

## An Analysis of the Barriers Latina Immigrants Face in Washington's Domestic Violence Response Network

“In the US, a woman is raped every 6 minutes; a woman is battered every 15 seconds.”<sup>1</sup>  
-Amnesty International

### Introduction

Immigrants now account for one in ten residents in the United States, which is the highest percentage in 70 years.<sup>2</sup> Wife battering occurs in one in four couples worldwide.<sup>3</sup> When combined, these statistics pose some interesting questions. How do we address the pervasive rates of domestic violence with the increasing number of women migrating specifically to the United States?<sup>4</sup> Because Latinos compose the largest minority group within the U.S., what specific cultural factors in combination with the larger political and economic structures influence domestic violence within the Latino immigrant community specifically? There has been much literature written on how immigrants are subjected to many types of oppressive forces, such as racial oppression and economic exploitation. Oppression and exploitation within the private sphere, however, go under-reported and under-researched. Oppression predominantly is analyzed within the context of violence done unto the Latino male body, while leaving out acts of domination and control against Latina women within the home. Consequently, there remains a dearth of policies that address the pervasive problem of Latina immigrants suffering from domestic violence. Immigrant-specific barriers exacerbate Latina women's already vulnerable position, as dictated by class, gender, and race.<sup>5</sup> Fregoso mentions that Latinas are less likely to report incidents of sexual and physical violence than white women.<sup>6</sup> My research addresses the question of why. Each individual and institution has a different role to occupy in a well-coordinated response to domestic violence. In this report I focus on race and legal status and those who have been marginalized because of them. It is critical to understand the variety of societal impacts on the pervasiveness of domestic violence especially within the Latino immigrant community where women face an overwhelming number of barriers to seeking help. Latina immigrants are often forced to be dependent upon the male in the household due to language barriers, lack of education and job training, legal status, and an absence of a strong familial support system in the surrounding community. All of these factors serve to isolate the women. In addition to the expectation of the need to fulfill a traditional Latina's role by being submissive, maternal, and remaining within in the home, women experience much shame in sharing domestic violence occurrences, thereby furthering their isolation. In order to carry out a

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<sup>1</sup>Amnesty International USA, “Violence Against Women: A Fact Sheet,” *Women's Human Rights*, Online, Available <http://www.amnestyusa.org/women/violence>, New York, 2005.

<sup>2</sup> Cecilia Menjivar and Olivia Salcido, “Immigrant Women and Domestic Violence: Common Experiences in Different Countries,” *Gender and Society*, Vol.16 No.6, December 2002, p.911

<sup>3</sup> Ibid., p.899.

<sup>4</sup> Ibid., p.898.

<sup>5</sup> Ibid., p.898.

<sup>6</sup> Rosa Linda Fregoso, “MeXicana Encounters: The Making of Social Identities on the Borderlands,” *American Crossroads*, Berkeley: University of California Press, 2003, p.34

comprehensive report the voices of survivors must be included on top of the reports and findings I used from state agencies, social service agencies, and non-governmental organizations. For it is ultimately the survivors, who have stayed strong and who have had the courage to tell me their testimonials of struggle and survival, who shed the greatest light on how to improve Washington State's domestic violence response network by having experienced its shortcomings. Washington state should respond to the pervasive violence experienced by Latina immigrants by increasing resources, funding, and education for law enforcement agencies, domestic violence services, the judicial system, and for the larger Latino immigrant community. In addition to my interview respondents, I am indebted to both Soren Rottman, Directing Attorney at Northwest Immigrant Rights Project (NWIRP), and Shamaine Daniels, Volunteer Attorney for NWIRP, who have helped provide the insight and resources necessary to conduct this research.

### Literature Discussion and Context

Ideas of power are based on gender, control and hierarchy. According to Marcus, domestic violence, while appearing random, is actually well-planned in order to minimize opposition by creating an atmosphere of intimidation in which there is no way to escape.<sup>7</sup> Theories on domestic violence must not solely focus on the abused or the batterer, but rather must analyze the person-environment relations and societal stressors upon the family. Recent western feminist models of violence against women argue that battering results from a man's attempt to reassert gender differences and dominance; in many traditional societies the home remains the woman's sphere and the man remains in the public sphere as the breadwinner.<sup>8</sup> Many Latino psychologists and social scientists, however, argue that the study of the interactions between human beings must be viewed within the political, social, historical, economic, and spiritual realms of their reality.<sup>9</sup> Thus over the past several decades approaches to domestic violence have shifted from focusing on the individual problem to expanding to include it as a community problem. Although domestic violence is universally prevalent it is only just becoming recognized as one of the major public health problems facing the United States in the 20<sup>th</sup> century.<sup>10</sup>

Latinos are currently the largest and fastest growing minority group in the United States,<sup>11</sup> approximately 40 percent being non-citizens.<sup>12</sup> While there is a large degree of heterogeneity within the Latino community, Perilla argues that there are basic cultural values that are held in

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<sup>7</sup> I. Marcus, "Reframing 'Domestic Violence': Terrorism in the Home, *The Public Nature of Private Violence: The Discovery of Domestic Abuse*, M.A. Fineman and R. Mykitiuk (Eds.), New York: Routledge. 1994. p.11-35.

<sup>8</sup> V. Goldner, P. Penn, M. Sheinber, and G Walker, "Love and Violence: Gender Paradoxes in Volatile Attachments," *Family Process*, 29, 1990, p.343-363.

<sup>9</sup> I. Martín-Baró, *Writings for a Liberation Psychology*, A. Aron and S. Corne, Eds., Cambridge, MA: Harvard University Press, 1994.

<sup>10</sup> U.S. Department of Health and Human Services, *Healthy People 2000: National Health Promotion and Disease Prevention Objectives*, Washington, DC: U.S. Government Printing Office. 1990.

<sup>11</sup> U.S. Census Bureau, "2004 American Community Survey," *American Fact Finder*, 2005, Online, Available [http://factfinder.census.gov/servlet/DTable?\\_bm=y&-geo\\_id=01000US&-ds\\_name=ACS\\_2004\\_EST\\_G00\\_&-\\_lang=en&-mt\\_name=ACS\\_2004\\_EST\\_G2000\\_B03002&-format=&-CONTEXT=dt](http://factfinder.census.gov/servlet/DTable?_bm=y&-geo_id=01000US&-ds_name=ACS_2004_EST_G00_&-_lang=en&-mt_name=ACS_2004_EST_G2000_B03002&-format=&-CONTEXT=dt)

<sup>12</sup> U.S. Census Bureau, "Census 2000 Summary File 3 (SF 3) - Sample Data", *American Fact Finder*, 2005, Online, Available [http://factfinder.census.gov/servlet/QTable?\\_bm=y&-geo\\_id=01000US&-qr\\_name=DEC\\_2000\\_SF3\\_U\\_QTP14&-ds\\_name=DEC\\_2000\\_SF3\\_U&-\\_lang=en&-\\_sse=on](http://factfinder.census.gov/servlet/QTable?_bm=y&-geo_id=01000US&-qr_name=DEC_2000_SF3_U_QTP14&-ds_name=DEC_2000_SF3_U&-_lang=en&-_sse=on)

common, such as the centrality of family and the distinctness of gender roles.<sup>13</sup> While the Latino family serves as a strong social support system for family members, it has also been referred to as a “sealed container”, which discourages movement outside the family in search of support or resources. The Latino father has traditionally been perceived as the head of the family and as the provider and protector while the mother has been seen as the moderator and heart of the family, taking care of her children before herself. While some Latinos, especially immigrants from rural areas, still hold these values, other Latino families are undergoing a restructuring in family roles and responsibilities. Acculturation, which is the process whereby immigrants adopt the values and behaviors of the host country,<sup>14</sup> partially erodes the strict gender-role differentiation.<sup>15</sup> These changes in combination with the continuing dominance of machismo, which is the legitimization of a patriarchal stereotype that uses unjust power relations, can often result in tensions and confusions that lead to aggressive power struggles. The lack of social power at work may cause an abuser to seek that power in his relationship with his partner, resulting in possessive behaviors such as demanding that the woman have no male friends.

Existing research demonstrates that the Latino community experiences higher rates of violence amongst spouses than non-Latino whites.<sup>16</sup> The National Family Violence Resurvey found that the Hispanic rate of spousal violence was 54 percent greater than that of non-Hispanic whites.<sup>17</sup> Jasinski argues that rates of wife assault may be attributed to variations in acculturation levels that correlate with different ethnic groups. Acculturation may sometimes account for less restrictive attitudes toward women. Additionally, highly acculturated Latinas are more likely to adopt strong English skills, which makes it easier to seek an education as well as resources in the surrounding social structure.<sup>18</sup> Employment is also more easily attained, which improves economic stability. Low acculturation factors such as limited English skills, economic instability, generation, and limited education all add to the high risks immigrant communities experience. The lack of acculturation may also decrease the desire to integrate into the social and economic fabric of the United States, which increases isolation.

Jasinski’s research, however, has demonstrated that increased acculturation leads to an increase in domestic violence against women in the Latino community. Trying to balance the expectations of two cultures may increase tensions. The combination of gender role and family expectations with beliefs about the use of violence against a partner could lead to marital

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<sup>13</sup> Julia L. Perilla, “Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos,” *Hispanic Journal of Behavioral Sciences*, Vol 21 No.2, May 1999, Sage Publications: Stanford University, p.114.

<sup>14</sup> M. Gordon, *Assimilation in American life: The Role of Race, Religion, and National Origins*, New York: John Wiley, 1964.

<sup>15</sup> S. Coltrane and E. Valdez, “Reluctant Compliance: Work-family Role Allocation in Dual-Earner Chicano Families, *Challenging Fronterias: Structuring Latina and Latino Lives in the U.S.*, M. Romero, P. Hondagneu-Sotelo, and V. Ortiz (Eds.), New York: Routledge, 1997, pp. 229-246.

<sup>16</sup> Jana L. Jasinski, Ph.D, “The Role of Acculturation in Wife Assault,” *Hispanic Journal of Behavioral Science*, Vol. 20 No.2, May 1998, Sage Publications, Inc, p.175.

<sup>17</sup> M.A. Straus and C. Smith, “Violence in Hispanic families in the United States: Incidence rates and Structural Interpretations, *Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 families*. M.A. Straus and R.J. Gelles (Eds.), New Brunswick, NJ: Transaction, 1990, pp.341-367.

<sup>18</sup> Jana L. Jasinski, Ph.D, “The Role of Acculturation in Wife Assault,” *Hispanic Journal of Behavioral Science*, Vol. 20 No.2, May 1998, Sage Publications, Inc., p.176.

violence.<sup>19</sup> According to the 1992 National Alcohol and Family Violence Survey (NAFVS), third generation Hispanic American husbands are three times as likely to assault their wives than Hispanic husbands not born in the United States.<sup>20</sup> Thus, higher rates of domestic violence against wives are associated with husbands born in the United States.<sup>21</sup> It is also evident from the NAFVS study that wife assaults are more closely linked with Latino men who took the interview in English than those who took it in Spanish. Jasinski has demonstrated that more acculturated Hispanic American males are more likely to engage in wife assault.<sup>22</sup>

This racial contextualization of domestic violence is neither to undermine the heterogeneity of Latino immigrants across different cultures nor to undermine the pervasiveness of the problem of non-Latinos abusing their Latina immigrant partners. Certain commonalities, however, permit theory development about barriers Latina immigrants face and strategies that they and their surrounding community use in order to inform policy. Research needs to be based on several indicators of acculturation with regards to domestic violence correlation to avoid being misleading. Previous research has established that factors including low income, unemployment, and part-time employment are all indicators of economic instability and are associated with increased violence.<sup>23</sup> Mexicans, for example, are the poorest Hispanic group with nearly half living below the poverty level.<sup>24</sup> Thus, the high domestic violence rate among Latinos is not a basis on which to claim that race is directly responsible for high rates of violence.

