LATINAS, RESTRAINING ORDERS, AND ADVOCACY

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Wendy Garcia Antunez

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This thesis is dedicated to my mother Genoveva Antunez, who supported me every step throughout this journey, and for being an amazing mother who always ensured I was doing well.

This thesis is also dedicated to my sister Daisy Aurajo, for always being there for me and helping me in my most vulnerable moments and reassuring me that I would be able to accomplish my goals in this journey.

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These women were there every morning, day, and night motivating me to keep going and not give up.
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ABSTRACT

This study analyzes the experience that Latina survivors of domestic violence encounter as they reach out for help. This study begins analyzing the journey that Latina survivors encounter from reporting the abuse to obtaining a restraining order. Furthermore, the collection of data is done through participants who work in the domestic violence field; police officers, attorney, and advocates. The findings of this study support previous research found on cultural, language, and immigration barriers that Latinas face; and also brings new findings on how the training of professionals who work with domestic violence victims affects the experience Latinas have.
CHAPTER 1

INTRODUCTION

Latina Survivor of Domestic Violence

This proposed thesis explores barriers for Latina women victimized by domestic violence, focusing specifically on the process of obtaining a protective order from the court against the alleged perpetrator. Background on this issue is provided, the topic’s relevance to social work is presented, and the theories chosen to guide this capstone proposal are identified.

Background

Every year Latina women become victims of domestic violence and their access to obtaining a protective order are very slim (Lohman, Maldonado, & Reina, 2013). This is unfortunate since obtaining a protective order has been shown to be relatively effective at protecting survivors of domestic violence and preventing them from future harm by the perpetrator (Cattaneo, Grossmann, & Chapman, 2016; UK Center for Research on Violence Against Women, 2011; Benitez, McNiel, & Binder, 2010; McFarlane et al., 2004). For Latina survivors, this has been associated with flaws in the protective order process, which appears to lack cultural competency, acknowledge of the needs of Latinas, and includes only limited advocacy on their behalf to clarify or modify the process (Lohman et al., 2013).

1 Domestic violence is also referred to as intimate partner violence, and although there are differences in legal definitions from state-to-state, this capstone proposal uses domestic violence throughout for clarity.
In the 1970s, feminists forced Americans to recognize domestic violence as a social problem and crime in the U.S. (Zosky, 2012). Today in 2017, domestic violence and intimate partner violence continues to be a social problem, nearly five decades later. In California, domestic violence is defined as “the abuse or threats of abuse when the person being abused and the abuser have been in an intimate relationship or related by blood or marriage” (Judicial Council of California, 2017(b)). Abuse includes physical, emotional, or psychological as well as stalking. Physical abuse is defined as an act of intentionally hitting a person or trying to hit a person by pulling hair, kicking, shoving, or sexually assaulting a person (Judicial Council of California, 2017). Emotional and psychological abuse is identified as acts that instill fear of the abuser in the victim, which includes disturbing the victim’s peace by harassment and stalking (Judicial Council of California, 2017). Although domestic violence victims include men, the focus of this capstone addresses Latina women victimized by these crimes.

It has been estimated that an average of 24 people per minute become victims of domestic violence, totaling an estimated 12 million people each year (National Domestic Violence Hotline [NDVH], 2017). Most shockingly, 1 out of 5 women and 1 out 7 males were estimated to have experienced physical violence, rape, or stalking from/by when they were 11 to 17 years old (NDVH, 2017).

An estimated 30% of women have or will experience domestic violence in their lifetimes (NDVH, 2017). Women of color are disproportionally victimized by domestic violence: Nearly 1 in 4 (24%) of Latina women have been or will be victimized by domestic violence in their lifetimes (Women of Color Network [WOCN], 2006) even
though Latina women represent 16.4% of all women in the U.S. (Center for America Progress [CAP], 2013). Almost half (48%) of immigrant Latinas have reported increased victimization after moving to the U.S. (WOCN, 2006).

Latina Domestic Violence Victims

Domestic violence inflicted on immigrant Latina females is most commonly extremely severe, very harmful and dangerous (Adelman, Erez, & Gregory, 2009). In many cases, female victims are subjected to stalking, threats, and acts of physical violence that has sometimes resulted in the victim’s death (Batten et al., 2003). In fact, many domestic violence survivors believed that they would either escape by committing suicide or be killed by their abuser (Zosky, 2012). One qualitative study reported that a victim who was unsuccessful in leaving her abusive relationship committed suicide during the study (Batten et al., 2003).

By one estimate, domestic violence victims try to escape their abusive relationship at least five times before they are successful (Mele et al. 2008). It often takes victims multiple attempts to leave the relationship because many of them encounter barriers to leaving as well as staying safely out of reach of their perpetrator. The barriers Latina women encounter include language barriers, financial status, legal status, cultural values and beliefs, and lack of knowledge of resources (Lohman et al., 2013). In some if not most of these cases, these barriers function to keep victims in the relationship.

Cultural values and beliefs have been identified as a huge barrier that encourages Latinas to stay in the relationship. In particular, many Latinas endorse high levels of acceptance of machismo and familismo. According to Dufresne, Fuchsel, & Murphy
(2012), machismo is a cultural concept stating that Latino men are strong, superior to women, and dominant in the relationship, making them the head of the household whose authority is not to be questioned. Many times, this leads Latinas to perceive their abuse as normal. Additionally, Latina women also believe in familismo, which is another cultural value and belief that leads Latinas to feeling obligated to behave with reciprocity and solidarity. This also provides a sense of belonging and being loyal to their husband and family (Lohman et al., 2013).

Lohman et al. (2013) state that language impedes victims to access services as there is an issue in communication; furthermore, some domestic violence services are not effectively promoted or targeting Latinas and are available in English only, leaving Latinas without information or awareness of such programs.

In the past two decades, there has been a wide range of policies and social services created to prevent domestic violence and protect victims like the Violence Against Women Act, restraining orders, introduced and standardized Sexual Assault Response Teams (SARTs) and Domestic Abuse Response Teams (DARTs), and mandating and providing training to professionals who encounter domestic violence victims (Office of Violence Against Women (OVW), 2016). In 1994, the Violence Against Women Act (VAWA) mandated that victims of domestic violence be provided with fee-free protection orders (Batten et al. 2003). VAWA was an accomplishment because it confirmed that victims of domestic and sexual violence had the right to autonomy, safety, and justice (OVW, 2016). Having the ability to obtain a service at no charge lifted a barrier for some survivors who did not have any access to income.
Additionally, protection orders allowed women to take charge of how they want their case and offered women protection. More importantly, VAWA was enacted to mandate to standardize how to ensure consistent responses to domestic violence from law enforcement and the court system, an evidence-based approach to respond to domestic violence by providing resources to the victim along with training on how to assist them (OVW, 2016). This policy has been adjusted three times in 2000, 2005, and 2013 to add sexual assault, stalking, and dating violence as serious crimes. However, there are still some areas that need improvement to enable Latina domestic violence survivors to have better chances to obtain services such as protection orders. California’s response is described.

Restraining Orders

In California, domestic violence survivors can get a restraining order, which is a document issued by a judge in either a state-level civil or criminal court. If the restraining order is issued, the alleged perpetrator is forbidden from harassing or stalking the survivor, requires that the perpetrator keep a specific physical distance away from the survivor and forbids the perpetrator from owning a gun. Violating a restraining order can result in arrest and incarceration (Judicial Council of California, 2017), but only if the survivor contacts the police, police assistance arrives in time to intervene, the police actually intervene as requested, and the order is enforced by the court. In California, there are four types of domestic violence restraining orders: Emergency Protective Order (EPO), Temporary Restraining Order (TRO), Permanent Restraining Order (PRO), and Criminal Protective Order (CPO) or a Stay Away Order (SAO). While an individual can
request these without assistance, California courts recommend that legal assistance from a lawyer is obtained and their website contains links to low-cost and free legal assistance (in English only) (California Judicial Court, 2017). The TRO, PRO, and CPO are obtained in civil court, while the SAO is obtained in criminal court (Judicial Council of California, 2017).

