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## NOT EVERYONE IS SAFER AT HOME: The Harsh Reality that Many Domestic Violence Victims Face in Light of COVID-19 “Stay at Home” Orders

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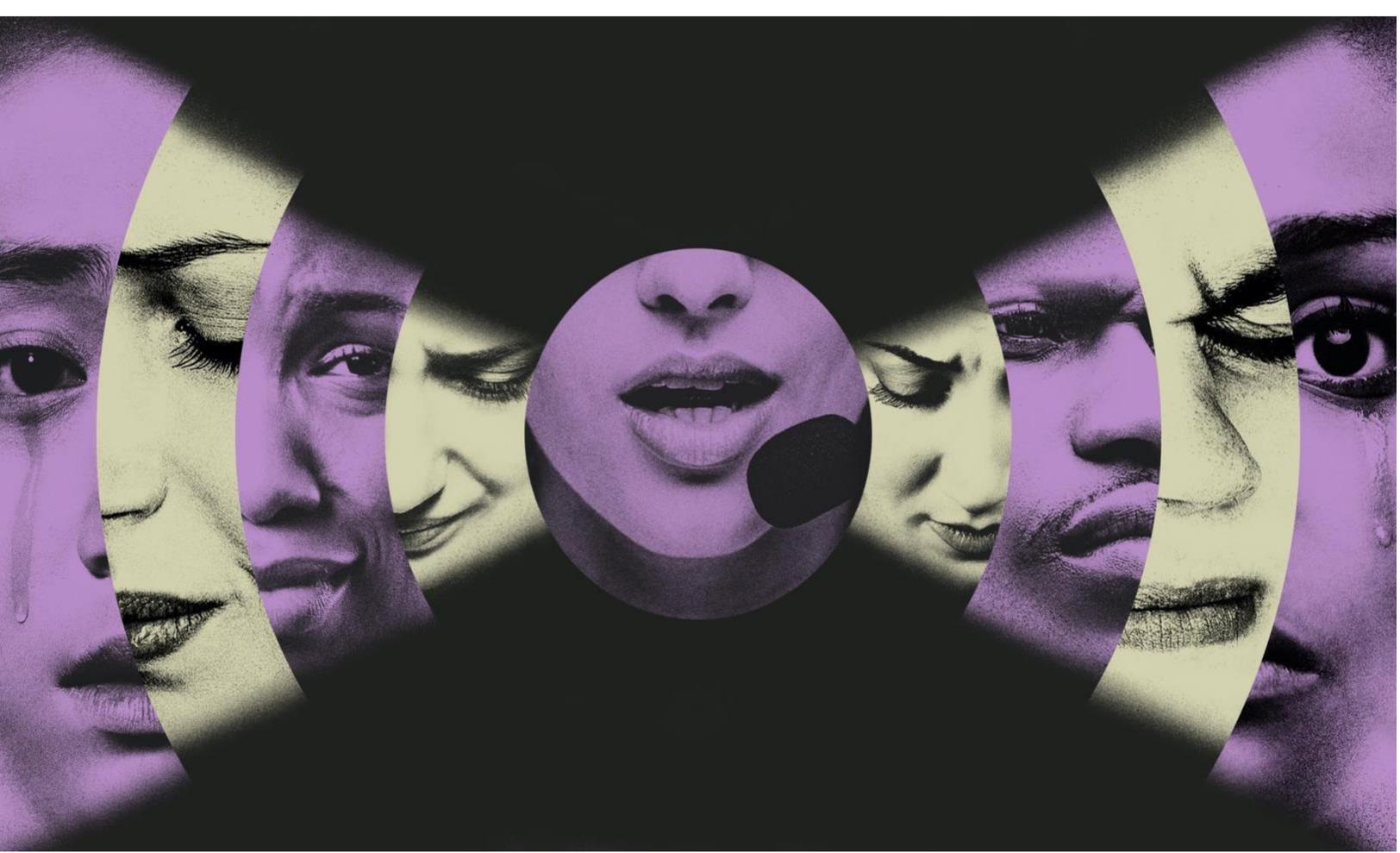
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### Digital USD Citation

Divine, Megan, "NOT EVERYONE IS SAFER AT HOME: The Harsh Reality that Many Domestic Violence Victims Face in Light of COVID-19 “Stay at Home” Orders" (2020). *Center for Health Law Policy and Bioethics*. 78.