#### *Reasons For Increased Risk of Domestic Violence in the Latino Community*

It is important to see the correlations between race and poverty, barriers to educational attainment, and limited English skills, all of which serve as barriers for seeking help in the domestic violence response network. The risk of being killed in a domestic violence-related homicide is greater for women of color than for white women.<sup>25</sup> The Washington State Coalition Against Domestic Violence (WSCADV) has found that factors that account for this disproportionate risk include:<sup>26</sup>

- Lack of access to domestic violence victim services which are culturally appropriate and available in the survivor's language.
- Systematic disadvantage based on race/culture in the justice system (e.g., lack of interpretative services and low-cost or free representation to women with Limited English Proficiency, and unwillingness to take the woman seriously).

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<sup>19</sup> M.A. Straus and R.J. Gelles and S. Steinmetz, *Behind Closed Doors: Violence in the American Family*, New York: Anchor, 1980, p.76

<sup>20</sup> Jana L. Jasinski, Ph.D. "The Role of Acculturation in Wife Assault." *Hispanic Journal of Behavioral Science*, Vol. 20 No.2, May 1998. Sage Publications, Inc. p.187-8.

<sup>21</sup> *Ibid.*, p.186.

<sup>22</sup> *Ibid.*, p.188.

<sup>23</sup> M.A. Straus and R.J. Gelles and S. Steinmetz, *Behind Closed Doors: Violence in the American Family*, New York: Anchor, 1980, p.76

<sup>24</sup> Jana L. Jasinski, Ph.D. "The Role of Acculturation in Wife Assault," *Hispanic Journal of Behavioral Science*, Vol. 20 No.2, May 1998, Sage Publications, Inc, p.183.

<sup>25</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, 2004, p.38

<sup>26</sup> *Ibid.*

- Disadvantages associated with the poverty levels that are disproportionately experienced by people of color, such as difficulty accessing safe housing and transportation, the inability to attain economic independence from the abuser, and a lack of access to resources.

Multiple barriers for Latino communities specifically include:<sup>27</sup>

- A history of strained police/community relations;
- Disproportionately high rates of incarceration;
- Challenges posed by immigration status;
- Law enforcement cooperation with immigration enforcement; and
- Inadequate options for language interpretation.

Hispanics are facing rapidly increasing incarceration rates. In 1974, 2.3 percent of Hispanic males had been or were currently in state or federal prison. By 2001, this proportion had more than tripled to 7.7 percent.<sup>28</sup> If current incarceration rates continue, one in six Hispanic males can expect to go to prison in their lifetime. Hispanic communities have become aware of the emotional and financial strain families and children experience when men are imprisoned and when they return to the communities. The mistrust of law enforcement by Latino immigrant communities is thus heightened. The history of Latino resistance to racism has resulted in a reluctance to discuss violence within a community. Rather, communities of color have been more comfortable discussing violence against their communities than the gender-based violence perpetrated within them because of the self-protective attitude created as a consequence of being embattled.<sup>29</sup>

The question of why men batter may not easily be answered, but Perilla argues that reasons include that men learn that violence is an option, it works, and the consequences are minimal or nonexistent.<sup>30</sup> In the batterer's group and Latina support group from which Perilla compiled data, 92 percent of men in the batterers' group and 85 percent of Latinas in the support group reported having witnessed their fathers (or stepfathers) physically abuse their mothers.<sup>31</sup> In addition, repeated violence within the family teaches males that they have sexual rights over their women. Perilla's data suggests that between 80 percent and 90 percent of abused women with whom they have worked have experienced marital rape.<sup>32</sup> In addition, Latino immigrants often come from countries in Latin America that have no laws that protect people from domestic violence. Consequently, once in the U.S., abusers often plead ignorance as a defense for behavior. José Limón and other authors argue that public talk of male violence furthers racist

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<sup>27</sup>Ibid., p.73

<sup>28</sup> Thomas P. Bonczar, NCJ 197976, *Prevalence of Imprisonment in the U.S. Population, 1974-2001*, Washington, DC: U.S. Department of Justice, August 2003.

<sup>29</sup>Kelly Starr and Margaret Hobart and Jake Fawcett. 2004, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, p.78.

<sup>30</sup> Julia L. Perilla. "Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos." *Hispanic Journal of Behavioral Sciences*, Vol 21 No.2, May 1999, Sage Publications: Stanford University, p.118.

<sup>31</sup> Ibid., p.118

<sup>32</sup> Ibid., p.121

and colonialist stereotypes of men of color as being pathologically violent.<sup>33</sup> Should the fear of perpetuating racist concepts of Latino men, however, deter the need to publicize domestic violence as a problem within the Latino community?

The question of why abused Latinas stay in battering relationships implies that if women were to leave the relationships, domestic violence would not be a problem. Women are often prevented from leaving relationships, however, because of factors that are often outside of their immediate control, including cultural norms such as the highly valued submissive role for a Latina woman,<sup>34</sup> fear for the safety of loved ones, and isolation from social support networks. Women often learn that they must be kept in the place and role dictated to them by their culture through threat or physical injury.<sup>35</sup> Violence often leaves the survivor paralyzed and unable to make decisions and act rationally.<sup>36</sup> When domestic violence is removed from the social, economic, and political context of domination, women are often blamed for their oppression.

## **Barriers**

### *Immediate Barriers*

Many Latina immigrants choose not to report cases of violence to authorities because they fear being ostracized and shamed by communities that are quick to blame victims for the violence they have suffered. Immigrant specific factors increase the already vulnerable position—dictated by class, gender, and race—of immigrant women in domestic violence situations. Immigrant women additionally fear state agencies and law enforcement out of concerns for their legal status. There is a direct correlation between immigration status and a survivor's willingness to call the police. If the survivor is a citizen or permanent resident she is 34.4 percent likely to call the police. If she has a temporary visa she is 16.7 percent likely and if she is undocumented then she is 14.8 percent likely to call the police.<sup>37</sup> Immigrants are also more likely to call the police when they have protection orders and when their children are involved.

Menjívar and Salcido point out that immigrant women arrive in the host country with varied resources including occupation, education and the social networks that await them.<sup>38</sup> Their disadvantages that result from low levels of these resources dictate that they often become isolated and are forced to rely on their partners who often act as the intermediaries between the women and community and state resources, such as legal, financial, and emotional support. In addition, women often depend on the men financially, for child support, and for the legalization process. “Dependency [is] the culprit working against immigrant women, as the abusive partner gains momentum in power and control after immigration, and women (often) no longer have the

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<sup>33</sup> Rosa Linda Fregoso, “MeXicana Encounters: The Making of Social Identities on the Borderlands,” *American Crossroads*. Berkeley: University of California Press, 2003, p.33.

<sup>34</sup> Julia L. Perilla. “Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos.” *Hispanic Journal of Behavioral Sciences*, Vol 21 No.2, May 1999, Sage Publications: Stanford University, p.122

<sup>35</sup> *Ibid.*, p.121

<sup>36</sup> *Ibid.*, p.121

<sup>37</sup> Norma Gutierrez, “Informational Training for Relief Options for Immigrants Victims of Domestic Violence and Sexual Assault,” Northwest Immigration Rights Project, October 19, 2004, p.2

<sup>38</sup> Cecilia Menjívar and Olivia Salcido. “Immigrant Women and Domestic Violence: Common Experiences in Different Countries.” *Gender and Society*, Vol.16 No.6, December 2002, p.899.

support of their sisters, cousins, and friends that they had back home.”<sup>39</sup> Isolation makes it easier for men to gain control over women emotionally and physically. Even if immigrant women live near family members, family pressures about marriage and gender roles and the belief that family problems are private matters may continue to serve as barriers. An immigrant community may be resistance to those who attempt to seek resources because they are concerned about the image of the community.<sup>40</sup> Increasing resources, such as employment and education, however, is a potential source of conflict as well. A woman’s increased economic status, for example, reduces the authority of the male. As is often evident from the acculturation process, more female autonomy can incite men to exert their domination in the private sphere.

The role of the church in the socialization of many Latinas is strong. The emphasis on family and the indissolubility of marriage at whatever cost is found among the Catholic and Fundamentalist churches, the denominations to which most Latinos belong,<sup>41</sup> thereby leading many women to remain in abusive relationships.

Leaving the country is often not a favorable option because as Menjivar and Salcido explain, women cannot “recreate the changes in their roles they had gained abroad.” They would have to conform to traditional norms, such as remaining within the home, or return to the same social class from which they originated.<sup>42</sup> In addition, women often feel the family and cultural pressure to provide fathers for their children. This pressure is abused by men, who often use children as a mechanism of power and control over their partners. However, women are also more likely to seek help if their children are involved compared to when children are not present. Women are three times as likely to report incidents to the police if their children had been witnesses and five times as likely if they feared for their lives. Even so, almost half of all women who feared for their lives, did not call the police.<sup>43</sup>

### *Law Enforcement*

Legal status deters Latina immigrants from calling the police. Although immigration is enforceable under federal law, the Justice Department is strongly encouraging states to take a more active role in enforcement. In April 2002, the Justice Department stated that states and localities have the inherent authority to enforce federal immigration laws, including civil violations.<sup>44</sup> A growing number of state and county police agencies nationwide are joining a federal program that enlists local officers to enforce immigration laws.<sup>45</sup> Many mayors are

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<sup>39</sup> Ibid., p.904.

<sup>40</sup> Ibid., 914

<sup>41</sup> Julia L. Perilla. “Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos.” *Hispanic Journal of Behavioral Sciences*, Vol 21 No.2, May 1999. Sage Publications: Stanford University. p.123.

<sup>42</sup> Ayse Kudat. “Personal, Familial and Societal Impacts of Turkish women’s migration to Europe.” *Living in Two Cultures: The Socio-cultural Situation of Migrant Workers and Their Families*. New York: Gower/UNESCO Press. 1982.

<sup>43</sup> Susan McDonald. “Not in the Numbers: Domestic Violence and Immigrant Women.” *Canadian Woman Studies*. Fall 1999 v19i3p.163-7. 1999.

<sup>44</sup> Susan Storch. “Turning Local Police into Immigration Cops.” *New Jersey Law Journal*, December 8, 2003. American Lawyer Media L.P.

<sup>45</sup> Ben Fox. “Local Police Agencies Moving to Enforce Federal Immigration Laws.” *Associated Press State & Local Wire*. April 22, 2005. Santa Ana, California.

concerned with the likelihood of strained community relations and the ability of police officers to determine which documents evidence lawful presence in the United States. Even some experienced immigration lawyers, for example, are confused by whether an expired work permit violates an individual's status even when a replacement application is pending with the U.S. Citizenship and Immigration Service.