A TRO is issued for up to seven days, while a TRO covers 20 to 25 days, usually the time it takes to schedule a court date when a PRO is requested: A PRO can be in place for up to five years (Judicial Council of California, 2017). An SAO is requested when the alleged perpetrator is being processed through the criminal justice system, and functions as a PRO throughout the U.S. (Judicial Council of California, 2017). The SAO allows the survivor to sue the perpetrator in civil court for lost wages and medical costs, and mandates that the domestic violence survivor is informed in advance if the perpetrator is scheduled for release from incarceration (Judicial Council of California, 2017).

Restraining orders prevent the perpetrator from having any contact with the victim, requires that the abuser maintain a physical distance from the victim and her home and workplace as well as the children at home and at school, and pets; the abuser must live somewhere that is not the home, cannot own weapons (including but not limited to guns), and must provide child and spousal support (Judicial Council of California, 2017). The domestic violence restraining order cannot end a marriage, divorce a couple, or define child custody (Judicial Council of California, 2017). In order to get a restraining order, the petitioner needs to have been abused or threatened by the abuser
and have a relationship with that person (Judicial Council of California, 2017). The victim and the abuser can be married, registered domestic partners, divorced, separated, dating, have dated in the past, are currently living or used to live together, share parenting of one or more children while never sharing a residence, or be a close related family member (Judicial Council of California, 2017).

The process of getting a restraining order varies from case to case, depending on the traumatic experience of the victim. The first step to getting the restraining order is to file court papers and to tell the judge what is wanted and why (Judicial Council of California, 2017). The judge will then make the decision the day after the request. If the judge approves, the victim will get a temporary restraining order and the judge will set a hearing court date to decide if the victim will be granted a permanent restraining order. The perpetrator is then served with the restraining order and informed that he is required to appear at the next court date (Judicial Council of California, 2017). Both the abuser and victim are required to be present in court on the hearing date and present their arguments. On the court date, the judge decides if the temporary restraining order will be terminated or extend to permanent (Judicial Council of California, 2017). A permanent restraining order could last up to five years (Judicial Council of California, 2017).

Statement of Purpose

Protection orders and policies have been created and implemented to provide appropriate services to survivors of violence and protect them from future victimization by the perpetrator. While they are not always effective, they have been shown to make a difference for many domestic violence survivors (Cattaneo et al., 2016; Benitez et al.,
However, the process of obtaining protection orders may not always take into account the barriers that Latina women encounter, including but not limited to the cultural norms that affect how they behave and their experiences in their relationship and within their extended family, which, in turn, affects their needs during the process of obtaining a restraining order. This proposal seeks to explore these conditions.

Theoretical Framework

This thesis proposal used Critical Race Theory (CRT) and social construction to develop a theoretical approach to guide its development. These theories are described in greater detail and their use in developing this theoretical framework in the literature review.

Relevance to Social Work

Spurred by the struggles and protest of the women’s movement, many policy and legal changes have been made that have systematically increased women’s rights and decreased the chances of them becoming victims of domestic violence (Bhattacharya, 2014) and these accomplishments have included professional social workers (Kiehne, 2017). There have been several federal laws enacted to protect women and eliminate inequalities including the 1994 Prohibition of Sex Selection Act, the 2005 Protection of Women from Domestic Violence Act, the 2013 Violence Against Women Reauthorization Act, and numerous others. Although there have been great legal achievements to increase the safety and protect women’s rights, violence against women is still pervasive and a social issue (Bhattacharya, 2014). In addition to violence against women, the Latino population is rapidly growing in the U.S., and will represent 29% of
the United States population by 2050 (Lohman et al., 2013). Therefore, there is a growing need to understand the experiences of Latina domestic violence survivors, to better serve this population by finding out whether the professionals assisting Latina women in obtaining legal protection against domestic violence through obtaining a restraining order are aware of or respond to these barriers when they work with Latina domestic violence survivors.

In social work, three areas of organizational practice work have been created: micro, mezzo, and macro. Micro refers to one-on-one work, while mezzo describes agency-based social work and macro indicates social work conducted in the political domain, but all are done on behalf of and in consultation with social work clients, intending to improve their quality of life. When working with clients who are members of minority groups, all three areas are relevant and important to provide and ensure results. According to Weber (2010), the intersecting identities that minorities face such as gender, race, and class each add to the oppression and limits access to social justice. Moreover, these intersecting identities are constructed and enforced at the macro and micro levels (Weber, 2010).

In micro social work, the social worker assists directly, in a one-on-one setting and might be the first person to help the victim who is in pain but a survivor. At the mezzo level, a social worker would help the victim by linking her to services and programs like counseling, medical assistance, financial help, housing, employment, and court accompaniment to obtain an order of protection. Macro work involves interprofessional collaboration and ongoing political advocacy to continue to develop and
pass legislation preventing domestic violence and helping those victimized by it, as well as evaluating programs for domestic violence victims. Such services provide opportunities for victims of domestic violence to have an opportunity to escape the abusive relationship.

At California State University Dominguez Hills Master of Social Work program, graduate social work students are educated to analyze social issues through a Critical Race Theory lens that enables them to observe and address discrimination and oppression that clients experience due to their race, gender, gender identity, sexual orientation, religion, class, and legal status (California State University Dominguez Hills, 2017). Conducting social work in an ethical and compassionate manner is also mandated by the National Association of Social Workers (NASW, 2017) in the profession’s Code of Ethics (2017): to be knowledgeable and culturally competent in order to work with diverse populations.

Proposed Thesis

This thesis proposal explores the knowledge of and attitudes about Latina domestic violence survivors held by police officers, attorneys, and advocate respondents who work with them. By doing so, knowledge can be gathered to determine whether and how their professional approaches take specific needs of Latinas into account during the process of helping them obtain a protection order.
CHAPTER II

LITERATURE REVIEW

In this chapter, social construction and Critical Race Theory (CRT) are described and used to develop the proposed thesis’s theoretical framework. The framework was used to guide a critical assessment of a selection of research conducted about domestic violence among Latinas, the experiences of Latinas in the process of obtaining restraining orders, and advocacy in the legal system by attorneys and police officers for Latina victims of domestic violence.

Theoretical Framework

Domestic violence is a social issue that can affect anyone regardless of race, gender, class, or sexual orientation. As a social issue that affects diverse populations and may do so differentially, a Critical Race Theory (CRT) lens and social construction considerations clarify how Latina victims are impacted.

Critical Race Theory

According to Delgado and Stephanie (2012), a Critical Race Theory lens allows people to analyze social issues in ways that reveal inequalities, discrimination, and oppression throughout U.S. society, embedded in institutions and structures. Three CRT tenets are relevant in this proposal: racism is ordinary, intersectionality, and voices of color.
Racism is ordinary is described by Delgado and Stefanic (2012) as “the common way to do business, and the everyday experience of colored people” (p.7). This describes the ways in which racism is so frequent but unacknowledged, because it has been common in society. Over time, Latinos have also experienced discrimination, exclusion, and prejudice in the United States due to their ethnicity. Regardless of their citizenship status, all Latinos are assumed, by a large proportion of the dominant elite (and many groups throughout society), to be in the U.S. illegally and are affected by negative policies that aim at fixing the “illegal alien” problem in America (Lacayo, 2017). This negative stereotype is pervasive in American culture too, in movies, television shows, and social media. Although not all immigrants in the United States are Latinos, the media has socially constructed a negative picture of all Latinos as illegal immigrants who are also criminals, unintelligent, and “breeders” who have too many children and are oversexualized. This negative depiction has prevented the development of rational social policies and fueled irrational and occasionally violent actions that argue against allowing undocumented Latinos to gain citizenship, regardless of the reasons for their arrival or what they have done—or not done—since moving here. This process was created and maintained by individuals in the dominant elite group, which is predominately but not exclusively White, whose members use “differential racialization” to socially construct and perpetrate an untrue description of the inferiority of Latino cultural practices, linking them to misrepresenting disproportional Latino dependence on welfare, which, in this “fake news,” is inherited and passed on to the next generation (Lacayo, 2017). Moreover,
racial discrimination against and negative stereotypical images of Latinos in society is not surprisingly, frustrating to and angers Latinos (Cheng & Lo, 2016).

