy support for victims and other affected family members, as appropriate, should be provided.

Trauma-informed medical care, including mental health care, must be provided for victims.

Access for victims to legal representation for divorce/separation, custody, child support, child custody, protective orders, and debt/property division issues that arise as a consequence of the abuse must be available. This should include recognition of Alaska's rebuttable presumption that a parent who has a "history of perpetrating domestic violence" (as stated in HB 385 2004) against another parent should not be awarded sole or joint legal or primary or shared physical custody, based on the tremendous impact domestic violence has on children.

8. Alcohol and drug abuse treatment for all age groups, including teens, should be available.

All pertinent agencies should offer coordinated, trauma-informed social services.

Routine screening should be done in all health-care and social service settings, followed by informational outreach when indicated.

RECOMMENDATIONS FOR OFFENDERS:

Batterer's accountability programming for all offenders should be required.

Rehabilitation and batterer's accountability programming for incarcerated offenders should be required.

When appropriate, alternatives to incarceration should be used that include batterer's accountability programming.

Alternative housing for perpetrators should be arranged, when appropriate.

Special attention must be paid to groups who have been inadequately served in the past, such as adolescents, people who experience disabilities, and the elderly.

DEFINITIONS:

"Domestic violence" means physical, psychological, or emotional harm, including stalking, or the threat of physical, psychological or emotional harm between and among household or family members.

"History of perpetrating domestic violence" includes one incidence of violence that causes serious physical injury or more than one incident of domestic violence. If one parent can prove that the other parent has a "history of perpetrating domestic violence," then the offending parent must show that he or she has successfully completed a batterer's intervention program, that he or she does not engage in substance abuse, that he or she is

in compliance with appropriate gun control laws, and that the best interests of the child require his or her participation as a custodial parent because the victimized parent is absent, has a mental illness, or has a substance abuse problem that affects parenting abilities. (In the matter of substance abuse and/or mental illness, care must be taken to determine if the substance abuse or mental illness is a result of the abusive relationship. It should be noted that frequently abusers claim that their partners are mentally ill or addicted.) If the abusive parent cannot prove this, he or she is generally permitted only supervised visitation.

“Household or family members” include spouses or former spouses, parents, grandparents, children, grandchildren, foster parents and children, members of a social unit comprised of those living together in the same dwelling, or persons in a dating, courtship, or engagement relationship.

“Physical, psychological or emotional harm” includes abuse, neglect, stalking, and sexual assault.

“Sexual assault” means engaging in sexual contact without consent or in violation of law, as provided in Alaska Statutes 11.41.410 - 460. This includes sexual contact with someone under the age of consent even though contact is consensual or with a person who is incapacitated or incapable of consenting. It is also a crime to attempt sexual contact without consent. Sexual offenses often include the use of physical force, verbal or emotional threats, intimidation, coercion, and manipulation.

“Stalking” means a violation of the law, as provided in Alaska Statutes 11.41.410-460.

“Sexual harassment” reflects certain entitlement beliefs and attitudes linked to domestic violence and sexual assault. Given that connection, the formal definition of sexual harassment is included here: “Sexual harassment” includes all of the following: verbal assaults such as whistles, jokes, comments, and insults about gender, sexuality, or sexual activity; visual assaults such as exposing oneself or exposing someone to nude or pornographic images against someone’s wishes, or gesturing or mimicking sexual acts; and physical assaults such as intimidating behaviors and postures or unwanted physical touching such as tickling or wrestling.