According to Senator Harry Reid, D-Nev, "since 1986 we have increased the border patrol budget 10 times and tripled the number of border patrol agents. And yet, according to the CATO Institute, the probability for getting caught crossing the border illegally has decreased from 30% in the 1980s to 5% today."<sup>46</sup> Thus, it is apparent that enforcement alone fails to address the issue of immigration.

The data on high rates of domestic violence among minority groups can reinforce the idea that the state does not need to intervene in domestic violence disputes because they are part of a group's culture and they occur in the private realm. Ferraro found that police officers viewed arrests in domestic violence situations among immigrants as a waste of time because violence was seen as "a way of life for these people."<sup>47</sup>

#### *Civil Court Proceedings and Legal Protections*

Studies demonstrate that court authorities favor primary evidence, such as police or medical records, over a survivor's written account of the abuse.<sup>48</sup> Goldman notes that courts are often ambiguous in determining what constitutes abuse, and the process remains rigid and bureaucratic.<sup>49</sup>

The Violence Against Women Act (VAWA), enacted in 1994, was the first step taken by Congress to protect immigrant women whose batterers took advantage of the women's undocumented status. The act was modified in 2000 to allow undocumented women to self-petition and avoid having to prove extreme hardship. In addition, the abuse could be inflicted outside of the United States. As is detailed in table 1, visa options that women have under the VAWA include the U visa for victims of crime, the T visa for trafficking survivors, the I-130 family petition, the I-360 Self-petition, and the I-751 removal of conditions.<sup>50</sup> However, there remain several problems. Involvement of police officers and the law may keep an immigrant woman in an abusive relationship. For example, the law mandates that the husband and wife be arrested if they have a physical confrontation even if the wife's actions were in self-defense. In addition to arrest, receiving government cash assistance can make it difficult to prove good moral character, which is a requirement for legal residence.<sup>51</sup>

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<sup>46</sup> "Sen. Reid: Realistic Laws Make Good Immigration Laws," *US Federal News*, HT Media Ltd, October 5, 2005.

<sup>47</sup> Kathleen Ferraro, "Policing Battered Women," *Social Problems*, 1989, 36(1): p. 61-74.

<sup>48</sup> Maurice Goldman, "The Violence Against Women Act: Meeting its goals in protecting battered Immigrant Women," *Family and Conciliation Courts Review*, 1999, 37, p. 375-92.

<sup>49</sup> *Ibid.*

<sup>50</sup> YWCA Sexual Resource Center and WSCADV, "Immigration Law and Victims of Trafficking Sexual Assault, and Domestic Violence," Walla Walla, 2005.

<sup>69</sup> Cecilia Menjivar and Olivia Salcido, "Immigrant Women and Domestic Violence: Common Experiences in Different Countries," *Gender and Society*, Vol.16 No.6, December 2002, p.912.



Table 1:  
Immigration Options- A Comparison

	Family Petition (I-130)	Self-Petition (I-360)	Removal of Conditions (I-751)	U Visa (Not Yet Available)	Asylum (I-589)	Labor Certification
<b>Sponsor Requirements</b>	<ul style="list-style-type: none"> <li>USC spouse, parent, sibling, child</li> <li>LPR spouse, or parent</li> </ul>	<ul style="list-style-type: none"> <li>No sponsor required</li> <li>Available to spouses and children of abusive USC/LPR</li> </ul>	<ul style="list-style-type: none"> <li>No sponsor required</li> <li>Available to spouses of USC/LPRs with Conditional Residence</li> </ul>	<ul style="list-style-type: none"> <li>No sponsor required</li> <li>Available to victims of certain crimes (including domestic violence)</li> </ul>	No sponsor required	Employer
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>Valid, good faith relationship</li> <li>Economic sponsor</li> </ul>	<ul style="list-style-type: none"> <li>Good faith marriage/legal parent</li> <li>Resided together</li> <li>Battery or extreme cruelty</li> <li>Good moral character</li> </ul>	<ul style="list-style-type: none"> <li>Good faith marriage</li> <li>Battery or extreme cruelty; divorce; death of spouse; or extreme hardship from deportation</li> </ul>	<ul style="list-style-type: none"> <li>Willing and able to assist in the investigation or prosecution</li> <li>Letter from some official regarding your participation</li> </ul>	Past persecution or well-founded fear of future persecution on account of: <ul style="list-style-type: none"> <li>race</li> <li>religion</li> <li>political opinion</li> <li>social group</li> <li>nationality</li> </ul>	Qualified for a job for which the employer cannot find qualified USC or LPRs
<b>End Result</b>	Eligible to apply for Legal Permanent Residence when priority date is current	Eligible to apply for Legal Permanent Residence when priority date is current	Legal Permanent Residence	Eligible to apply for Legal Permanent Residence after 3 years in US with the U visa	Eligible to apply for Legal Permanent Residence after one year in US after granting of asylum	Eligible to apply for Legal Permanent Residence when priority date is current

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Women must also be married to a citizen in order to be able to apply for permanent residence. Thus many women remain with their abusive partners in the hopes that they will marry and then petition immigration.

#### *Access to Support and Resources*

Many women use their country of birth as a frame of reference to assess their situation. Latina immigrants often come from countries where domestic violence is not reported because of an absence of legal protection or cultural expectations that prevent them from reporting.<sup>52</sup> A Salvadoran woman in Pheonix, Arizona, laughed when asked if she thought of calling the police; “The police? Who would think of calling the police back there [in El Salvador]? If you called them they’d think it’s a prank and they won’t even bother coming! No one does that. Everyone will laugh if a woman calls for help if her husband is beating her.”<sup>53</sup> Growing anti-immigrant sentiment since 9/11 may also be an impediment for the woman if she believes the community is not open to assisting immigrants.

Governments are taking steps to improve outreach for immigrant domestic violence survivors. In June of 2005 the first government guide for new immigrants in English and Spanish was issued, which offers information ranging from legal rights to finding a home and good schools. In addition, it shows how to file tax returns, the consequences of serious criminal offenses (deportation), the reasons for becoming a citizen, and information regarding the national hotline

<sup>52</sup> Cecilia Menjivar and Olivia Salcido, “Immigrant Women and Domestic Violence: Common Experiences in Different Countries,” *Gender and Society*, Vol.16 No.6, December 2002, p.910

<sup>53</sup> *Ibid.*, p.910

for domestic violence survivors.<sup>54</sup> In May of 2005 the Supreme Court of Texas and the Texas Access to Justice Commission made available a free Spanish-language self-help Protective Order Kit, which enables Spanish-speaking survivors of domestic violence to obtain court-ordered protection and free civil legal information on their own.<sup>55</sup> Survivors are able to access instructions for filling out the paperwork and for having a temporary order signed by a judge and requesting a hearing date to grant the protective order, both of which once signed by the judge are enforceable by law. Instructions are also available to help survivors prepare for the hearing. There is no cost.

The Bureau of Justice Statistics reports that women age 16-20 had higher rates of intimate partner violence than any other age group in 1999.<sup>56</sup> Yet, outreach with teenagers and education on domestic violence is minimal.

Based on the previously discussed literature I looked for information with regards to the domestic violence response network in Washington state and found general domestic violence information mostly from the Washington State Coalition Against Domestic Violence. Because police and state agencies do not collect data on incidences of domestic violence specifically with regards to the immigrant community my access to empirical data on the subject was limited. The weight of this report, therefore, is the interviews I conducted with police officers, domestic violence coordinators and advocates, and survivors themselves. From their experiences we can learn how to improve the shortcomings of Washington state's domestic violence response network. This report contains incidences of violence, community network responses and their thoroughness, barriers to change, and recommendations.

I chose to focus on Walla Walla and the Tri-Cities as a means of taking a comparative approach to addressing the ways to improve the domestic violence response network. I looked for individuals and information that could shed light both on the current resources available for Latina immigrant survivors of domestic violence and the barriers that prevented the women from accessing these resources. Both areas, however, turned out to have their strengths and weaknesses, and the information collected in both areas has increased my awareness of what improvements need to occur statewide. Rottman and Whitman alum Natalie Mariona also directed my attention to Whatcom County where there have been reports of Border Patrol agents being used as translators for monolingual domestic violence survivors. Rottman put me in contact with domestic violence survivor Silvia (pseudonym) in Pasco and Daniels put me in touch with Lorena Ault, Bilingual Bicultural Advocate for Domestic Violence and Sexual Assault Victims, Education and Prevention Specialist at Walla Walla's YWCA. I also conducted interviews with Officer AC Castillo and Domestic Violence Coordinator Chales Calhoon at the Walla Walla police department. Calhoon put me in contact with domestic violence survivor Maria (pseudonym) and Shelter Services Director of Benton and Franklin Counties Erinn Gailey. Lastly, I conducted an interview with Domestic Violence Victims Advocate Mary Santoy at the

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<sup>54</sup> Jessie Mangaliman, "U.S. Publishes Guide for New Immigrants," *San Jose Mercury News*, Knight Rider/Tribune Business News, June 10, 2005.

<sup>55</sup> "Supreme Court of Texas and Texas Access to Justice Commission Unveil Self-Help Protective Order Kit for Spanish-Speaking Domestic Violence Victims," *Business Wire*, Edinburg, Texas: Business Wire, Inc., May 11, 2005

<sup>56</sup> Callie Rennison, Ph.D. *Intimate Partner Violence and Age of Victim, 1993-99*. NCJ 187635. Washington, DC: U.S. Department of Justice, October 2001. Online. Available <http://www.ojp.usdoj.gov/bjs/abstract/ipva99.htm>

Pasco police Department. All of the interviews lasted between 30 and 45 minutes and were tape recorded in their entirety. Because I speak Spanish, translation services were not needed for Silvia, who is a monolingual. All other interviews were conducted in English. Through these interviews I gathered information on the resources and obstacles of the legal system, law enforcement agencies, and domestic violence agencies in addition to the social and physical barriers that Latina immigrant domestic violence survivors face.

I will use the pronoun “she” because the vast majority of domestic violence victims/survivors are women, though this is not to discredit the male population that has been subject to domestic violence. In the United States, up to 95 percent of all domestic violence cases between adults are of violence against women.<sup>57</sup> Looking at overall murder rates, men commit 91 percent of murders of women and 89 percent of murders of men.<sup>58</sup> In addition, I use the term “survivor” if the woman has not died in order to recognize her strength in the face of dire circumstances. My focus is on heterosexual relationships since not much proven data with regards to homosexual domestic violence exists and since I faced time constraints in getting close to the Latino community, which on top of being closed to talking about domestic violence is also closed about homosexual relationships.

This report intends to not only recognize the thousands of domestic violence victims and survivors in Washington state, but also to push for changes that can help make the response network more effective. Most homicides are preceded by several efforts to seek help.<sup>59</sup> My intention is to focus on those individuals who face institutional as well as social and cultural barriers that *prevent* them from seeking help: Latina immigrants.