Intersectionality refers to multiple “identities,” the accumulation of each individual’s unique characteristics, which, in Critical Race Theory, challenges the notion that an individual can accurately and fairly be described by only one characteristic or trait (Delgado & Stefanic, 2012, p. 9). Intersectionality recognizes how each individual’s status is created by accumulating a position for each characteristic that falls on a continuum of oppression on one side and privilege on the other. On each of their traits such as gender, race, cultural, and other identifying characteristics; these traits often interact and play a role in how institutions and politics affect individuals and others treat them (Hancock, 2005). Individuals have multiple characteristics, that leads to people having different experiences from one another, but many share the same status on the oppression-discrimination scale on one or more identities: Latinos are but one example. A shared identity enables people who have a common identity and experience to unite and work together for a similar cause. During the second wave of feminist activism, domestic violence was identified as a social problem because it was a common experience among women (Keeling & Wormer, 2012). Intersectionality became a theoretical foundation to raising awareness on domestic violence among women. It also allows a focus on Latina victims and allows address of unique considerations affecting them.

Voices of color refers to a process in which oppressed people, can share their negative experiences orally or in writing, to raise awareness of and educate others about
their experiences of oppression, discrimination, and marginalization, and in the process, discover they are not alone in these experiences. This collective discovery can lead to the group educating and providing information that other people would not know about their negative treatment. Shared identities revealed by intersectionality became the ground for women to come together, and voices of color became their method of delivering their experience and knowledge to create change for victims. Voices of color also make the personal merge with the political, as to calling for action in protecting women from the violence they were experiencing (Keeling & Wormer, 2012). Learning of the experiences of Latina victims of domestic violence is an important piece of information that can enable better social services or policies that will truly help Latinas.

The need to understand how domestic violence affects Latinas requires a lens that incorporates CRT tenets of racism, intersectionality, and voices of color into perspective. One explanation for slow incremental and still unsuccessful policy innovations targeting domestic violence has been that society still has rigid norms of and views about women that undermine aggression and harassment against women: Current policies and laws are not targeting the right causes, because there is also a rise in rape, workplace harassment, and domestic violence cases (Bhattacharya, 2014). Evaluated from a CRT perspective, it seems that the specific needs of Latina women have not been identified nor incorporated into policies advancing women’s rights, specifically those targeting domestic violence. Not all of domestic violence victims opt to pursue an order of protection, and these women are being neglected and marginalized (Bhattacharya, 2014). If all social issues and
policies created are analyzed using social construction, CRT, intersectionality, and voices of color, there would be more information on what is really needed.

Social Construction

Boghossian (1999) defined social construction as beliefs and values that people in society hold as truths that are shared and made real through social interactions, and only become part of reality through that process. Culture affects and influences social construction; however, language also plays a key role in how beliefs, values, and ideas are shared in society and how they are socially defined. Language enables the process of communication and sharing of knowledge that creates reality. For example, the Latino culture embraces machismo and familismo, which are not “real” in one sense, but socially constructed to describe how Latin women are expected to behave, and in turn create conditions that make it difficult for Latinas in an abusive relationship to leave (Lohman et al., 2014).

Latino socially constructed values of machismo and familismo incorporate male patriarchy, which can lead to normalizing a component of a woman’s marriage (Lohman et al., 2014). Male dominance and female subordination create a power relationship where the man is in charge. It could be argued that Latino culture enables violence in relationships by giving males power over women, and U.S. society reinforces these beliefs, which are embedded in hegemony. Latina women encounter violence from both Latino and non-Latino males and these men may hold different cultural constructions of male-female relationships, but most share a belief in male control and power over women
that makes violence an acceptable option with minimal consequences (Lohman et al., 2014).

Literature Review

Latinas who experience domestic violence are many times stuck in a repeating and worsening cycle of abuse, due to barriers that hinder their ability to realize, acknowledge, and consider what to do to escape their abusive relationship. Moreover, many are not aware of laws established to protect them or services now available to help them, or do not know how obtain this help. Fear of deportation is also one of the reasons victims stay and choose to not report the abuse or contact the police or medical professionals (Cuevas, Sabina, & Zadnik, 2016).

This fear has recently worsened significantly since the last presidential election (Queally, 2017(a)). In 2016, the presidential election, took a downturn that inflicted fear and threatens the resources available for domestic violence victims (Carlson, 2017). Within the first six months of the new Trump administration reports of domestic violence declined among the Latino population (Queally, 2017(b)). The aggressive approach of Trumps administration on immigration executive orders by targeting undocumented people and numerous deportations lead to victims refusing to report the abuse (Queally, 2017(b)). Moreover, VAWA was also affected by Trump’s administration’s proposal of reducing federal spending; which would lead to a cut down on services available for victims such as shelters, legal services, and child care (Carlson, 2017). Latina women are
greatly impacted by domestic violence; in fact, death by violence of an intimate partner is one of the leading deaths among women (Carlson, 2017).

Escaping from a domestic violence relationship is the most difficult and dangerous act any victim can take. Although, there are many services to assist them to leave the relation, due to this political climate many are now living under more fear and services available may be limited. Throughout this literature review, the three barriers that Latina women face are addressed: barriers to leaving the abusive relationship, barriers in the process of getting a restraining order, and barriers to gaining support while they seek help.

**Barriers**

Timing, availability of help, and the race/ethnicity of the woman were identified as the three elements triggering women to leave abusive relationships in a study including caseworker-conducted one-on-one interviews with a sample of 161 women who described their experiences and how they started new lives (Zosky, 2012). Most women became aware that they were being victimized when the abuse became severe (timing) and the existence of services, as well as the woman’s awareness of and access to them, also affected her exit (availability). While African-American women were more likely to contact and use law enforcement for help, White women most commonly sought help with counselors at agencies (Zosky, 2012).

Twenty-three of the participants stated that if the programs had not existed they would have kept looking for other services and escaped, but another 28 women reported that they would not have known what to do had they not had access to the services they
used (Zosky, 2012). Another 99 of the participants said that without the services, they would have remained in their abusive relationship, living in fear (Zosky, 2012).

The interviews in this study were conducted by caseworkers, which may have limited participant freedom to express how they felt about the services provided, or social desirability bias. This could mean that these women may have overestimated their importance, implying that more may have stayed in their abusive relationships. Additionally, the study focused only on shelter services, and not only failed to note the legal status of women survivors of domestic violence but also lacked Latina women in its sample.

Socially constructed cultural beliefs, influenced by race/ethnicity, play a significant role in how violence is perceived, and whether and how victims tolerate or attempt to escape their abuse (Cheng & Lo, 2016). Moreover, African-American and Latina women have been documented to have a higher risk of becoming victims of physical assault by male partners (Cheng & Lo, 2016).

A secondary data analysis of quantitative data collected from 6,588 female domestic violence survivors aged 18 to 64 years of age who responded to the National Violence Against Women Survey (NVAWS) from 1994 to 1996 included 648 African-Americans, 569 Latinas, 5,017 White women, and 354 women who self-identified as other (Cheng & Lo, 2016). White women in this study reported more severe physical violence from their partners and were more likely to report this abuse than African-American and Latina women. Latinas were more likely to be living in domestic violence relationships, more likely to experience physical abuse when alcohol was involved, and
more likely to disclose the violence they experienced in counseling sessions, leading the
authors to recommend that screening for domestic violence be incorporated into health
care services in medical setting for females who are using Medicaid and free clinics
(Cheng & Lo, 2016).

Batten et al. (2003) conducted a study of a sample of 150 domestic violence
survivors pursuing protections orders in a 12-month period in an urban District
Attorney’s office, which has four requirements to file: (1) a current or past marriage to an
abuser, (2) currently cohabitating with the abuser, (3) raising a child whose father is the
abuser, and (4) fear of future harm by the abuser (Batten et al., 2003). File a protective
order has no cost, and the relatively simple qualifications to apply led these researchers to
explore why some women dropped their request. Of the 2,932 women who applied for a
restraining order in an urban District Attorney’s office, 1,980 met the four requirements,
but only 962 actually received a protective order.

The participants in this study were surveyed with questions about violence,
stalking, and danger. The interviews were conducted in English and Spanish. Participants
were interviewed twice: while they were in the process of getting a restraining order and
three months later.

Slightly half (81 women or 54%) of the participants were awarded a protective
order, but 42 (28%) dropped the process, and 27 (18%) were not able to complete the
process. In the 27 cases where women were not able to complete the process, 18 were
unable to locate the perpetrator. Moreover, eight cases were dismissed in court, and one
victim committed suicide before the hearing (Batten et al., 2003).
Women who dropped the process said that they did so because they returned to live with their abuser, wanted to protect the abuser, no longer needed protection because perpetrator was in jail, or lost in court because the opposing party convinced the victim to drop the restraining order. These women complained that the process was too complicated and too much of a hassle. Further, 61% of the women who did not obtain a restraining order were living with their abuser three months later (Batten et al., 2003).