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COVID-19 “Stay at Home” Orders

Megan Divine

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AUGUST 2020

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## The Harsh Reality that Many Domestic Violence Victims Face in Light of COVID-19 “Stay at Home” Orders

*Domestic violence victims are disproportionately affected by the COVID-19 pandemic. Home is not a safe place for everyone. Abuse thrives in silence and isolation. Isolation exacerbates the types of violence and abuse that victims experience. The coronavirus pandemic presents a perfect opportunity for abusers to exercise increased levels of coercive control. This includes not only physical abuse, but also emotional, financial, and psychological abuse. Survivors too, are impacted by many of these concerns. Limited finances and decreased access to housing, support, and affordable childcare increases the potential for survivors to return to their abusers. Many have considered the coronavirus crisis a “ticking time bomb” or a “perfect storm.” One of the primary challenges governments and communities face is keeping people safe not only from the virus, but also from abusers. The first step is recognizing that we are amidst not one, but two, pandemics.*

### **Introduction**

Safety measures implemented to stop the spread of the coronavirus may have inadvertently made violence in homes more frequent, more dangerous, and in some cases, deadly. As a result of stay at home orders, many people are trapped at home with abusive partners. Isolation traps victims at home, in close and unrelieved contact with their abusers, who may be experiencing greater levels of stress and are more likely to act. Abusers take advantage of stressful situations, like the COVID-19 pandemic, to gain more control and to prevent survivors from accessing resources and support.

Layoffs and pay cuts have augmented financial insecurity and economic stresses. Due to job losses many victims are left at home with their abusers. Abusers take advantage of increased financial dependency to abuse and control their victims. With a limited amount of capital, victims are reluctant to leave or seek help.

The pandemic presents a host of unprecedented challenges for domestic violence hotlines and shelters, which already operate on the razor’s edge. Many organizations have closed their offices and service centers to work remotely. Shelters are reducing their capacity to minimize the spread of the virus, in turn decreasing the number of available bed spaces during a time when they are needed most.

Justice systems and law enforcement agencies across the country are under constant pressure to balance individuals' rights to justice and due process versus their rights to stay health and safe. These agencies, too, are forced to adjust their operations to the "new normal".

Given the plethora of problems the pandemics pose, what can be done? With efforts to combat domestic violence and efforts to combat the coronavirus at odds, it can be hard to come up with a solution. Perhaps there is no solution. For now, maybe the only option is to take small steps in the right direction. Though the double pandemic may be inadvertent, it is very real, and it cannot be ignored.

## Domestic Violence, Defined

Domestic violence is a long-standing public health problem. In the United States, approximately one in four women and one in nine men are victims of domestic violence. <sup>1</sup> Anyone can be a victim or a perpetrator of domestic violence regardless of race, age, sexual orientation, gender, or religion. <sup>2</sup> California Penal Code Section 13700(b) defines domestic violence as “abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.” <sup>3</sup> “Domestic violence includes a range of abuses including economic, physical, sexual, emotional, and psychological toward children, adults, and elders.” <sup>4</sup> A number of statutes refer to domestic violence and their definitions vary. <sup>5</sup> Thus, Penal Code Section 13700 provides a good working definition. The California statute, like other state statutes, reflects legislative recognition of the high incidence of violence in intimate personal relationships and the state’s interest in promoting non-violent intimate personal relationships. <sup>6</sup> Intimate partner violence (“IPV”), a particular type of domestic violence, refers to violence by a current or former partner and includes stalking, sexual and physical violence, and psychological aggression. <sup>7</sup> Though not all instances of domestic violence are the same, all abusive relationships involve “varying tactics used by abusers to gain and maintain power and control over the victim.” <sup>8</sup>



Copyright by the Domestic Abuse Intervention Project. “Power and Control Wheel”