### Domestic Violence in Washington State

According to Amnesty International, “Without exception, a woman’s greatest risk of violence is from someone she knows... When states fail to take the basic steps needed to protect women from domestic violence or allow these crimes to be committed with impunity, states are failing in their obligation to protect women from torture.”<sup>60</sup> I first present the findings of The Washington State Coalition Against Domestic Violence (WSCADV) 2002 and 2004 reports of “Findings and Recommendations from the Washington State Domestic Violence Fatality Review” (DVFR). WSCADV has been largely responsible for increasing awareness in the Washington state about the pervasiveness of domestic violence and the holes in the response network that need to be filled. Many organizations and government agencies have adopted their recommendations.<sup>61</sup>

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<sup>57</sup> Maurice Goldman, “The Violence Against Women Act: Meeting its goals in protecting battered Immigrant Women,” *Family and Conciliation Courts Review*, 1999, 37, p. 375-92.

<sup>58</sup> Callie Rennison Ph.D. and Sarah Welchans, *Special Report: Intimate Partner Violence*, Bureau of Justice Statistics, Washington, DC: U.S. Department of Justice. May 2000.

<sup>59</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, “Findings and Recommendations from the Washington State Domestic Violence Fatality Review,” Washington State Coalition Against Domestic Violence, 2004, p.7

<sup>60</sup> I. Marcus, “Reframing ‘Domestic Violence:’ Terrorism in the Home, *The Public Nature of Private Violence: The Discovery of Domestic Abuse*, M.A. Fineman and R. Mykitiuk (Eds.), New York: Routledge. 1994, p.11-35.

<sup>61</sup> *Ibid.*, p.37

WSCADV's 2004 DVFR defines a domestic violence fatality as those fatalities that arise from an abuser's efforts to seek power and control over his intimate partner.<sup>62</sup>

Between January 1, 1997 and June 30, 2004, 281 people were killed by domestic violence abusers in Washington, or approximately 40 deaths per year. 107 people died in domestic violence-related fatalities between September 1, 2002 and June 30, 2004, which is an average of almost five per month.<sup>63</sup> In 2003, 44 percent (n=23) of women who were murdered in Washington state were killed by their current or former intimate partner.<sup>64</sup> In Washington state, the domestic violence homicide risk rate for Hispanic women is 2.5 times greater than it is for non-Hispanic white women.<sup>65</sup> Shelter Services Director of Benton/Franklin counties Erinn Gailey emphasizes the high correlation between domestic violence and homicides;

When you combine the two counties [Benton and Franklin counties] we're like 5<sup>th</sup> or 6<sup>th</sup> in the state per capita for domestic violence related homicides...So unfortunately while we don't have as many homicides, if someone is likely to be killed it's because of domestic violence than any other homicide.<sup>66</sup>

Table 2 lists the breakdown of domestic violence homicides according to county.<sup>67</sup> It is important to point out that consistent with national trends, a significant number of women in Washington state kill their male intimate partners each year (n=8)<sup>68</sup>: most women who kill their male partners have been survivors of that partner's abuse.<sup>69</sup> It is also necessary to recognize homicides that occur as an extension of domestic violence such as the killing of children for purposes of revenge and suicides, which are more difficult to track in relation to domestic violence. Over 150 women commit suicide yearly in Washington, and battered women are at an especially high risk of suicide.<sup>70</sup>

### *Immediate Barriers*

From the Domestic Abuse Intervention Project and from clients, the Northwest Immigrant Rights Project (NWIRP) has created the Power and Control Wheel for Immigrants, as can be seen from table 3. Abusers use mechanisms of power and control including isolation, emotional abuse, economic abuse, sexual abuse, using children, threats, using citizenship or residency privilege,

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<sup>62</sup> Ibid., p.3

<sup>63</sup> Ibid., p.19

<sup>64</sup> WASPC, *Crime in Washington State 2003*, Washington Association of Sheriffs and Police Chiefs, Uniform Crime Reporting Project, Olympia, WA: WASPC, 2004.

<sup>65</sup> Margaret Hobart, *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*, Washington State Coalition Against Domestic Violence, December 2002, p. 76

<sup>66</sup> Interview with Erinn Gailey, October 17, 2005.

<sup>67</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, 2004, p. 31.

<sup>68</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, 2004, p.19

<sup>69</sup> Christine E Rasche, "Given Reasons for Violence in Intimate Relationships," *Homicide: The Victim/Offender Connection*, Ed. Anna Wilson, Cincinnati, OH: Anderson, 2003, p.88

<sup>70</sup> Evan Stark and Anne Flitcraft, "Killing the Beast Within: Woman Battering and Female Suicidality," *International Journal of Health Services* 25, no. 1, 1995, p.43-64.

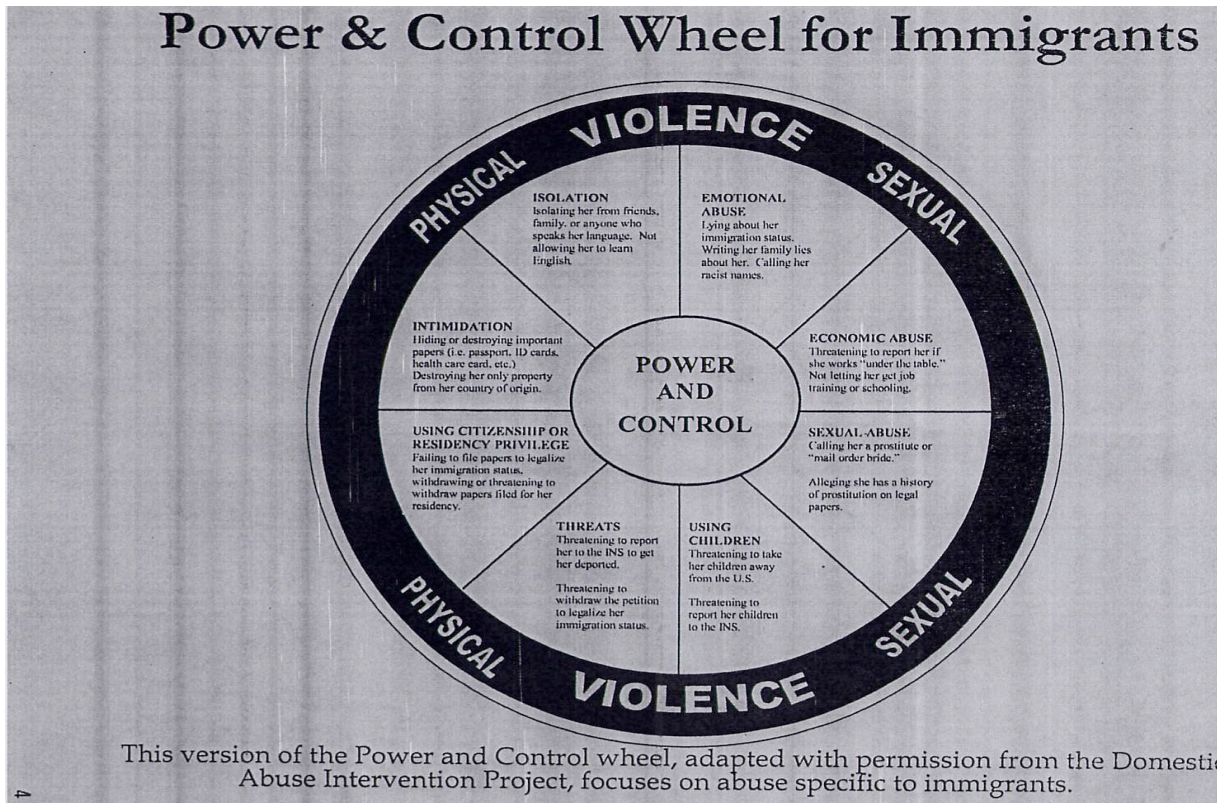
Table 2: Breakdown of Domestic Violence Homicides by County in Washington State

OVERVIEW OF FATALITIES

2002		2003		Data through June 30, 2004		Total homicides	Total abuser suicides	
Homicides	Abuser suicides	Homicides	Abuser suicides	Homicides	Abuser suicides			
—	—	—	—	—	—	0	0	Adams
—	—	—	—	—	—	1	1	Asotin
—	—	4	1	—	—	6	3	Benton
—	—	—	—	1	—	2	0	Chelan
1	—	—	1	1	1	7	2	Clallam
2	—	2	2	4	1	19	9	Clark
1	—	—	—	—	—	1	0	Columbia
2	1	—	—	1	1	4	2	Cowlitz
—	—	—	—	1	—	1	0	Douglas
—	—	—	—	—	—	0	0	Ferry
1	—	1	1	—	—	9	2	Franklin
—	—	—	—	—	—	0	0	Garfield
1	—	—	—	—	—	3	0	Grant
2	—	—	—	—	—	4	2	Grays Harbor
2	2	—	—	—	—	7	2	Island
1	—	1	—	—	—	2	0	Jefferson
12	4	18	4	4	1	94	21	King
—	—	1	—	—	—	12	3	Kitsap
1	—	—	—	—	—	2	0	Kittitas
—	—	—	—	—	—	1	1	Klickitat
—	—	—	—	—	—	1	0	Lewis
—	—	—	—	—	—	1	0	Lincoln
—	—	1	3	—	—	3	3	Mason
—	1	—	—	1	1	4	3	Okanogan
—	—	—	—	—	—	0	0	Pacific
—	—	1	—	—	—	2	1	Pend Oreille
7	—	10	2	2	1	48	15	Pierce
—	—	—	—	—	—	1	1	San Juan
2	—	—	—	—	—	4	1	Skagit
—	—	—	—	—	—	1	1	Skamania
6	—	4	2	2	2	28	8	Snohomish
3	—	1	—	1	—	17	7	Spokane
—	—	—	—	—	—	0	0	Stevens
—	—	1	—	—	—	10	3	Thurston
—	—	—	—	—	—	0	0	Wahkiakum
—	—	—	—	—	—	2	1	Walla Walla
2	—	1	1	1	—	6	3	Whatcom
—	—	—	—	—	—	0	0	Whitman
2	2	—	—	—	—	11	7	Yakima
48	10	46	17	19	8	314	102	<b>Total DV fatalities</b>



Table 3: Power and Control Wheel for Immigrants



and intimidation.<sup>71</sup> While the National Family Violence Resurvey found that the Hispanic rate of spousal violence was 54 percent greater than that of non-Hispanic whites, both the Benton/Franklin county<sup>72</sup> and Walla Walla domestic violence shelters have more non-Hispanic white clients than Hispanic clients.<sup>73</sup> Table 4 shows the Walla Walla YWCA client demographics. It is thus apparent that Latinas are facing barriers that are preventing them from seeking services in the community.