**Restraining Order Process**

Ammar, Dutton, Hass, and Orloff (2012) identified language, religion, and citizenship status as barriers experienced by immigrant women when seeking a protection order. Non-English-speaking victims were effectively unable to ask for help or share concerns with non-Spanish speakers (Ammar et al., 2012).

Ammar et al. (2012) conducted a qualitative study in which 153 immigrant women who had obtained help to escape from domestic violence at 14 different organizations—including shelters, legal aid agencies, and social service organizations—were asked about the accessibility and effectiveness of civil protection orders for them. Information about these women was collected in interviews consisted of open-ended and close-ended questions that gathered demographic data and information about their experiences while getting a restraining order. The survey was originally developed in English and then translated into different languages. However, Ammar et al. (2012) cautioned that even using specialized translators limited the validity of the translated survey because of cultural, regional, and other variations in languages.
Only 11% of the study participants knew about restraining orders before they left their abuser and most reported learning about restraining orders only after they were relocated at social or legal help agency. Additionally, 81% were able to obtain a restraining order, but 13% only got a temporary restraining order. These women had mixed views about this experience: 27% found the process difficult, 54% found the process easier than what they expected, and 12% had no expectations (Ammar et al., 2012).

Among the 30 women who did not get a restraining order, 10 thought they did not need one, seven felt that pursuing one would make things worse with their partner, five did not know about restraining orders, four were scared of what the police would do to their partner once they obtained one, and two did not want to file for one without explaining why. Forty-seven percent of the participants who obtained a restraining order reported that advocacy on their behalf and with their help from a professional was a key part of getting a restraining order and made the process easier for them. Lastly, 89 of the participants who did not know about restraining orders found out about the services by people who spoke their language (Ammar et al., 2012).

Mele, Roberts, and Wolfer (2008) reported that only one-third of women who applied for protection orders in Pennsylvania actually got one in a study with a sample of 55 women who had applied for a protection order. Ninety percent of the participants were White females, 64% earned less than $30,000 per year, and 68% had one or more children (Mele et al., 2008). The participants were given the option to participate in this study by responding to survey questions posed by the researcher or completing a written
Twenty-nine percent of the women who applied for protection for abuse order stated that they canceled the order because they were no longer afraid of the abuser. The abuser promised to change, their children missed their father, and the plaintiff relied on the abuser for financial reasons were the other reasons provided for discontinuing the process to obtain an order, and 89% answered that nothing could have changed their minds (Mele et al., 2008). Five of the 55 women claimed that financial assistance or job placement would have been helpful in encouraging them to pursue an order of protection, suggesting that economic factors are also important but ignored in these circumstances (Mele et al., 2008).

Lemmey, Malecha, and McFarlane (2000) analyzed the attempts and outcomes of women filing assault charges for allegations of domestic violence, another way to initiate the process of escaping. They interviewed 90 women, which included 28% who identified themselves as Latina or Hispanic, who initiated filing assault charges. Fully 30 of these women were not able to provide sufficient evidence for the police to accept filing charges, 13 were told that they had insufficient evidence for the district attorney to accept assault charges, and 10 women dropped the charges. Among the remaining 37 women, 33 perpetrators were arrested and four were fugitives (Lemmey et al., 2000). Moreover, Lemmey et al. (2000) argued that there appeared to be no consistent reason to explain what constituted insufficient evidence, since all of the women in their study had experienced and documented similar levels of violence, implying that language barriers may have led to different interpretations of the facts.
Since the 2016 presidential election, there have been major declines in reporting domestic violence and sexual assault by Latinas in Los Angeles, largely believed to have been caused by fears about and actual increases in federal deportation activities and anti-immigrant sentiments (Queally, 2017). This suggests that Latinas might be less likely to consider contacting police for help with domestic violence, and this might be even more severe for Latinas who lack documentation.

Lohman et al. (2014) discussed the emotional and psychological abuse that undocumented Latinas experienced when their perpetrators use their legal status to control them, threatening to report them and have them be deported if they seek help, which can include threatening their children as well. Undocumented Latinas are likely unaware that immigration is a federal issue and that their access to and use of state and local courts and legal protections are or should not be affected by their citizenship status (Lohman et al., 2014). Since the last presidential election, however, immigration officials have been reported to have arrested and arranged for deportation for undocumented Latinas pursuing protection orders in state-level courts, even though this is not supposed to happen.

**Advocacy**

Most domestic violence research investigates barriers that women face deciding to and leaving the abusive relationship. Other studies look into the legal system to learn how many and why orders of protection were obtained. Bell, Dutton, Goodman, and Perez (2011) argue that the legal system has yet to learn how to adequately treat cases of violence against women, reporting that courts are not effectively helping female victims
of domestic violence, and that women often feel frustration and confusion while trying to obtain help that they often end up dropping the case.

The experiences that survivors have while seeking help in the legal system has been described as a result of ideologies that have shaped the criminal justice system when legal responses to domestic violence should be guided by ideologies of public health (Pitts, 2014). The mission to end domestic violence in the criminal justice system is to “restore order and the responses of law enforcement including arrests and prosecution” (Pitts, 2014). On the other hand, public health has a different vision; focus on physical and mental health, along with other social services that can assist the victim (Pitts, 2014). It has been recommended that court services be modified to incorporate and address social structural oppressions that Latinas face when seeking help to escape from domestic violence (Keeling & Wormer, 2012).

Bell et al. (2011) conducted a longitudinal study with 406 women pursuing a protection order who were interviewed two times over three months about their civil court case. Of these 406 female participants, 81% were Black and 15% were White, adding up to 96% of the population interviewed (suggesting that 4% were Latina or other): All participants spoke English. Additionally, 65% were employed either part or full-time, and 66% stated that they were not in a relationship with their abuser. Most of the participants were satisfied with the treatment they received from courthouse workers, noting that court staff had many different meaningful ways to make them feel better without having any legal power over their case (Bell et al., 2011). However, other women said that staff made them feel like criminals, humiliated them, and often acted as if their
case was unimportant. They found the process frustrating, as their voices were ignored and unacknowledged in the process, which was complicated by the fact that they had to miss and ask for days off work in order to be able to attend court hearings, which often took a full day even though their case was addressed for only 30 minutes (Bell et al., 2011).

**Attorneys**

Before federal policies influenced changes in police responses to domestic violence, victims of domestic violence sought help within the legal system in family law because they were not finding results with police officers (Carey, 2011). Law enforcement often refused or failed to respond to calls, would not arrest the perpetrator, and referred the victim to family court, treating the situation as a “family” disagreement rather than a violent crime (Carey, 2011). Additionally, many domestic violence victims were mothers, and they wanted to retain full custody of their children before and after ending their victimization by their male perpetrator, who was often the children’s father.

Disagreements and disputes about child custody, alimony, and divorce began to include domestic violence allegations, and often gave preference to the mother/victim but treated domestic violence as a personal problem, away from the public eye, and outside of criminal treatment as federal policies mandating standardized responses to domestic violence grew (Carey, 2011). As more domestic violence survivors used legal services, grants like Legal Assistance for Victims (LAV) were awarded to provide free services to those who could not afford representation.
Attorneys address domestic violence using the client-centered approach in which the clients are seen as “autonomous” and are encouraged to make their own decisions based on the advice provided by their attorney (Goodmark, 2012). Moreover, the client-centered approach acknowledges both the role of the attorney and the role of the client. The attorney helps the client through and throughout the process by explaining and advising the legal rights and choices available to the client (Goodmark, 2012). Throughout the process, an attorney’s job is not to save a client, but to empower the client to make decisions and are often encouraged to challenge the issues that women face in court, as they are often viewed from the perspective of socially constructed and negative stereotypes.

Lawyers are trained for domestic violence cases to focus on two things: ensuring that each judge hears a compelling narrative from the victim of pain, submission, an inability to leave the abusive relationship, and evidence that the victim is stuck in a repeating cycle of violence (Goodmark, 2012). Ironically, this can lead to the silencing and neglect of abused women in the court system. If the lawyer extracts only pieces of the story and reconstructs them to advance what is deemed to be strategically better and more likely to “win,” then the victim’s voice is silenced. Leading to failure to listen, acknowledge and understand the unique narrative of each individual domestic violence survivor (Goodmark, 2012).

