Domestic abuse: Does money fuel false allegations?

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For the first time in his life, Joe found himself in the slammer.

His estranged wife, under court order to vacate their home, accused him of pushing her on the day she and her mother were supposed to move out. Instead, Joe (not his real name) says, he spent a night in jail and was forced to leave his home while authorities investigated his wife’s allegations.

Proclaiming his innocence, the 41-year-old Vallejo man racked up thousands of dollars in legal bills before a judge dismissed the charges a month later, saying there was insufficient evidence of domestic violence.

“Even the cop was apologetic,” said Joe, who asked that his identity be disguised because his divorce proceedings are ongoing. “She told me she didn’t believe (my wife), but that she had to arrest me because the accusation had been made.”

Critics of California’s broad domestic violence laws and federal funding sources say false allegations have stripped resources from real victims and turned domestic violence into a cash cow for agencies that investigate cases.

“False allegations of domestic violence allow states” social welfare agencies to tap into federal funding sources,” said Terri Lynn Tersak, spokeswoman for Respecting Accuracy in Domestic Abuse Reporting (RADAR). The group lists California among the worst states for accurate reporting.

Though no one argues that domestic violence isn’t a serious ongoing problem, Tersak said, “The winners become the states with the most intrusive laws, and the losers are the real victims of abuse this money was supposed to serve.”

As evidenced by increases in the number of restraining orders issued by family courts, critics say domestic violence allegations are also being used to gain an advantage in divorce proceedings, especially during child custody battles.
“It’s just horrible, what’s happened to me,” Joe said. “A woman says you hit her, and you’re in jail, period.”

Local authorities, however, say false allegations are rare, if not nonexistent, except in family court. The officials, including police and prosecutors who don’t receive any federal funding to fight domestic violence, railed against RADAR’s claims, saying they thoroughly investigate every abuse allegation.

“In 20 years, I can count on one hand the number of times I’ve seen anybody make a false allegation (of domestic abuse),” said Supervising Deputy District Attorney Patty Strickland. “We always have to prove beyond a reasonable doubt. We’re always looking for what is getting us past how she said it happened and how he said it happened.”

That includes statements by witnesses or physical evidence of violence, she said.

“The standard is always the same,” Strickland said. “Is there an independent witness? A child who sees this? Is her shirt ripped? Is there blood on the shirt, evidence of a fight in the home?”

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“Silver bullet”

In 2005, Congress renewed the 1998 Violence Against Women Act (VAWA), which sets aside millions in grants to help local social service agencies combat domestic violence through increased reporting and arrests.

Because actual physical violence does not have to be alleged in domestic abuse cases, RADAR and other critics say the law and VAWA grant system it supports needs overhauling. RADAR says the grants are based on demonstrated need, so agencies don’t have any incentive to fully investigate abuse claims.

“It’s a giant bureaucracy funded with billions that goes to programs catering to abuse victims,” said RADAR member Michael Geanoulis, a Maryland resident. “A large number of such calls helps to justify the need for the money. It’s not in their best interest to investigate which of the reports are fake or verifiable.”

Geanoulis said he was a victim of abuse as a child at the hands of his mother, which was why he felt compelled to seek equity in how the issue is seen and addressed.


The study ranked states on the breadthness of their domestic violence definition, the financial incentives for filing allegations, mandatory arrest laws, primary aggressor laws and how judges weigh domestic violence allegations in child custody determinations.

RADAR reports that more than 2 million domestic restraining orders are issued annually nationwide. In half of them, physical violence isn’t even alleged, the group claims.
“(A domestic violence accusation) is the silver bullet,” Geanoulis said. “It can control child support, divorce proceedings, child custody.”

Carolyn Thomas-Wold, who runs the Solano County Office of Family Violence Prevention, said RADAR is wrong.

Her agency – which intervenes in domestic violence cases for the sheriff’s office, courts and other jurisdictions – has received $400,000 in VAWA funding. The amount is based on the county’s size, “not the number of victims,” Thomas-Wold said.

“Our primary goals are victim safety and offender accountability,” she said. “To make a statement that it is not in our best interest to investigate cases “too carefully” is irresponsible. It isn’t in our best interest not to investigate cases carefully.”

Created by the Solano County Board of Supervisors eight years ago, the Office of Family Violence Prevention uses the money to investigate claims and run several victim-assistance programs. Staff members are well trained to investigate allegations and don’t just take a complainant’s word for it, Thomas-Wold said.

“We investigate every case we receive and have not had much, if any, experience with false allegations,” she said. “We rely heavily on victim statements, witness statements, history of violence, and physical evidence, among other things.”

Authorities concede that an accusation of actual physical violence is not necessary for someone to be arrested on charges of domestic abuse or for the alleged victim to request a restraining order. A threat – or even just a perceived threat – of abuse or harassment is all that is required.