Domestic violence does not occur in a vacuum; it leaves a devastating impact on child witnesses. Since 1997, 54 women killed by their intimate partners had children in common with those partners living in the home. Of the 176 women killed by male partners since 1997, at least 50 percent had children living in the home with them at the time they were murdered; 43 were five years old or younger.<sup>74</sup>

In accordance with the Bureau of Justice Statistics' determination that late teens experience the highest rate of domestic violence, the WSCADV 2004 DVFR findings indicate that a number of

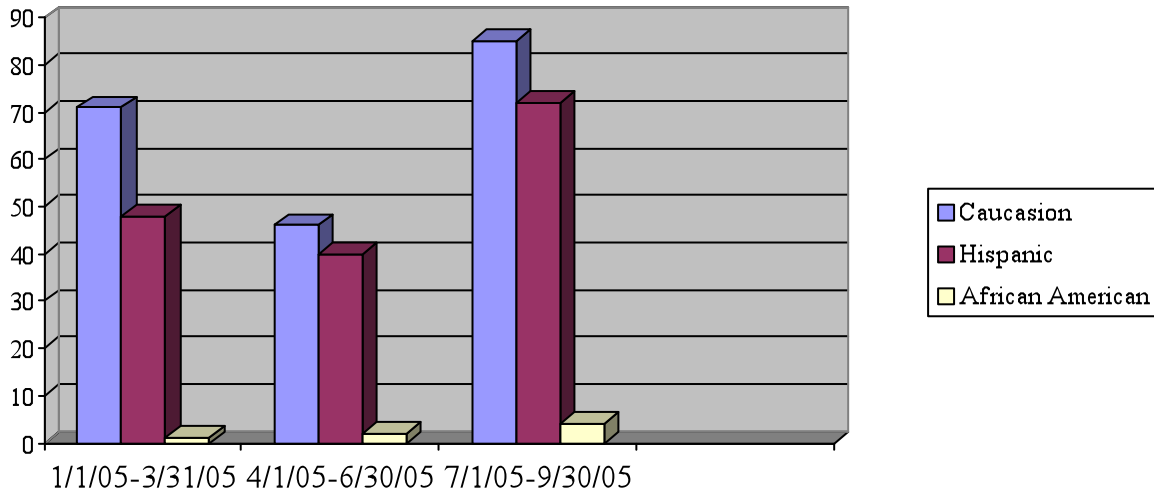
<sup>71</sup> Northwest Immigrant Rights Project, "Immigration Options for Immigrant Survivors of Domestic Violence, Sexual Assault and Other Crimes," Seattle, June 2005.

<sup>72</sup> Interview with Lorena Ault, October 13, 2005.

<sup>73</sup> Interview with Erinn Gailey, October 17, 2005.

<sup>74</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, 2004, p. 28.

Table 4: Walla Walla YWCA Client Demographics



domestic violence homicide victims become involved with their abusers as teenagers and many victims were still teenagers at the time of their death. 12 percent of the female partners killed by their male abusers since 1997 were under 21, and of those, 40 percent were not yet 18.<sup>75</sup> Of the 54 women killed by their partners who had children in common with those partners, 17 were 20 or younger when they had their oldest child with the abuser.<sup>76</sup> Research has indicated that abusers often prevent their teen girlfriends' efforts to succeed at school or work, and they sabotage their use of birth control. One study with over 400 teenagers determined that two-thirds of the teens who had survived domestic violence reported that their partner made verbal or physical efforts to prevent their use of birth control.<sup>77</sup> When pregnant, the woman faces an increase in barriers to safety and self-sufficiency including social pressures to marry the father of her child and rely on him for financial support, isolation from support systems due to abuse and parenting demands, and the lack of social or economic support for child-raising. The barriers to seeking an education and increasing economic autonomy increase dependence on the male. Additionally, there is a significant absence of resources in schools and communities for teens.<sup>78</sup>

Limited English Proficiency (LEP) individuals face additional barriers to seeking resources. Often education is difficult to obtain when time is occupied with child rearing and employment. The language barrier is an impediment not only to seeking community resources, but also to working through the legal system with regards to obtaining visas and protection orders and calling law enforcement.

<sup>75</sup> Ibid., p.25

<sup>76</sup> Ibid., p.25

<sup>77</sup> *Domestic Violence and Birth Control Sabotage: A Report from the Teen Parent Project*, Center for Impact Research, February 2000, Online. Available [www.impactresearch.org/documents/dvandbirthcontrol.pdf](http://www.impactresearch.org/documents/dvandbirthcontrol.pdf).

<sup>78</sup> Kelly Starr and Margaret Hobart and Jake Fawcett. "Findings and Recommendations from the Washington State Domestic Violence Fatality Review." Washington State Coalition Against Domestic Violence, 2004, p. 26.

### *Law Enforcement*

WSCADV distributed an online survey through the Washington Association of Sheriffs and Police Chiefs (WASPC) to all sheriffs and police chiefs in Washington in 15 urban and rural counties. 62 percent of respondents (n= 26 total respondents, or a 9 percent response rate) stated that all patrol officers at their agency received training regarding the use of qualified interpreters at the initial crime scene to investigate domestic violence calls.<sup>79</sup> Only 8 percent, however, stated that their agency had a policy regarding the initial response to domestic violence crimes when the victim has limited English proficiency.<sup>80</sup> Fortunately, the 26 responding law enforcement agencies stated that they have taken steps to implement DVFR recommendations by translating forms into multiple languages; creating stalking booklets to document incidents of stalking; and revising forms to prompt the collection of detailed information on domestic violence history, alcohol or other drug use, mental health issues, children present, firearms and obtaining photographs for documentation.<sup>81</sup>

According to WSCADV's 2002 DVFR report, "an examination of news reports regarding domestic violence fatalities shows that at least 25% of the victims in all the domestic violence fatality cases tracked by the Domestic Violence Fatality Review since 1997 had obtained civil or criminal protective orders."<sup>82</sup> In the reviewed cases, however, there was one Protection Order violation prosecution. Although all of the abusers violated their No Contact Orders, survivors did not call law enforcement to report them, having been discouraged from doing so if they anticipated weak responses.

### *Civil Court Proceedings and Legal Protection*

Between September 1, 2002 and June 30, 2004, 14 of the 81 abusers (17 percent) were subject to a Protection Order (temporary or permanent Restraining Order, Anti-Harassment Order, Protection Order or No Contact Order) prior to the domestic violence fatality.<sup>83</sup> From this information it is evident that the violence had come to the attention of the civil or criminal legal system before the incidents of homicide.

The WSCADV 2002 DVFR notes a story of a Latina immigrant attempting to access the civil justice system as a monolingual Spanish speaker. When she informed her husband that she was going to leave him, he took their preschooler from home, hid her and made homicidal and suicidal threats. When a friend informed her that she could get a Protection Order, she traveled far (being from a rural area) to a courthouse whose judge was not consistently present. She was fortunate to arrive, however, when the judge was available. Because the courthouse did not have interpretive services she had to find someone to help her fill out the paper work. In addition, the court did not have a Protection Order advocacy program so no one could recognize the danger she was in and help her with safety planning and direct her to shelters and support services. In her narrative the woman detailed the abuser's homicide and suicide threats, access to a gun, and removal of their daughter from the home with threats of never returning her. Though the judge

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<sup>79</sup> Ibid., p. 46

<sup>80</sup> Ibid., p. 46

<sup>81</sup> Ibid., p. 46

<sup>82</sup> Margaret Hobart, *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*, Washington State Coalition Against Domestic Violence, December 2002, p. 76

<sup>83</sup> Ibid., p. 30



issued a temporary order, ordering her husband to leave the house and return the child to her, he did not order the abuser to surrender his weapons. At the permanent order hearing, the abuser showed up with a member of his wife's family for support. Because the woman was intimidated, she could not articulate her fears (despite having been clear in her initial report), and the judge denied the permanent order. Consequently, the woman never called the police or filed for a Protection Order again. When she filed for a divorce, she tried to get help from the court, but they did not listen to her. At age 20 she was murdered by her husband who also attempted to murder their child two months later.<sup>84</sup>

Unfortunately, according to the WSCADV 2004 DVFR, only 11 percent of respondents (who consisted of an array of professions including domestic violence advocates, public health workers, law enforcement officers, prosecutors, judges, medical providers, batterer's intervention providers, probation officers, mental health providers, chemical dependency providers, child protective services workers, university academics and school administrators) stated that county implementation of probation and post-sentence supervision took place, and 13 percent of respondents expressed that organizational implementation had been a priority.<sup>85</sup> In addition, county and organizational implementation of court evaluators trained in domestic violence held a 12 and 14 percent priority.

#### *Access to Support and Resources*

Six of the thirteen survivors reviewed in the WSCADV 2004 DVFR report never contacted the police and none of the individuals in the reviewed cases accessed a community domestic violence program.<sup>86</sup>

Many agencies providing services for immigrant populations have limited housing and resources, which limits outreach. Funding cuts for domestic violence agencies cause people to invest more energy into financial dealings rather than outreach and advocacy. One WSCADV survey respondent stated, "When public funding for critical services is as unstable as it is now in Washington, it is very difficult to sustain proactive efforts to end violence."<sup>87</sup>

#### The Barriers Latina Immigrants Face: Indications from the Interviews

Shelter Services Director of Benton/Franklin counties Erinn Gailey stated,

Domestic violence goes unreported a lot more than any other crime, and that what we see is probably just a blip on the radar to what's really going on there. You know, we have about 500 people coming through a year for our shelter services, women and children. And there's a lot more out there. As to how you can really track that number I don't know. We have an advocate that works with the Kennewick PD and one that works with the Richmond PD and they get the police

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<sup>84</sup> Margaret Hobart, *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*, Washington State Coalition Against Domestic Violence, December 2002, p.74

<sup>85</sup> Kelly Starr and Margaret Hobart and Jake Fawcett, "Findings and Recommendations from the Washington State Domestic Violence Fatality Review," Washington State Coalition Against Domestic Violence, 2004, p. 40

<sup>86</sup> *Ibid.*, p. 34

<sup>87</sup> *Ibid.*, p.52

reports for domestic violence and they send out a letter of response to that. And out of that, they maybe have about 10 percent of any return contact. So if that's representative of what we see then we're only seeing a tiny part of it.<sup>88</sup>

Although each shortcoming in the domestic violence response network is discussed separately, most survivors face multiple barriers and system failures. Thus the focus on each shortcoming must not undermine the complexities of the cumulative barriers that Latina immigrants face. The common theme between all of the reports is the lack of connection to community advocacy resources. Abusers' threats in combination with the shortcomings of the system can have life-threatening impacts on Latina immigrant survivors of domestic violence. My findings of the barriers Latina immigrants face to attaining access to the domestic violence response network are broken down according to barriers that arose in the interviews.

### *Immediate Barriers*

Latina immigrants lack autonomous agency because of both gendered (due to their role as homemakers) and physical (due to domestic violence) barriers. The abusers are largely responsible for the systematic exclusion of Latina immigrants in their surrounding communities, specifically with regards to obtaining an education, employment, or protection against domestic violence. Like Marcus, YWCA Bilingual Bicultural Advocate for DV and Sexual Assault Victims, Lorena Ault argued that abusers are not irrational human beings. Rather, their actions are well planned out.<sup>89</sup> The NWIRP Power and Control Wheel explains the variety of psychological and physical barriers that Latina immigrant women face. Latina immigrants may be less capable of seeking resources and help because of these isolating barriers. Abusers exert power and control over women by constant monitoring, stalking, and threatening to increase violence. I have found through my research that Latina immigrants often fear the local police because their perpetrators often convince them that they will be deported if they report a crime. Even if a Latina immigrant survivor does decide to try and escape by relocating or living in a shelter the abuser's threats to kill the survivor's family and friends is enough to force her to remain with him. If a partner has had extensive criminal history then many women believe that the legal system is not a significant consequence for him.