The important factor of helping a female victim of domestic violence is to hear their story, concerns, and acknowledge the social factors affecting them (Goodmark, 2012; Carey, 2011). Likely out of ignorance, legal system workers often disempower
women because they fail to listen and give attention as they are trained to only focus their check list of what domestic violence is, and give into stereotypes of what victims’ experience and want, instead of actively hearing each “voice” of each survivor. (Goodmark, 2012).

**Police**

Johnson and Myhill (2016) explored police officer discretion in response to domestic violence calls in England and Wales by analyzing incoming phone calls from women requesting a police response to allegations of domestic violence over a one-week period. They found that the “male” work environment of the police station contributed to police officer skepticism about domestic violence reports, and many officers continued to wrongly view domestic violence as “a civil matter and not something that the police should be involved with or at best as ‘rubbish’ work” (p. 4).

Race/ethnicity has also been noted to play a crucial role in the way officers’ response to domestic violence calls from immigrants. Although some research indicates that Immigrant women face higher chances of becoming a victim of domestic violence than a White female, Ammar, Dutton, Hass, and Orloff (2005) argued that this is not accurate. Immigrants experience violence for far longer periods of time due to incompetent social services and police responses (Ammar et al., 2005). Absent bilingual or competent social services, the legal system often cannot and does not help immigrants until well after their abuse began and continued to increase in severity (Ammar et al., 2005). Officers responding to calls may themselves hold negative stereotypical attitudes towards immigrants and women, in turn blaming the women for “causing” their own
abuse: This can lead to officers to wrongly classify a domestic violence call as a non-crime call and interpersonal problem (Ammar et al., 2005).

Even though mandatory and pro-arrest policies have been created to ensure that police officers treat domestic violence as a crime rather than giving them autonomy to choose what action to take, in a study conducted by Ammar et al. (2005), additional issues were revealed that influenced police officer responses to domestic violence. The first issue is that officers often did not speak the language of the Latina victims who called them for help with domestic violence, and relied solely on answers to their questions posed only to the perpetrator and not the victim (Ammar et al., 2005). Officers were more likely to make the arrest if the victim has a restraining order.

Domestic violence victims face many challenges to escape an abusive relationship. Many of the barriers for Latinas face incorporate these difficulties and are worsened by socially constructed cultural and structural barriers that affect how the victim and society perceive domestic violence. This leads to inappropriate services for Latina victims of domestic violence.

Proposed Thesis

This capstone explores the attitudes, beliefs, and experiences of first-line professionals who respond to Latina survivors of domestic violence in Los Angeles and assist them in pursuing an order of protection. Attorneys, police officers, and domestic violence advocates have not been asked if they believe there are barriers to obtaining a protection order by domestic violence clients, nor have any studies investigated let alone
confirmed that any of the existing research documenting these barriers holds true from the vantage of these professionals. Because these individuals are the ones who help Latina survivors by providing micro-level responses, their perspectives seem important. The methodology that will be used for finding this data will be discussed in the next chapter.
CHAPTER III

METHODOLOGY

This chapter describes the methodology chosen to conduct this proposed study. It identifies the research design chosen, the study participants, a thorough description of materials developed to collect data, and concludes with a proposed plan for data analysis.

Research Design and Methods

This thesis used a cross-sectional qualitative study approach.

Participants

Five individuals were asked to participate in this study, all of whom are professionals currently employed in positions in which they regularly work with Latina survivors of domestic violence. One is an attorney, two are police officers, another one is a legal advocate, and the last one is a domestic violence advocate.

The legal advocate and attorney are employed at the Los Angeles Center of Law and Justice in the Victims of Crime Assistance and Shriver Victims Center. Both of the police officers work for the Los Angeles Police Department (LAPD), but they work in different divisions. Both regularly respond to and intervene in domestic violence calls and, when needed, issue an Emergency Restraining Order. An advocate from the Domestic Abuse Response Team (DART) who accompanies police responding to domestic violence calls was also asked to participate.
The student researcher has existing professional relationships with a significant number of lawyers, police officers, and advocates from her social work experiences working at domestic violence agencies. Purposive sampling was used to solicit participants.

Instrument

The interviews conducted consisted of questions regarding the process of obtaining a restraining order for Latinas and the experiences that these professionals have had helping these victims. Some questions addressed the participant’s career choice, training, and experience. There were additional questions that asked about their knowledge about domestic violence in general and domestic violence against Latina women in particular as well as their thoughts about restraining orders and their effectiveness and thoughts for improvement. Demographic details were collected as well.

Procedures

After obtaining approval for this study protocol from the CSUDH Institutional Review Board (IRB), the student researcher solicited participants and asked professionals known to the student researcher to participate in this research study. Once a potential professional accepted to participate, an interview date was set up that was mutually convenient, and a location for this interview that affords privacy was chosen.

The informed consent was discussed when the participants were asked to participate and then again before the interview began. The student researcher explained
the study’s topic with each participant before the interview began as well. Then each participant was asked to sign the consent form to officially begin the interview.

Each interview was audiotaped and transcribed into a word file. Once each interview was transcribed each audiotape was erased. Each interview varied in length, but the longest was at least 30 minutes long.

Data Analysis Plan

The data collected from the completed interviews was analyzed by a direct content qualitative analysis. This approach was used to validate and extend the findings from the literature (Hsieh & Shannon, 2005). The data was coded into themes about language, culture, immigration, restraining order effectiveness for Latina survivors that emerge from the participants, and law enforcement (Hsieh & Shannon, 2005). All the information found confirmed the information found in the literature. This approach allowed the collected data to be analyzed so that findings that were not already identified in the research literature can emerge. Throughout the research there was one finding that was identified: training. There was no data found that contradicted previous research (Hsieh & Shannon, 2005).

Timeline

The attorney, police officers, and advocates were first asked if they wanted to participate in the study. The interviews were conducted and audio recorded, the data
collected was transcribed, and subjected to content analysis. The interviews were conducted, transcribed, and analyzed in four weeks.
CHAPTER IV

FINDINGS

This chapter describes the findings of this thesis project. Characteristics of the study participants are provided followed by the results of the content analysis.

Participants

The five participants of this study were professionals currently working with domestic violence survivors whose jobs included providing assistance to them in obtaining a restraining order. Two are Domestic Abuse Response Team (DART) officers, one is a domestic violence advocate, another one is a Shriver advocate, and the fifth is an attorney. Each participant had at least one year of experience working with survivors of domestic violence. Brief descriptions of each individual are provided. The participant’s names were replaced by pseudonyms and, if necessary, some characteristics were modified to protect their confidentiality.

Officer Martinez: Participant 01

The first participant is a Latino male officer. Officer Martinez, is 28 years old, has a bachelor’s degree in criminal justice, and has been an officer for about six years for the Los Angeles Police Department. He was a patrol officer until six months ago when he was promoted to a DART officer. DART officers focus exclusively on helping the police officers of the unit that respond to a call including domestic violence. He provides assistance by educating the victim/reporter about an emergency protection order, helping
the person get one, and referring the victim to an advocate who can help access services after the initial emergency intervention ends.

**Officer Navarrete: Participant 02**

The second participant, Officer Navarrete, is a 30-year-old African-American female. Originally from the East Coast, she moved to Los Angeles to work for LAPD. She has been an officer for about 10 years and a DART officer for 14 months. Officer Navarrete is actively involved in her work and contributes to the knowledge base and network of professionals addressing domestic violence in Los Angeles and beyond. She also attends professional trainings and conferences that address domestic violence regularly.

**Vilma: Participant 03**

The third participant, Vilma, is a 38-year-old Latina female. She has a Master of Social Work degree and is an employee of Children’s Institute, Inc. This agency provides services for children, youth, and their families after they have experienced or witnessed violence in their lives. Project ERIN is one of the agency’s programs offering direct assistance to victims of domestic violence. Program representatives are co-located at a police station and respond to domestic violence calls by traveling to the victim’s location along with the LAPD officers.

Vilma, the supervisor of the DART advocates at two police stations, is also a domestic violence advocate who works with police at the LAPD and has been doing this since starting this work at her student internship 15 years ago. She described what she does as working in partnership with detectives at LAPD to assist victims of domestic violence.
violence who have had life threatening experiences, and creates a safer environment for
the survivor and any children in the family, using resources from Children’s Institute, Inc.