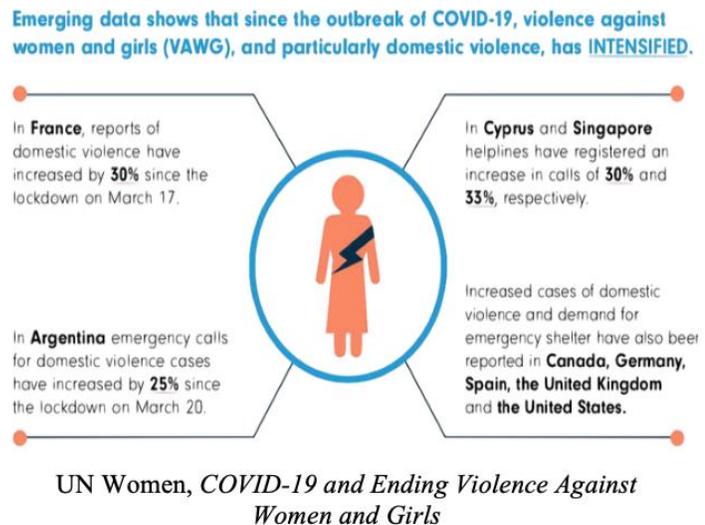
As indicated by the “Power and Control Wheel”, abuse is cyclical. The Power and Control Wheel is particularly useful for understanding the various abusive and violent behaviors exhibited by abusers to establish and maintain control over their victims within and following a relationship.<sup>9</sup> The combination of physical and sexual violence exacerbates the impact of the eight tactics inside the wheel, allowing the abuser to achieve power and control.<sup>10</sup> Circumstances that increase the presence of these abuse tactics perpetuate the cycle. COVID-19, another public health crisis, is an example of one of one such circumstance. Increasing data indicates that domestic abuse is “acting like an opportunistic infection, flourishing in the

conditions created by the pandemic.” <sup>11</sup> Safety measures, such as the “Stay at Home Order”, implemented to minimize the spread of the coronavirus, “may be making violence in homes more frequent, more severe and more dangerous.” <sup>12</sup>

## A Double Pandemic

Governments worldwide have imposed restrictions, encouraging residents to stay at home to protect themselves and others from the coronavirus disease.<sup>13</sup> Though these “Stay at Home” orders may be useful in the way of minimizing the spread of the coronavirus, the harsh reality is, that not every is safer at home. For many domestic violence victims, home is a dangerous place.<sup>14</sup>

The United Nations Population fund estimated that three months of quarantine would result in a 20% increase in intimate partner violence, globally.<sup>15</sup> Indeed, statistics have demonstrated that the ongoing pandemic has caused spikes in domestic violence around the world. In France, the number of reported domestic violence cases increased by 30%.<sup>16</sup> Calls to domestic abuse helplines rose by one-third in Cyprus and Singapore.<sup>17</sup> China saw a tripling of domestic violence cases made to a Hubei police station in February 2020.<sup>18</sup> A Brigham Young University Study reported a 10.2% increase in domestic violence calls across 15 major U.S. cities.



Evidence and history have shown that domestic violence surges during natural disasters and crises.<sup>19</sup> During the 2014-2016 Ebola Crisis in West Africa, “reports of violence were deprioritized, uncounted, and unrecognized” causing in significant increases violence against women.<sup>20</sup> As a result of school closures and quarantines, “women and girls experienced more sexual violence, coercion and exploitation.”<sup>21</sup> With incidents of domestic violence on the rise, the COVID-19 pandemic seems to be no different. Increases in illness, unemployment, financial stress, anxiety combined with a shortage of community resources, have set the stage for an exacerbated domestic violence crisis.<sup>22</sup>

## Isolation

As a result of stay-at-home orders, many victims are isolated in violent homes, without access to resources, family, or friends. Home is not a safe place for everyone. For many victims, home is typically where physical, psychological, and sexual abuse occurs.<sup>23</sup> “This is because home can be a place where dynamics of power can be distorted and subverted by those who abuse, often without scrutiny from anyone “outside” the couple, or the family unit.”<sup>24</sup> Lockdowns eliminate

avenues of escape and support and subject victims to the tactics of control surveillance and coercion that go on behind closed doors.

“Home isolation, however vital to the fight against the pandemic, is giving still more power to the abuser.”<sup>25</sup> During a lockdown, a victim may find himself or herself in constant contact and proximity with the abuser. The abuser is likely to monitor the victims every move. It is common for the abuser to monitor and even take the victim’s phone, to ensure the victim is not communicating with anyone the abuser does not approve of.<sup>26</sup> Additionally, the abuser often controls where the partner, child, or elder is allowed to go.<sup>27</sup> Considering many victims were already limited in the places they could go, the closure of many businesses gives victims even less of a reason to leave the house. The abuser may also restrict the victim’s access to television and the news. This may allow the abuser to feed the victim false information about the status of the pandemic and quarantine orders.<sup>28</sup> The victim may not know whether businesses have reopened, reclosed, or even if the pandemic has come to an end. In addition to restricted communication, the victim often has restricted access to proper care.