Of the minority groups in the shelters in the Tri-Cities area and Walla Walla, Latina women compose the highest percentage.<sup>90</sup> Having come from more rural locations in Mexico, many women who lack education are often not aware that they are survivors of domestic violence and sexual assault. Ault stated that a large percentage of Latina women in Walla Walla are abused by the men in their family;

Most of them have been victims of sexual assault *also* by their husbands but they don't know that. Because most of them are coming from little places in Mexico, they don't have too much education so they think what their husbands have been doing is the way it is. So when they come and get some education about it, they

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<sup>88</sup> Interview with Erinn Gailey, October 17, 2005.

<sup>89</sup> Interview with Lorena Ault, October 13, 2005.

<sup>90</sup> Interviews with Lorena Ault, October 13, 2005 and with Erinn Gailey, October 17, 2005.

find out here that they have been raped by their husband. So, but it's very hard for a Hispanic woman to talk about that.<sup>91</sup>

One of the greatest isolating factors for 18 year-old Walla Walla Mexican immigrant domestic survivor Maria was her boyfriend's jealousy. Her boyfriend prevented Maria from having male friends. Maria stated, "He would get jealous because of my ex-boyfriends. Because he thought I was cheating on him only because I went to my mom's house. He thought I went to go see my lover. He's always been like that."<sup>92</sup> According to Pasco Police Department Domestic Violence Victims Advocate Mary Santoy, the Pasco police department gets up to 20 reports of domestic violence per week.<sup>93</sup> The rates at the Walla Walla police department are comparable. According to Walla Walla police officer AC Castillo the police department gets one to two calls reporting domestic violence per week that specifically involve immigrants. Castillo recalled an incident of domestic violence when the husband of a woman stood by as her father beat her because, the father said, "in our country and in our town, she disrespected the family by going to the bar with her husband." Castillo continued,

You have to remember, a lot of the domestics that involve Mexican Nationals, it's very uncommon that they actually call in because, you know, they are accustomed that it is normal to beat or assault your wife. You know, it's accepted in Mexico more than it is in the United States and women also still fear law enforcement here in the United States. So, until they really get... I hate to say it... beaten, then they'll call us.<sup>94</sup>

Many women fear reporting to the police, even if their partners are immigrants and the probability of getting them deported is great, because for one, the women rely financially and linguistically on the men. Secondly, the men often return and follow up on threats of violence. Castillo stated that oftentimes, "after we make the arrest...the next day they want to recant."<sup>95</sup> The economic barriers, including affordable housing and childcare, in addition to immigration status both make it nearly impossible for immigrant women to be able to seek autonomy even in the face of domestic violence. Many women fear their partners being deported even more so than themselves. Consequently Ault estimates that 50 percent of domestic violence survivors take no action.

Because the Catholic Church is an integrate part of many Latina's lives, the way the Church approaches domestic violence may be having a detrimental effect in Walla Walla. Ault claims that the Church does not work with the Walla Walla YWCA:

If a person goes, for example, to the priest, he's [the priest] not going to call me. No, they don't call us. Even they need more education. For example, I have this client that the husband was beating on her and the priest went to talk to him and he put her in the victim [revealing to him that his wife had gone for help]. You

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<sup>91</sup> Interview with Lorena Ault, October 13, 2005.

<sup>92</sup> Interview with Maria, October 13, 2005.

<sup>93</sup> Interview with Mary Santoy, October 17, 2005.

<sup>94</sup> Interview with police officer AC Castillo, October 4, 2005.

<sup>95</sup> Interview with police officer AC Castillo, October 4, 2005.

cannot do that! The only one who can tell that is the victim. You cannot go in and talk to him—he's going to kill her!<sup>96</sup>

Perilla's analysis of the traditional Latina mother putting her children before herself helps to explain the importance of the role of children in acts of domestic violence. According to Ault, "The father[s], most of the time, use the kids for power, because they cannot have the wife or the lady and they *always* use the kids, always."<sup>97</sup> Ault's comment supports NWIRP's Power and Control Wheel for Immigrants, which explains how abusers often use threats of taking away the children from the U.S. and/or threaten to report them to Immigration and Customs Enforcement (ICE). Women greatly fear the government taking their children away. Their fears are not unfounded. Elisa Becerra, Case Manager of Brigid Collins Familia Latina, reported one Latina immigrant's struggle with Child Protective Services (CPS):

Hortencia was brought over by a man whom she thought she could trust. He physically and mentally abused her, and he had been sexually abusing her 8 year-old daughter. The day came when Hortencia's daughter did not return from school. Hortencia was hysterical, and the police came to her home and arrested her husband. Hortencia was not aware that Child Protective Services had come to the school and had taken custody of her daughter. No one had explained to her what was going on, Hortencia didn't understand English and didn't know the laws; all she knew is that her daughter was missing. Again, Hortencia was alone, undocumented, no income, had a language barrier and her daughter was out of the home. Her daughter was returned about a week later.<sup>98</sup>

Thus much miscommunication occurs with state agencies. The majority of fear, however, rests in abusers' threats to directly harm or take away children. Maria was with her abuser for three years. He was in jail throughout her entire pregnancy and when he got out, she had the baby two days later and moved in with him. The violence increased as her boyfriend continued to drink, take crystal-methamphetamine, and get jealous if Maria ever left the house. In one incident he hit her on her head when she was carrying the baby, which was what made her finally call the police. She stated:

And he started being abusive to my baby too. He calls him bastard, like piece of shit, like what would happen if I choke him? What would happen if I kill him right now? We'd be better without a baby. He would just do that stuff. What made me call the cops two days ago and leave him was because I was afraid he would take my baby away. He locked me in the house twice, I yelled out the window, then he got scared, then he let me go, then he locked me up again. And he had my baby in the car seat and he wouldn't give me back my baby so I had to take him away. I finally just didn't want to be with him no more if he was trying to take my baby away because now I know how he really is.<sup>99</sup>

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<sup>96</sup> Interview with Lorena Ault, October 13, 2005.

<sup>97</sup> Ibid.

<sup>98</sup> E-mail interview with Elisa Becerra, November 3, 2005.

<sup>99</sup> Interview with Maria, October 13, 2005.

Although children can be used as a means of control, Maria frequently mentioned throughout the course of the interview how it was ultimately her concern for her baby's safety that led her to get her boyfriend deported. Oftentimes, Latina women's agency increases in incidences of domestic violence when their role as a mother requires that they protect their children. Ault reports that the women know that if their husbands take the children back to Mexico, they can kill them. Maria's boyfriend often made threats that he was going to take the baby back to Mexico. She stated,

Well, I was kind of scared that I would get deported, but I was mostly scared like what would happen if he took my baby away? And he goes with someone else because you know I wouldn't want someone else teaching my kid you know? I want to be there for him. And that's why I went to court because I didn't want him to take away my baby because I really love my baby.<sup>100</sup>

While the men often use the children to threaten and gain control over the woman, the woman's fears are often not unfounded. Pasco Mexican immigrant domestic violence survivor Silvia reported that once her ex-husband gained custody over two of their children, he did not do anything to prevent his new wife from abusing them.<sup>101</sup>

It is not rare that women, such as Maria, experience domestic violence at such a young age and have children in common with their abuser. Teens are vulnerable to abusers because education and resources about dating violence within their homes and schools are scarce. The concept of what is and what is not healthy may not be developed. Often, as with the case of Maria, parents do not know how to intervene effectively: "I'm in a shelter because they don't understand what I'm going through so it's kind of hard to be around them."<sup>102</sup>

Based on immigration status, many women fear reporting their partners to the police out of fear of the police inquiring about their legal status. Abusers routinely threaten to report the women to ICE. Silvia stated, "I never had the opportunity to file a report to the police because I was not legal...[My husband] told me that they would deport me to Mexico."<sup>103</sup> Women may also lose the support of family members if they consider reporting their partner because of the threat of deportation. Most immigrants do not have information about which organizations have the right to inquire about legal status and which do not, which prevents them from contacting government agencies or even community resources for assistance. In addition, oftentimes the women do not realize that they can self-petition for a visa in circumstances of domestic violence under the VAWA. Silvia, for example, was not made aware of the options she has under the VAWA and always felt trapped and silenced by her lack of options: "The father of my children never filled out an application for me because of egoism." She believed that it was up to her husband who had residency to apply for her visa. Many U.S. citizens use the power of their legal status to hold over the heads of their immigrant partners for purposes of power and control. Even after Silvia

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<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Interview with Silvia, October 11, 2005.

had gone through the process of obtaining a visa, she still did not realize that the state police could not enforce immigration laws.

### *Law Enforcement*

Silvia informed me that there are many people that remain quiet like her because of fear. “I only have one friend who has sought help from the state. But the majority stays quite.” Gailey stated that the Benton/Franklin county shelter has “very few law enforcement referrals.”<sup>104</sup> Immigrants are largely afraid of calling the police or 911 not only because of their abuser’s threats of ICE, but because “they’ve already had poor experiences with law enforcement.” Gailey continued:

In our society I’d say in general, if you’re not white or middle class you’re likely to have a poor experience with law enforcement then someone who you know is in those categories. Sometimes it’s kind of hit and miss. Our law enforcement is trying to be on the forefront... Our clients when they dial 911 it’s kind of like a lottery—you never know which officer you’re going to get. We’ve had officers who have brought clients to our meeting location and have brought stuffed animals for the kids and all these resources for the woman and gives the woman his card and says, ‘if you need anything just give me a call’ and you know, are just outstanding. And other ones that have shared that they’ve had very poor experiences with law enforcement.<sup>105</sup>

Because of the dangers of responding to a domestic dispute call and the fear of the abuser taking the children if they get involved, police officers place a lot of emphasis on suspicion and the burden of proof. According to Gaily,

[The police are] frustrated when the victim returns to the relationship or they’re angered that their effort was for naught because now she’s back there again, she’s dropped the protection order, the restraining order, whatnot. And of course from our perspective we understand that that cycle often involves leaving and returning several times because of the dynamics of domestic violence and all the barriers that there are to really truly end that relationship and being able to leave.<sup>106</sup>

Silvia stated that there is a significant amount of racism between the police and the Latino community.

Because I think that there are times that people do this. And sometimes they enforce the immigration papers and there are many racist officials that are the same Latinos like us who are Mexican, who are Latino. And I think that they are no longer taking care, well, there are people that in Mexico have little money, very little income and they come to fight here [only] to leave immediately. And there are police who are no longer good and enforce immigration. They stop

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<sup>104</sup> Interview with Erinn Gailey, October 17, 2005.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

immigrants and detain them if one is not bad and has not done anything. I think that there is a lot of racism with police against the same Latinos.<sup>107</sup>

Some of the policies of law enforcement agencies state that officers are not to question the immigration status of a survivor or report them to ICE. However, others do so routinely. AC Castillo is considered the Walla Walla police department's ICE liaison. He stated, "anytime I send an illegal alien [to jail], Immigration has to be involved."<sup>108</sup> After stating that Immigration does not do raids very often anymore, he stated that ICE relies more on local law enforcement agents. In addition, there have been several reports in Whatcom County that ICE agents are relied upon to provide language interpretation and work after-hours for the police departments that cannot afford to staff night crews.

According to Ault, an especially significant problem for immigrants is the lack of police enforcement of Protection Orders and visitation rights.