Still, California’s domestic violence laws are clearer now than they used to be, said Vallejo police Lt. Reggie Garcia.

Garcia rewrote the department’s policy on when to arrest someone for domestic violence after the state law was amended in 1986 to expand the definition beyond the allegation of physical assault. The policy redefined “victims” to include people, regardless of gender, who have a romantic relationship or share children.

Although allegations do not have to include actual injuries, police still must determine probable cause that violence or threats occurred before officers will make an arrest, Garcia said. Even if police decline to arrest someone, victims can make citizens’ arrests, but they will be required to prove their allegations in court.

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**Family court**

Where false allegations might occur is at the family court level, Thomas-Wold said. She said she’s heard of cases when a woman was found to have exaggerated the extent of her domestic violence problem. However, she said, judges are trained to spot this and are not easily fooled.

But a Solano County Family Court official, who requested anonymity, said the court issues more than 1,000 temporary domestic violence-related restraining orders
annually without any investigation. “The restraining orders are issued based on a party’s declaration,” the official said.

The top family law judge in Solano County, Michael Mattice, did not return a call seeking comment.

Thomas-Wold said there’s been a significant increase in restraining order applications in the past five years because more people know help is available. That’s not evidence of attempts to manipulate the system, she added.

In previous years, her agency fielded about 77 domestic violence calls annually, and there’s been 70 calls in just the past six months, she said.

“Benicia has added a social worker to their team and Fairfield has a new team, and both have experienced a huge increase in the number of restraining order applications filed,” Thomas-Wold said.

Still, false domestic violence accusations are being used as weapons in court, said Teri Stoddard, an Antioch day care provider and RADAR affiliate who founded the Shared Parenting Works Web site.

“I’ve run into hundreds of fathers who’ve been falsely accused of domestic violence and can’t see their children because of it,” Stoddard said. “The laws are written so poorly. All a California person has to do is to “annoy” their spouse to be guilty of domestic violence here.”

RADAR director Lisa Scott, a Seattle area family lawyer, said “domestic violence is the new child abuse.”

Noting a period in the 1980s when many estranged spouses charged child abuse to gain leverage in child custody cases, Scott said divorcing couples are now falsely alleging spousal abuse for the same reason.

She blames what she calls “a very squishy area” of California law for the problem.

“It depends on how mean and nasty individuals want to get. Too many people use protection orders to cut a better deal in court,” she said. “Once the marriage breaks up, suddenly there are accusations of child abuse or domestic violence when there never was before, and the rules governing this are often subjective.”

Unfortunately, Scott said, “the courts are too willing to grant these orders to cover their butts in case it’s real. But one danger in overusing restraining orders is that it “squeezes out” real abuse victims, she said.

“I see the courts so befuddled they put protection orders on everyone who asks,” she said. “It’s a one-size-fits-all, and police can’t tell which people are really dangerous. It’s just a mess.”
A lot of the domestic violence laws were enacted in the mid '80s, for good reason, Scott said. “But now, since the 1990s, they're being exploited by crafty people, including unscrupulous attorneys, who prompt clients with stuff like, “Are you fearful of anything?””

Grace Andres, programs manager for Solano County Superior Court's family law, probate, adoption and juvenile divisions, explained that “the law changed recently on child custody, and now if there's been a finding of domestic violence, the party found to have been violent, can't get custody.”

Garcia, the Vallejo police lieutenant, said he too has heard of an increase in false allegations to gain an advantage in divorce or child custody proceedings.

“It’s a real injustice,” he said, because it takes away officer time, court time and other resources from real victims. “It undermines the credibility of all domestic violence victims then.”

Garcia and other officials say real victims have often suffered a great deal of abuse before they get help.

“Most people, in fact, are conflicted about reporting and following through,” said Christina Stimman, an investigator with the Office of Family Violence Prevention. “They have a relationship with the perpetrator, sometimes they hope for a reconciliation, or they fear reprisals.”

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Still a problem
Despite the criticism over investigations, the numbers of abuse cases in Vallejo and Solano County still clearly show abuse is a steady problem.

In September, the Solano County Sheriff’s office issued a statement from the U.S. Department of Justice saying around 1,900 county residents are victims of domestic violence each year. In Vallejo, that number is around 700, which has remained constant in recent years, authorities said.

Strickland, the Solano prosecutor, said domestic violence cases have increased, “but it isn’t astronomical.”

Garcia said police could make more domestic violence arrests if they could get federal funding to assign a detective to investigate claims and follow up with victims, which could lead to increased prosecution.

“With more people and more resources, we could hunt these people down,” Garcia said of domestic violence suspects.
Garcia said police agencies lack enough money to devote to the special reporting and other forms of special attention to better address domestic violence. For instance, police must report domestic violence statistics to the state monthly, but there is no extra money to hire a clerk to collect the data.

“We’re mandated to make sure all these things (demands) happen with no money,” he said.

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