**Miguel: Participant 04**

The fourth participant, Miguel, is a 30-year-old male who works for the non-profit
organization Los Angeles Center for Law and Justice. This agency provides direct
services to survivors of domestic violence and sexual assault including but not limited to
case management services as well as legal assistance. Miguel is a legal assistant who
helps the survivors of sexual assault and domestic violence identify and access needed
paperwork and services in the court house. He has been working for this organization for
about one year and was working in an immigration non-profit agency prior to this
position.

Miguel is co-located and works in the restraining order office in the downtown
Los Angeles courthouse. He talks to survivors who are seeking restraining orders and
explains the process and benefits of obtaining a restraining order (since an emergency
restraining order expires in approximately five days) after he conducts an intake to verify
that the survivor is eligible for free services from Los Angeles Center for Law and
Justice. Survivors who are not eligible are referred to other resources.

**Emily: Participant 05**

The fifth participant, Emily who is 35 years old, has earned a Master of Social
Work degree as well as a law degree and works as a family law attorney. For nearly four
years she has worked exclusively with domestic violence survivors as well as survivors
of sexual assault at the Los Angeles Center for Law and Justice. This work includes
helping survivors obtain a legal divorce and advising and assisting with child custody
issues.

Content Analysis

Although the five professionals interviewed for this study have different
educational preparation, earned different undergraduate and graduate degrees, attended
different specialized trainings about domestic violence, and hold different work
assignments in their jobs they shared similar experiences, thoughts, and analyzes about
domestic violence when asked about different issues affecting Latina survivors. These
included the effectiveness of restraining orders, barriers, and prevention of domestic
violence. However, while all of these professionals believe that prevention can end
domestic violence, their views about what professionals need to know and learn in order
to be effective and accomplish this goal were inconsistent and varied by their
experiences. These themes are addressed next.

Theme One: Culture

All five of the subjects identified culture as a barrier for Latinas seeking to end
their domestic violence relationship. Each of the subjects shared one or more stories of
first-hand experiences working with a Latina client who faced one or more of these
barriers while seeking help.

Each of them said that they saw the effects of the values of machismo and
familismo often common in Latino culture, and watched how these values created
ambivalence in their clients, making it difficult for them to physically and
psychologically be able to leave their partners. Navarrete noted that this, in her opinion, also affected how responding officers dealt with the call and their decision-making process:

We always get their calls where they say they were hit, and once we get there, they say, oh, yea, but I do not want you to arrest him. This happens all the time. They try to minimize the abuse once we get there. The comments on the call say it’s a code 3 and it says they got hit and are scared. And once we get there, they minimize, they say they love them, or depend on them financially, and they don’t want to mess that up, or they have kids together and don’t want to split the family. (Navarrete, p.3)

Miguel described how he observed familismo affecting his Latina clients:

Latinas do anything for their children, to keep their families together. I also think there is still a lot of stigma on single mothers. You cannot have kids and not have a father. Also, why do you work if you have a husband? If you go to a White community it’s like: “Leave him! You are an independent woman!” There are differences there, and also there is family pressure. (Miguel, p. 3)

Vilma’s response was similar: “Latinas are hiding the trauma, sweeping it under the rug, machismo is involved … Family also plays a role. What they think and say [to the victim] is important to victims” (Vilma, p. 2).

These professionals’ responses suggested that Latinas minimized and hid the abuse they experienced because they believed it was required to keep their families together.
together, and sometimes it was what their extended family members wanted and told them to do. Vilma’s comment illustrates: “As Latinos, we’re so enmeshed with our families that we sometimes do what they want. I’ve had clients that are shunned because they made a report. They get isolated because their family does not want to deal with the report or police” (Vilma, p.3).

Navarrete suggested that domestic violence has become “normal” in some Latino families:

They are used to that environment so they think it is normal because they go from one to another, and it’s like, okay, if you grow up in a house with domestic violence, you are going to think that it is okay. (Navarrete, p. 3)

Similarly, Miguel said that he had noticed that Latinas were not aware of what domestic violence is and that many Latina victims did not know that they were victims.

I find minorities have more difficulty overcoming domestic violence.

Many Latinas do not know what domestic violence is. A lot of them say that they thought it was normal for men to hit women. (Miguel, p. 3)

Vilma stated nearly the same thing: Latina victims, they grow up witnessing domestic violence, they grow up thinking it is normal. They sometimes say this is how it is, this is how it works (Vilma, p. 2).

And so did Emily:

Within my Latina clients something that comes up often is their inability to recognize that they are in domestic violence relation. Their understanding on abuse. Some know that it is happening but do not know
the effects on them, they are only thinking of their children. They want to make sure their kids can still have a relationship with the other parent but that can be in conflict with protecting them. (Emily, p. 2)

Theme Two: Language

The participants also witnessed how language and lack of knowledge about social agencies and legal services also caused Latinas to be unaware of services because this information is not available in Spanish. These barriers prevent their clients from leaving the abusive relationship before they were able to find their assistance. These barriers lead many clients to inadequate information and assistance to guide Latinas. For example, Vilma said:

Definitely the language barrier is also a huge one, because the paper work is in English, at least in Los Angeles we can send them to the legal clinic, but it is not the same. There is also a barrier on knowing about it and knowing that it is free at no cost. (Vilma, p. 3)

She also offered her recommendation: “I think it would be great if they had everything in Spanish as well. Like a Spanish version. So, the victim can understand what it is they are getting” (Vilma, p. 5).

Emily witnessed the way that language operated as a barrier for Latinas when dealing with court and the paper work that needs to be completed:

Yes, because court paper work is overwhelming and they are not informed or know about the legal system, it can be overwhelming. Most of the documents are not in Spanish, so yes. (Emily, p. 3)
Three participants noted that the fact that paper work is not in Spanish makes it hard for Latina clients to understand their purpose, which is compounded by the fact that many do not know how the legal system works. This has led victims to give up on the process. Additionally, the participants noted that officers who do not speak Spanish have had a hard time understanding what the victim is reporting, and the victim has a hard time conveying what has happened. Vilma described what happens when non-English speaking Latina victims try to report the abuse to law enforcement:

It is a huge barrier because let’s say they make a call to police and even though a lot of officers are bilingual their Spanish sucks. So, when they are asking questions, they may be asking questions in a way that the victim will not say much, and then they are in uniform and authoritative figures. Umm, it becomes a little bit intimidating for them. So, then if they are saying something in Spanish and the officers are trying to translate his end or her end and that’s not exactly what the victim meant, I think it is just a hindrance. (Vilma, p. 3)

Vilma noted that even when she is present and functions as a bilingual advocate who speaks English and Spanish that can still be insufficient, especially with individuals who speak a local dialect from their country of origin that is not Spanish:

In general, it is a huge barrier, sometimes, they do not even speak Spanish they speak a dialect, and that is an even bigger barrier because I cannot communicate with them myself, and then I feel like I am stuck and I cannot provide the information. (Vilma, p. 3)
Comments from officers Navarrete and Martinez confirmed that language has been a barrier in their responses to calls of domestic violence. However, Vilma noted that officers who claim to speak Spanish often do not speak Spanish correctly, or misinterpret what the victim is reporting, which causes even more problems for the victim.

Theme Three: Immigration

All of the participants identified immigration and immigration status as another barrier that impairs Latina victims from obtaining restraining orders against their perpetrators, whether the victim is a citizen or an undocumented immigrant, although it was perceived to be far more problematic for the latter group. Each of these professionals have worked with clients who are undocumented and extremely fearful of deportation resulting from reporting their abuse even when they were repeatedly reassured that deportation is a federal issue, while reporting their abuse is local and uncoordinated with federal immigration efforts. Officer Martinez described it here: “They are afraid to come forward, with anything because of deportation, and they just don’t want to speak to the police they don’t want to have a record” (Martinez, p.5).