Law enforcement [doesn't] enforce the protection order. Like, you call in, "Oh my husband, I have a protection order and he had a visitation from three to five and it's seven and he hasn't [brought] my baby back or whatever. They do *nothing*. They don't know what to do. I don't know if they don't know the protocol. They don't want to get in the middle. I don't know. They don't work. And it's not just here. It's you know, they are afraid because the guy can take the kid."<sup>109</sup>

Enforcement of Protection Orders often fails in the Latino community largely due to language barriers. The language barrier often explains why police officers misunderstand the domestic violence survivor and consequently fail to take calls seriously. Ault states that maybe five percent of their clients at the Walla Walla shelter speak English. Gailey stated that although there is a high percentage of bilingual law enforcement agents in Franklin County the problem of not having someone bilingual at the police station when a women calls is possible. The language barrier serves to increase miscommunication and decrease credibility regarding reports of violated Protection Orders. Gailey stated,

The problem again is the burden of proof thing. How obvious is it that he's broken that protection order. We always tell the clients that if they have a protection order and they call the police the first thing you'd say is my name is Mary Smith and I have a protection order and he is breaking in, so that they understand it's something beyond a general complaint. But if it's the just he drove by ten times they may not be able to prove that. And they may not want to take that as seriously as much as he was here and he assaulted me or there were witnesses or other forms of proof.<sup>110</sup>

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<sup>107</sup> Interview with Silvia, October 11, 2005.

<sup>108</sup> Interview with AC Castillo, October 4, 2005.

<sup>109</sup> Interview with Lorena Ault, October 13, 2005.

<sup>110</sup> Interview with Erinn Gailey, October 17, 2005.

Both domestic violence survivors whom I interviewed expressed fear of their partners returning to abuse them. Maria stated, “I’m worried that he’ll come back and blame everything on me or tell somebody from here that it was me that deported him. I’m scared of that. Because I don’t know what’s going to happen.”<sup>111</sup> Maria’s fears are not unfounded. Walla Walla Police Department Domestic Violence Coordinator Chalese Calhoon stated that Maria’s boyfriend who was deported that day, would most likely return within a week.<sup>112</sup> Pasco Police Department Domestic Violence Victims Advocate Mary Santoy worked with a woman that was accused of domestic assault, arrested, and then deported. She returned only to become subject to domestic violence from her partner.<sup>113</sup> Santoy stated, “It’s a vicious circle so there’s more perpetrators that do return and [survivors] know that and that’s their fear.”

The Pasco police department recently hired a new domestic violence coordinator who will be doing the outreach for domestic violence survivors. According to Santoy, “She’s hopefully going to start a DV unit that is needed to bring volunteers for the off hours because that’s not in place now...[it is necessary] to have someone standing by just in case there was a really bad domestic dispute in the middle of the night. There would be calls to the hospital, or to be available to just talk with the victim right on the spot.”<sup>114</sup>

#### *Civil Court Proceedings and Legal Protection*

In addition to Silvia’s statement that racism can occur between Latina immigrant domestic violence survivors and police officers, these women may also have a difficult time accessing the legal system due to racist proceedings. The Benton/Franklin county shelter provides services for a 30 day stay so domestic violence coordinators are rarely in contact with the client when they are several months into the legal process. However, according to Gailey, “the success stories we hear are about the Bosnian or Sudanese women less so than the Hispanic [women].”<sup>115</sup>

Silvia stated that in court her husband lied about her use of violence in order to gain custody of their children. She needed the paperwork and transportation to go to Seattle for the hearing and to apply for residency, but her husband would not provide either. She informed the judge that he had been pulling her hair and she had been defending herself. She spent 19 days in jail for scratching him on the arm in defense. She had to take classes that cost over \$1000, consisting of a \$75 registration fee and \$200 monthly fee. She did not know it was going to be so expensive and was told the cost would be \$75 a month. Ultimately, she managed to make it through the classes, and she regained custody of her children after their step-mother abused them.

Abusers use children frequently for purposes of control and power, yet supervised visitations are still difficult for women to obtain. According to Ault,

It’s very hard because most of the women want supervised visitations. And first, there are no places that provide these services and *also* in some point the judges

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<sup>111</sup> Interview with Maria, October 13, 2005.

<sup>112</sup> Interview with Chalese Calhoon, October 13, 2005.

<sup>113</sup> Interview with Mary Santoy, October 17, 2005.

<sup>114</sup> Interview with Mary Santoy, October 17, 2005.

<sup>115</sup> Ibid.



allow the father to have no supervised visitation. And the fathers, most of the time, use the kids for power, because they cannot have the wife or the lady and they *always* use the kids, always. So they say that they cannot deny their parental rights, but they always use them, *always, always*. It's because it's not a regular—in a regular divorce sometimes happen you know. Imagine when somebody that wants total control over somebody and that somebody is not there, they are not going to wait to use their opportunity to keep—you know and those are very, very bad things for the kids.<sup>116</sup>

### *Access to support and resources*

Survivors are often not made aware of domestic violence services, such as shelters. Housing is an especially large barrier for Latina immigrants since they often do not have a solid network of relatives in the surrounding community and cannot afford to pay for their independence. Most Latina immigrant domestic violence survivors have low-wage and unstable employment. Often, the abuser has negative impacts on the woman's ability to maintain employment by stalking and continuing abusive and disruptive behaviors, like phone calls. A lack of income prevents women from being able to seek resources and independence. Silvia, for example, faced the challenges of having to go to Seattle on a Greyhound without child services for her four children. Women's financial struggles make it near impossible to have the means to support themselves and their children, leaving them dependent upon their abusers.

Budgets for domestic violence agencies are also tight. Gailey stated,

Every year our funding gets more and more cut in different ways and it gets harder to staff and if we can't keep up our staffing levels it's hard to keep up with our clients needs at the level that they need it... Basically it's the STOP grant [which is a federal grant given to domestic violence service agencies] that funds our advocates through the PD's individually... And Kennewick and Richland the little bit that they have, the Richland advocate is only there two days a week. Our current advocate is there full time, but um the STOP grant doesn't even pay for her full salary. It's supplemented through our agency as well. Just more money [is needed] to help the staffing levels.<sup>117</sup>

Without proper staffing levels outreach and advocacy become even more difficult to maintain. Gailey stated, "Our biggest overhead is staffing, and we are just barely able to maintain a minimal staffing level as it is, which leaves no room for the flexibility needed for people to be sick or take time off." With regards to providing services for clients, Gailey stated, "We sometimes have very limited funds. It really depends. We get some grant money to do food vouchers and rental assistance, but they're very limited funds so they can sometimes run out in a matter of months for us."

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<sup>116</sup> Interview with Lorena Ault, October 13, 2005.

<sup>117</sup> Interview with Erinn Gailey, October 17, 2005.

## Recommendations to Improve the Domestic Response Network

From the previously synthesized data and interviews, it is evident that Latina immigrants face the following barriers in situations of domestic violence: fear of deportation, language barriers, fear of losing custody, misinformation about the U.S. legal system, fear of being ostracized, and economic dependency. These barriers to the domestic violence response network for immigrant survivors are systemic barriers. Washington state therefore needs systemic reforms that reflect the diversity of women's needs and experiences. Washington state is obligated to prevent, protect against, and punish domestic violence. Article 4-c of *The Declaration on the Elimination of Violence Against Women* asserts that states must "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons."<sup>118</sup>

It is apparent from Jasinski's research that measures need to be taken to improve the domestic violence response network as Latino immigrants become more acculturated into mainstream U.S. society. Because it is evident that domestic violence increases from acculturation, Washington state must tailor its response network to increasing outreach services for Latina immigrants.

### *Resources for Survivors*

The Washington State Legislature needs to increase resources for domestic violence programs to provide material support for survivors, such as childcare assistance, transportation, and deposits for housing and attorney fees. The domestic violence shelters in both Walla Walla and Benton/Franklin counties need more funding to carry out advocacy and education. Gailey stated that more money for the domestic violence shelters and for domestic violence coordinators and advocates in police departments is necessary.<sup>119</sup> Attention needs to be made not only to prevention, but also to helping immigrant women get back on their feet after they have acquired their separation papers and visas. Thus, job-training programs should be put in place for immigrant women once they have obtained their visas.

The availability of low-cost or free legal representation should be advertised in both English and Spanish where low-income and LEP people are likely to access the information, such as supermarkets, local Spanish radio stations, laundromats, and by word of mouth.

Abuse must not be tolerated in the court or church. Communities, especially domestic violence agencies, also need to work with churches in order to increase awareness about safety issues that need to be considered in situations of domestic violence, especially when mediation and reconciliation is emphasized.

Protection Orders can help in preventing homicide and kidnapping. As was evident from Hortenica's case, for example, Child Protection Services (CPS) can improve its communication. CPS needs to routinely include an analysis of the role of domestic violence in child abuse, the protective and help-seeking strategies utilized by the domestic violence survivor, and the ways in

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<sup>118</sup> Amnesty International USA. "Violence Against Women: A Fact Sheet." *Women's Human Rights*. Online. Available <http://www.amnestyusa.org/women/violence>. New York. 2005.

<sup>119</sup> Interview with Erinn Gailey, October 17, 2005.

which failing to address the abuser's violence toward the other parent undermines the efforts to create effective intervention for child abuse. CPS needs to work with the survivor parent and not sanction her in order to ensure her willingness to contact services to help protect her and her child from the violence. CPS needs to play a key role in order to make it more likely that the survivor will leave the relationship if she knows she has child support and economic assistance.

Domestic violence services need to increase outreach to family and friends for their sake as well as for the survivor's sake in order to increase awareness of domestic violence and the available resources for the Latino immigrant community. According to Ault, Washington state needs "First to increase awareness in the community. And I'm telling you about everybody. More education to the judges, more education to the law enforcement, especially with that protocol to reinforce the Protection Order. I think more education to everybody to be aware so maybe in the community we can help to break that cycle."<sup>120</sup> In collaboration with the school system, an increase in training for people who work with teens needs to be mandated as well.

### *Batterers Intervention*

According to the 2004 DVFR, of the 54 abusers in all cases reviewed since 1997, only three were ordered to state-certified batterer's intervention programs; none of them completed an intervention program and none faced any subsequent consequences.<sup>121</sup> Batterer's intervention programs need to exist for the Spanish-speaking community. Anger management may not be the best tool to approach revisions in the domestic violence support network, seeing as Marcus and Ault argue that abusers are not irrational human beings. Thus, programs must be developed that specifically work with domestic violence abusers. The role of machismo in the Latino culture in the midst of the acculturation process must be addressed; the positive elements must be emphasized, such as honor, responsibility, and respect rather than the negative ones, including physical strength, aggressiveness, sexual prowess, heavy drinking, and power. Because there is a correlation between high acculturation levels, drinking, and wife battering among Latino immigrants and because machismo involves a large amount of alcohol consumption,<sup>122</sup> alcoholism treatment may be necessary to include in programs that work with abusers. As is evident from mariachi music, Latino men often fail to distinguish between a love object and the power exercised over it. Thus, programs must work with men to assert that a woman is a separate entity that has her own rights and privileges.<sup>123</sup>

Oftentimes, judges may be reluctant in ordering batterer's intervention for domestic violence incidents that did not involve physical assault, such as violating Protection Orders. Funding in the criminal legal system should be directed to probation and post-sentence supervisions for misdemeanor domestic violence. Arrest records of the abuser and his history of compliance of court orders need to be taken into consideration to determine parenting plan arrangements. Prisons should create programs for inmates aimed at prevention of domestic violence, such as

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<sup>120</sup> Interview with Lorena Ault, October 13, 2005.

<sup>121</sup> Margaret Hobart. *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*. Washington State Coalition Against Domestic Violence, December 2002, p.63

<sup>122</sup> J.L. Perilla, R. Bakeman, and F.H. Norris. "Culture and Domestic Violence: The Ecology of Abused Latinas." *Violence and Victims*, 9(4), p.325-339. 1994.

<sup>123</sup> Julia L. Perilla. "Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos." *Hispanic Journal of Behavioral Sciences*, Vol 21 No.2, May 1999. Sage Publications: Stanford University. p.120

certified batterer's intervention, drug treatment and therapy, mental health treatment, and anger management.

In addition, Perilla's research on why men batter explains that a) men learn that violence is an option and consequences are minimal and b) immigrants, whose home countries often lack laws that protect people from domestic violence, plead ignorance as a defense for behavior. Thus, both enforcement of protection orders and education regarding the use of domestic violence as being inhumane and illegal must increase.

### *Law Enforcement Training*

Maria demanded a more just domestic violence response system for immigrants because of the racism that occurs between Latino officers and Latina immigrant survivors of domestic violence.<sup>124</sup> All law enforcement agencies should make domestic violence training a mandatory, yearly training. Echoes Gailey, what the domestic violence response network needs is "training for law enforcement, you know more diversity training, but especially DV specific training, maybe something that would make that mandatory rather than it being just an option."<sup>125</sup> Law enforcement agencies should require the completion of a Domestic Violence Supplemental Form for all domestic violence calls to document the history of abuse and to identify signs of escalating violence, such as homicide and suicide.

Police departments need their domestic violence coordinators to speak Spanish because, for example, oftentimes women are sent to the YWCA in Walla Walla to learn about their safety and legal options from someone Spanish-speaking. Translators often get in the way of responding to incidences of domestic violence. Calhoon states, "We're doing the information twice because they [the survivors] give me the information and then they're going to go to the Y and give them all the information."<sup>126</sup> Law enforcement needs to collaborate with the Latino community to provide protection and access to Limited English Proficient (LEP) individuals. There has been an absence of quality interpretation at domestic violence crime scenes. Law enforcement agencies should conduct investigations of domestic violence crimes with qualified interpreters. More domestic violence units need to be created in police departments and bilingual volunteers need to be available for night shifts when domestic violence is more likely.

In no case may any ICE employee "permit use by or disclosure to anyone...of any information which relates to an alien who is the beneficiary of an application for relief" under the VAWA provisions.<sup>127</sup> Even if efforts are made to avoid enforcing immigration laws immigrant communities are not familiar with policy differences among law enforcement agencies. Thus, in addition to preventing local law enforcement inquiry regarding immigration status and preventing coordination with ICE officials, law enforcement agencies should work with immigrant communities to publicize and clarify their policies and explain what will happen when domestic violence survivors call 911.

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<sup>124</sup> Interview with Maria, October 13, 2005.

<sup>125</sup> Interview with Erinn Gailey, October 17, 2005.

<sup>126</sup> Interview with Chalese Calhoon, October 13, 2005.

<sup>127</sup> Norma Gutierrez. Northwest Immigration Rights Project. "Informational Training for Relief Options for Immigrants Victims of Domestic Violence and Sexual Assault." October 19, 2004. p.3

Calhoon also argues that every police department should have someone working with families; “I would love to have a coordinating violence relief to do all the domestic violence, all of the child abuse, the sexual assault, all of it in one unit. It’s just a money thing.”<sup>128</sup>

Lastly, officers should remove guns from the house when the abuser has such a history of violence.

#### *More Accessible Civil Court Proceedings and Legal Protection*

Silvia, a monolingual Spanish-speaking immigrant who is poor and lacks an advanced education, faced many barriers to accessing the civil justice system. Consequently, her former husband succeeded in gaining custody of two of their children who were subsequently beaten under his supervision by their stepmother. According to WSCADV,

Every time a domestic violence victim accesses the civil justice system, the opportunity exists for her to obtain support and information regarding the danger she is in, available resources and safety planning. However, most of these opportunities are lost because advocacy does not exist or attorneys, judges, guardians ad litem and others do not recognize the danger or know how to respond to it.<sup>129</sup>

All actors in the civil system should receive training on identifying domestic violence, resources for support, lethality indicators and what to do if lethality seems high, and appropriate action for different professions. The state should seek or reallocate federal VAWA funds to increase information and training for legal advocates in the civil system through the creation of a manual for legal advocates and interactive training tools.<sup>130</sup>

The Washington State Supreme Court and Access to Justice Board should ensure that court interpretation is a priority for all cases. Protection Order forms should be available in translated form in all courts, consistent with RCW 26.50.035(d)(5).<sup>131</sup> In addition, none of the 13 women in WSCADV’s reviewed cases in their 2002 report had legal representation. Consequently, the ability of their abuser to intimidate them and the failure to obtain orders that address custody and visitation issues while protecting safety put them at a disadvantage. Thus the state should increase funding for legal aid programs for representation in domestic violence cases and the State Bar Association and local bar associations should partner with local domestic violence programs to create pro bono panels to represent survivors in domestic violence cases.

Clerks should not rely on a survivor’s demeanor to determine whether she needs safety planning information or referrals. Sometimes local domestic violence programs have worked with courts issuing Protection Orders in order to provide petitioners safety information. Courts and programs need to consistently maintain these efforts over time. Many clerks only hand out

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<sup>128</sup> Interview with Chalese Calhoon, October 13, 2005.

<sup>129</sup> Margaret Hobart. *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*. Washington State Coalition Against Domestic Violence, December 2002, p.76

<sup>130</sup> Margaret Hobart. *Findings and Recommendations from the Washington State Domestic Violence Fatality Review 2002*. Washington State Coalition Against Domestic Violence, December 2002, p.83

<sup>131</sup> Ibid.

information if the survivor looks distraught or asks for resources. In addition, many clerks are not permitted to give legal advice. When courts do not clearly indicate the difference between routinely providing general information and legal advice, they fall short of being able to help domestic violence survivors access resources and safety measures for themselves as well as for their children. All courts should receive the funding to have domestic violence advocates on-site.

Court evaluators need to undergo domestic violence training. Courts should have well-trained evaluators or court-appointed special advocates (CASAs) who can provide insight to judges in civil proceedings by conducting thorough assessments for domestic violence and providing recommendations regarding custody and visitation rights which protect the safety of domestic violence survivors and their children. Judges also need to be held accountable for the quality of their decision-making in domestic violence cases, and communities need to be made aware of the quality of local judges' performances in domestic violence cases.

Because immigrant domestic violence survivors are more likely to call the police when they have a Protection Order, counties should establish Protection Order advocacy programs that meet the needs of their Spanish-speaking populations. Enforcement of Protection and No Contact Orders are not sufficient, and arrest and prosecution for a violation is rare. Thus Protection and No Contact Orders should be reinforced forcefully, and violations should be prosecuted to the fullest extent possible. All courts issuing civil Protection Orders should establish advocacy in their Protection Order offices.

The Washington State Legislature needs to prioritize funding for supervised visitation, and supervisors should be trained on the dynamics of domestic violence and how visitation rights may be abused to stalk and control women while risking the safety of children. A state-wide policy that connects the law enforcement agencies, deputy prosecutor, the communications center, and the county domestic violence service agencies needs to exist in order to respond to LEP survivors. Meetings between agencies and prosecutors should become more common in order to monitor the quality of domestic violence reports and make improvements.

*Legislatures: Support the Continuation of WSCADV's Domestic Violence Fatality Review*

The Washington legislation passed in 2000 that guided the work of the DVFRs states, "The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature."<sup>132</sup> I urge legislatures to recognize the usefulness of WSCADV's recommendations. Not only have the recommendations been useful in my report for seeking ways to fill the gaps in the domestic violence response network, but many of the proposed changes that WSCADV has advocated have yet to be enacted. While the vast majority of the communities where Fatality Review panels exist(ed) saw the DVFR reports and recommendations as priorities, half of the respondents in the communities reported that steps had not been taken to implement the recommendations in their community.<sup>133</sup> Thus the Washington

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<sup>132</sup> RCW 43.235.800

<sup>133</sup> Kelly Starr and Margaret Hobart and Jake Fawcett. "Findings and Recommendations from the Washington State Domestic Violence Fatality Review." Washington State Coalition Against Domestic Violence, 2004, p. 38.

State Legislature needs to continue providing funding for and implementing these recommendations to improve the domestic violence response network.

### Conclusion

Domestic violence is pervasive throughout our nation. In my research I have found that Latina immigrant domestic violence survivors face an overwhelming number of barriers and often suffer in silence. The WSCADV 2004 DVFR states that domestic violence survivors often try to escape their abusers,<sup>134</sup> yet I have found that within the Latina immigrant community this is rarely the case. Seeking autonomy from their perpetrators is rarely seen as an opportunity for Latina immigrants who depend on the legal status of their husbands for financial assistance, remaining in the country, and ironically, security from a state system that they have been convinced—oftentimes by their perpetrators—are out to deport them. The barriers that Latina immigrants face require that Washington state increase funding for outreach and educational services for all parts of the domestic violence network, including law enforcement agencies, domestic violence services, schools, and the judicial system. Latina immigrants need to become aware of their human and civil rights and the resources available in the surrounding community in order to make safe judgments on how to best protect themselves and their children.

While the main objective I have found in my research is to increase outreach and education services for Latina immigrants so that they can begin to realize the networks that exist for them in the community, these community networks could also be improved through increases in communication and funding. Gaps in the domestic violence response network include services, policy, practice, training, information, communication, collaboration and resources. Achievements that could help Latina immigrants claim autonomy and protection is by increasing the availability of resources such as affordable housing; training justices and police officers in domestic violence so that custody and protective orders are most effective for survivors' individual circumstances; increasing the network of resources in Spanish so that they are more readily accessible; and increasing access to advocacy.

The history of the difficult relationship between the Latino community and government institutions must be considered when conducting an effective intervention. A model needs to be created for effective intervention to cease the cyclical pattern of setting examples of violence within any community. We must pull together law enforcement, judicial decisions, social service agencies, legislators, and domestic violence survivors in order to continue improving the response network.

Domestic violence theory regarding causality and recommendations needs to expand from the private sphere and the culture-specific context to include the more open and universal realm of human rights. We need to move the issue of domestic violence within the Latino immigrant community from the private sphere to the public so that the problem can be politicized and then targeted for specific policy analysis. Domestic violence needs to be analyzed within larger structural forces—the political, economic, and social—because they create many layers of oppression and hierarchy. An analysis of domestic violence must also expand to include race, gender, class, and sexuality within a socioeconomic and immigrant context.

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<sup>134</sup> Kelly Starr and Margaret Hobart and Jake Fawcett. 2004. "Findings and Recommendations from the Washington State Domestic Violence Fatality Review." Washington State Coalition Against Domestic Violence., p.8