Not only does immigration status prevent victims from reporting the abuse to law enforcement, but it can become an issue when the Latina victim requests a temporary restraining order. The current expansion of activities by Immigration and Customs Enforcement (ICE), whose officers have been violating the division between federal and local courts and restraining and deporting victims attempting to get assistance, makes it more difficult. Vilma talked about this:
I remember there was a case in Texas where there was a person that went to court and ICE got them, and many victims decided not to try to get a restraining order when that came out. I have had a client who called me to tell me that she was at court, but was scared to go in, or [thinks that she] cannot go into court because of [her] immigration [status]. (Vilma, p. 4)

Miguel shared a similar experience:

Yes, there was recently one client that began crying because she was so scared immigration would go get her. She was more scared of that happening than about the violence she had experienced. She has not dealt with it, but she was terrified about immigration. There were rumors that ICE was in the courthouse and this scared people. (Miguel, p. 4)

Miguel pointed out how this not only serves as an obstacle for survivors of domestic violence but also a protection tool for abusers:

Immigration [status] affects victims and protects suspects. Victims are scared to be deported by reporting the abuse and they also don’t want to file because they don’t want them [the abusers] to be deported. (Miguel, p. 4)

Officer Navarrete shared the same belief, and commented that when she responds to domestic violence calls now, the victims are more worried about being deported or having the abuser deported than about their physical well-being:
I think they are all the same, but I do feel with the Hispanic community, I feel they are worried about deportation. Like, if we do arrest the abuser, they are worried about deportation. (Navarrete, p. 4)

Theme Four: Restraining Orders

All of the participants stated that restraining orders are only effective when they are enforced correctly, and they also noted that they only work if the perpetrator respects and honors them too.

Officer Navarrete had this to say:

I think they are effective when the suspect is arrested because then they are served right there, and the victim goes to court to get it extended, but sometimes to suspects it is just a piece of paper. They do not care. I think it depends on the abuser and their mindset, are they going to obey or just see it as a piece of paper. (Navarrete, p. 6)

Emily’s experience was similar:

Yes, well! It unfortunately depends on the other party [the perpetrator]. There are some individuals that are scared by a restraining order, so that they don’t want to violate it, and it serves its purpose. Then, there are others that do not care and violate the restraining order. Now, hopefully, the violations are minimal compared to the actions that took that person to get a restraining order. (Emily, p. 5)
Officer Martinez and Vilma added that the victim has to also use the restraining order appropriately, which includes but is not limited to going to court and extending the restraining order before the five-day emergency one expires. Officer Martinez said:

EPO is really effective, it helps because it gives that victim immediate protection from the aggressor, unfortunately it really has to come down to that person, because it is only good for five days, after those five days it expires, they will have to go to court and pursue to get an extended one. (Martinez, p. 6)

Vilma offered a slightly different perspective:

They are effective when they are enforced. What I mean by that is that many times, I hear a victim and [a member of] law enforcement say, “it’s just a piece of paper.” I am like, yea, it is a piece of paper, but it holds some power meaning. If you have a batterer who is constantly harassing the victim by phone, knocking on the window, and he has been served [and continues to be in contact with the victim], then that suspect is committing a crime. He is violating that restraining order. Without a restraining order, those incidents mean nothing—there is no crime. So, I think they are effective if we know how to utilize them. (Vilma, p. 5)

Vilma emphasized the importance of educating the victim in how to use the restraining order:

I also feel like clients need to enforce it themselves. What’s the point of having a restraining order if you are going to keep talking to them [the
perpetrators]? But then when you get mad, you call the police. And that typically does not end well. So, when I talk to the victim that [sic] has a restraining order, I tell them to make sure they follow through with it.

(Vilma, p. 5)

Theme Five: Enforcement

Law enforcement was a topic that was brought up by the participants often. Most of the comments were concerns about police officer behavior while responding to domestic violence and how this affected the way victims reported abuse and the effectiveness of the restraining orders. This perspective was consistent among the police officers in this study as well. Miguel’s comment is noted:

Yes, most abusers will stay away once the restraining order has been placed. They will end the communication. But there are some that do not follow it. That becomes an issue of enforcing the restraining order. It is more up to the police, and that is where the biggest issue is, that the police are not very responsive about it. When a restraining order is violated, the only thing we can do is call the police and make a report. (Miguel, p. 5)

Emily has found that law enforcement officers are ineffective and fail to appropriately address restraining order violations:

Really, I think that sometimes, it is the lack of enforcement … umm … from the police that leads to whether a restraining order is effective or not. Sometimes multiple violations need to be reported before the police take action against the person violating the restraining order which can be
frustrating not only for the person who is trying to enforce the restraining order, but it can also be endangering for them. It is a useful tool but it needs to be enforced. (Emily, p. 5)

Miguel identified a lack of knowledge about domestic violence as well as a lack of understanding by responding officers:

Police should be better trained to respond to domestic violence calls.

Women get very discouraged when they call the police and the suspect is not arrested. Then it gives them zero hope to being able to do something. The difference is that they [victims] do not understand the difference between criminal charges, domestic violence restraining orders, family or criminal court. They figure that the authorities in general will not do anything to protect them, I find. I’ve been told that women who call in a domestic violence complaint often get the same officers [answering]. And the officers are upset with them because they keep calling. I have had clients telling me that they been told they will be arrested if they keep making calls by the officers who answer their calls. Then they become fearful of calling the police. (Miguel, p. 6)

Vilma described this problem similarly and offered her suggestion to correct it:

It would be awesome if law enforcement had a different perspective on domestic violence, and not be so dismissive. I have worked with officers who have done great work, and also worked with real crappy officers that don’t do a good job. This is a very crucial moment for victims because
their experience in reporting will determine if they end up seeking
assistance. I think that a lot of the times I hear from clients that they have
horrible experiences. For example, I was just informed by the detective
that a kidnapping case got rejected by the district attorney’s office because
there were no witnesses. Well, duh, he kidnapped her. Case was closed.
This is why domestic violence victims don’t want to cooperate or report
and minimize because then they get bailed on. (Vilma, p. 5)

The participants described numerous negative interactions that their domestic
violence victims had had with police officers, which was a barrier mentioned in the
literature reviewed earlier. Both officers confirmed that all officers receive a six-month
training at the LAPD police academy to become an officer and stated that there is no
special training requirement to become a DART officer. On this latter issue, Officer
Navarrete had this to say:

No, as soon as you get out of the academy, there isn’t any additional training,
there is no domestic violence school. … Not only is there no additional training,
but if the officers are interested they need to look for training on their own time
and in other places. So, we have to look for it on our own, they just provide us
with it once and that’s it. …So, a lot of officers are kind of clueless when it comes
to domestic violence. We have to seek it [training] from non-law entities.

(Navarrete, p. 1)

Officer Navarrete continued:
Most officers are visual, they will say if I don’t see a mark then they are going to go with the misdemeanor charge. Or they may think that the victim is making statements up, or they don’t believe them because they are not asking additional questions like did you lose consciousness, did you feel you were going to die, what were you thinking at that point. (Navarrete, p. 2)

Vilma recommended preparing first responders:

Right now, I feel it is more important to respond on scene instead of the follow up. At the moment, they are experiencing the trauma they are more open to listening and leaving than when the event happened and now things are okay. (Vilma, p. 2)

She also pointed out an unaddressed pattern in response to calls from victims: “I have this analogy that people either think with their head or heart. I think that in that moment of crisis victims think with their head but after it is over they think with their heart” (Vilma, p. 4). She believes that the crucial time to help and support a survivor of domestic violence is when it is first reported when the first call is made for help by the victim. Because police officers are the first responders, she also believes that they should be better equipped to respond to these calls and be more empathic and knowledgeable about this social issue. The other four participants in this study also agreed with her on this topic.
CHAPTER V

CONCLUSIONS

This research thesis explored the barriers and the effectiveness of restraining orders for Latina victims of domestic violence by using qualitative one-on-one interviews with five professionals employed in positions that enable them to help these women obtain this legal protection. These participants shared their experiences working with Latina survivors, discussed barriers that these survivors faced as Latinas in obtaining assistance, and identified gaps in response to calls from Latina victims to be addressed in order to increase the effectiveness of restraining orders in protecting Latinas. The same barriers were identified by all five participants, confirming the findings in the research literature reviewed earlier. This information also suggests what else can be done to assist Latina victims of domestic violence from the beginning of their journey to achieving their freedom as survivors. A summary of the findings is presented, followed by identifying limitations of this study, recommendations for future research, and implications for social work practice.

Study Findings

The findings of this study confirm previous research, but expand on it by providing specific examples of how barriers affect Latina domestic violence victims from the perspective of the professionals attempting to help them. The five professionals in this study identified and discussed the same common barriers that hinder a Latina’s ability to
obtain help and get a restraining order when she first calls the police to report that she is a victim of domestic violence: culture, language, and immigration status. Culture functioned as a barrier, according to these professionals, because familismo and machismo operated to prevent Latinas from realizing that they were being victimized in a domestic violence relationship. In other cases, the professionals described the victim’s reluctance to get a restraining order as a desire to avoid ending the family and having the children lose one parent (who would go to jail). Overall, the professionals who participated in this study confirmed that Latino culture has led many people to simply accept domestic violence as “normal” and do nothing when it happens. These findings are consistent with studies found in the literature that also interviewed survivors of domestic violence.

Language was also acknowledged as a barrier to obtaining a restraining order by Latina victims by all five of these participants. These participants confirmed an inability to speak or read English for Latinas who speak an indigenous dialect of their native Spanish-speaking country makes it difficult at all stages of the process, beginning with the first call to the police for help, when the police show up, and at every step of the way when obtaining a restraining order. These findings are also consistent to similar studies that interviewed survivors of domestic violence.

Immigration status was also perceived to be a common barrier for Latina victims, according to the professionals who participated in this study. The participants described how their clients had concerns over being deported themselves and/or concerns about getting their perpetrator deported. This led to clients not reporting the abuse. This fear has
grown substantially too since the current federal administration took office and by ICE entering local courts and arresting undocumented Latina victims while they attempt to obtain restraining orders. These findings also confirm similar studies that interviewed survivors of domestic violence.

Another finding in this study was the participants’ views of the effectiveness of restraining orders. All five agreed that the police have to be knowledgeable about and actually enforce the restraining order and pointed out that the perpetrator has to also follow the rules and not violate the restraining order. But they also noted that Latinas who obtain a restraining order have to be consistent in using it. In addition to survivors enforcing and adequately using restraining orders, there was another finding regarding the effectiveness of restraining orders on the behalf of law enforcement.

Finally, the three participants in this study who were not police officers mentioned the need for law enforcement to be more knowledgeable about domestic violence and more empathetic when they respond to domestic violence calls. This revealed a difference in training by professional position. The attorney, legal advocate, and domestic violence advocate in this study all reported that they had to complete, at minimum, a 40-hour required domestic violence training. By comparison, both police officers stated that while every new police officer is required to complete a six-month training at the police academy, there is no additional training required to transfer into becoming a DART officer—at all. These findings suggest that there is a need to explore training not only for DART officers, but also the police officers who answer calls in order to strengthen the response to Latina domestic violence victims seeking help. As this is the
first step in obtaining a restraining order, this is a topic that is strongly recommended for future research.

Relevance to Social Work

The findings from this study are important to the social work field and an additional tool for social workers because it confirms findings from Latina victims in previous studies. It also provides additional information about responses to domestic violence victims that can improve social work practices for professionals working with Latina survivors. These findings provide information on why Latinas are afraid to report the abuse and what kind of barriers they are facing as they begin to take action. Moreover, it provides information on how law enforcement is responding to calls, how effective restraining orders are, and what other professionals see as being the problem.

Social workers have a duty to advocate and voice the experiences of those who are not being heard. This applies to collaborating with other professionals addressing the same issue with the same client population and in this regard, social work is well situated to reveal and fill the training and knowledge gap revealed in this study among law enforcement.

Law enforcement officers are the first to be on scene and the first to talk to victims of domestic violence; therefore, they need to be better trained to provide more effective services. Domestic violence advocates are important because they are trained to talk to victims of domestic violence and can be more resourceful. They are the ones to plant the seed, to remove the blinding barriers, and enable Latina victims to see the path
to a safer life. There is a need to improve the way law enforcement is trained to respond and service domestic violence victims. This can be done by having social workers, who are more educated to go from case to cause, and are best equipped to become that bridge to better services for Latina victims.

Study Limitations

The limitations to this study are its sample size as well as transferability. Only five people were interviewed, and they represented three different professions involved in responding to domestic violence while omitting judges and other valuable figures. This sample size may be too small to generalize the attitudes and experiences of these professionals to the entire population of people involved in responding to domestic violence in general, and Latina victims in particular. But all five of these individuals shared similar or identical responses, and their responses were identical to those obtained from Latina survivors of domestic violence in published research studies, which indicates that perhaps these five people’s experiences can be generalized.

This study may be limited in transferability because it is the first known investigation to explore the experiences and beliefs of professionals who work with Latina domestic violence victims obtaining restraining orders. It may be that additional questions that should have been asked were not or that some of the questions asked were not relevant.
Recommendations for Future Research

This study confirmed that five professionals in Los Angeles saw the same barriers to obtaining a restraining order that Latina victims of domestic violence have themselves reported in numerous studies. Moreover, it provided information on the effectiveness of restraining orders and how they protected the victim. While all of this information provides a better understanding of what Latinas face while escaping the relationship, there was also information found about the preparation and training that these professionals received to work with domestic violence victims. As discussed earlier, there is a need to require and provide more training for law enforcement to ensure that victims have better experiences when they report the abuse and more support when they try to enforce the restraining order.

There should be more research conducted to investigate and confirm that professionals working with domestic violence victims are aware of and perceive the same and/or other barriers to helping Latina women. This would also reveal additional barriers that Latina victims themselves may not see. Furthermore, there appears to be a need for standardized and formal training manuals about domestic violence. These training manuals can be created and taught by domestic violence specialists in police stations to better educate all officers, as well as DART officers, who respond to phone calls from potential victims. Ideally, this training manual would include yearly training on domestic violence, include special components addressing Latina-specific barriers, and be able to evaluate if the training helps officers be more empathetic and provide better services to all domestic violence victims in general and Latina victims in particular. As first
responders police officers have the ability to make or break the hope and determination of a victim. In a moment of crisis victims think with their heads, and after the crisis they think with their hearts. The best time to help a victim is in that moment of crisis. Therefore, law enforcement needs to have a deeper understanding of this social issue.

Social workers who work as domestic violence advocates as well as those in allied fields have learned that a moment of crisis is the time to plant the seed that will later blossom into a strong resilient survivor through all the adversity. This knowledge is transferable and future studies may be the key to accomplishing this goal.
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APPENDIX:

DOMESTIC VIOLENCE SURVEY
Domestic Violence Survey

Subject description: Lawyer Police Officer DART advocate

Gender:
Age:
Bilingual Spanish/English (Y/N):

Questions

1. How long have you been working with this population/in your current position?

2. Tell me a bit about your preparation for working with women who claim to be domestic violence victims.
   Training?

3. Why did you choose to work with domestic violence?
   Was it what you expected? Why/why not?

4. How effective do you think you are in responding to domestic violence in your current position?

5. Do you think it would be helpful to have a social worker to collaborate with in your responses? Why/why not?

6. You’ve worked with women who are White, African American, Asian, Latina – Have you found that there’s a difference in how these women – and their abusers – deal with domestic violence? Why/why not?

7. There are some cultural issues among Latinas that have been identified in the research literature that may affect Latinas specifically in terms of domestic violence. Two are familismo and machismo. Are you familiar with these?
[If not, briefly explain]

Do you believe that these affect how Latinas cope with being victimized, in general?

8. How about regarding getting a restraining order?

9. How many, approximately, Latinas have you worked with, cannot speak English fluently? Read it? How do you think that this affects their attempts to report and escape domestic violence by getting a restraining order? Why?

10. How about citizenship issues?

11. Are there other barriers or issues that you have encountered working with domestic violence survivors in general that you can share with me?

12. Some research has suggested that Latina women in particular are not aware of community agency resources, that these resources are not always provided in Spanish, and that they do not know about and are often fearful of government, which of course includes the courts. Have these been true for your Latina clients?

13. So, we have identified cultural values (familiarismo, machismo), English reading and speaking abilities and citizenship issues. Are there other barriers specific to Latinas that you have encountered in terms of helping these women get restraining orders?

14. What is it like to work with a Latina survivor who does not want to press charges against her abuser? Is that more common among Latinas, or in general? How do you feel about that?
15. Let’s talk about restraining orders in general. Based on your experiences, are they effective? Why/why not? What else could be done?

16. How about specifically in terms of Latinas?

17. In your professional opinion, how can we as a society reduce DV among Latina women?

18. Is there anything else about this topic that you want to add?