There are a number of physical and emotional signs of domestic abuse. Frequent bruises and physical injuries are a notable red flag.<sup>29</sup> It is not uncommon for victims to cover up these physical signs with clothing.<sup>30</sup> Thus, long sleeves or a scarf in the winter, sunglasses indoors, and abnormally heavy makeup can all be signs of domestic abuse.<sup>31</sup> Emotional signs of abuse include constant apprehension, lack of interest, and symptoms of depression.<sup>32</sup> When a victim is isolated, indoors, there are fewer chances that someone will notice these signs of abuse. The closure of schools, businesses, and geriatric care facilities removes a victim’s contact with key witnesses. The school teacher is not there to see the bruises on a child’s wrists; the co-worker is not there to see the marks on the woman’s neck; and family members are not there to notice elder-abuse. Consequently, an abuser may be more inclined to physically and emotionally abuse a victim. With restricted communications and increased abuse, the situation at home can easily become very dangerous, and even deadly, for a victim.

## **Financial Dependency and Economic Stress**

Domestic abuse is less about violence, “it’s all about control.”<sup>33</sup> Financial dependency is another way the abuser asserts control. “By blocking or controlling access to financial assets, abusers can coerce their victims into staying with them or coming back if they try to leave, locking them into a cycle of abuse.”<sup>34</sup> Kim Gandy, president of the National Network to End Domestic Violence notes that “financial abuse, whether you’re talking about ruining her credit, getting her fired, or hiding the money, is just as effective in controlling an abused victim as a lock and key.”<sup>35</sup>

Research indicates that economic abuse is present in 99% of domestic violence cases.<sup>36</sup> Financial abuse may be a gradual process. The abuser may offer to control the finances in order to allegedly alleviate stress.<sup>37</sup> At first glance, this may seem charming, but over time the abuser asserts more control and provides the victim with less and less. In other cases, economic abuse may be more overt. The abuser uses or threatens the use of violence to prevent the victim from having a job or accessing funds.<sup>38</sup> Money is power and if the abuser is the one bringing home the money, the abuser has the power.<sup>39</sup> Alternatively, some abusers may force the victim to find

work and may take the victim's money, and thereby his or her autonomy.<sup>40</sup> The abuser may ruin the victim's credit, making it nearly impossible for the victim to find a new home or even purchase a vehicle. By eliminating any means of getting away and any place to go away to, the abuser increases dependency and thereby control.

As a result of the COVID-19 pandemic, both victims and abusers are out of work. To alleviate financial burdens caused by the outbreak, the U.S. government implemented the CARES Act (Public Law 116-136), instructing the IRS to deliver one-time direct payments to U.S. households.<sup>41</sup> Married couples received \$2,400 and individuals received \$1,200 – plus an additional \$500 for each dependent child under the age of seventeen.<sup>42</sup> Many domestic violence victims, likely never saw or touched a dime of the government relief funds. <sup>43</sup> Even domestic violence survivors recently separated from their abusers likely never received their portion of the check. Sudden job losses and financial worries caused by the coronavirus have led to increasing tensions at home. A New York Times article shared the story of a Chicago woman who was reported to have dialed a domestic violence hotline from her car.<sup>44</sup> The woman's partner had been laid off as a result of the COVID-19 pandemic. <sup>45</sup> The woman pleaded for help, telling the hotline counselor that her partner had become more tense than ever. <sup>46</sup> In response to heightened financial pressures and stress, many abusers and victims increase their alcohol and/or drug consumption. <sup>47</sup> As a result, abuse can become more frequent and more violent. The numerous tactics abusers use to implant financial dependency, force victims to stay in abusive relationships. Additionally, the scarcity of community resources makes it even harder for victims to leave.

**4 Signs of Financial Abuse**

Financial abuse is a form of domestic violence. In many situations financial instability is the leading factor of a domestic violence victim to stay in an unsafe environment.

- 1. SABOTAGING WORK OR EMPLOYMENT OPPORTUNITIES**  
Women in financially abusive relationships are often forced to take career paths they would not have chosen on their own. This keeps them from succeeding, eventually becoming financially stable and independent in their own right. 
- 2. NOT ALLOWING ACCESS TO BANK ACCOUNTS**  
No personal bank accounts. No debit card. No savings accounts. No checking account. All money comes from one source. The working partner. This puts the woman in the position of relying on her partner for her very existence, hand to mouth. 
- 3. RUINING THE VICTIM'S CREDIT**  
Financial abusers go as far as ruining their victims' credit scores by taking out loans in their names. 
- 4. MANIPULATING FEDERAL BENEFITS**  
Refusing to pay bills and ruining your credit history and score. Forcing you to turn over public benefits or threatening to turn you in for "cheating or misusing benefits" Filing false insurance claims. 

*YWCA Evanston/North Shore, TWITTER,  
@YCAevantson (April 18, 2018).*

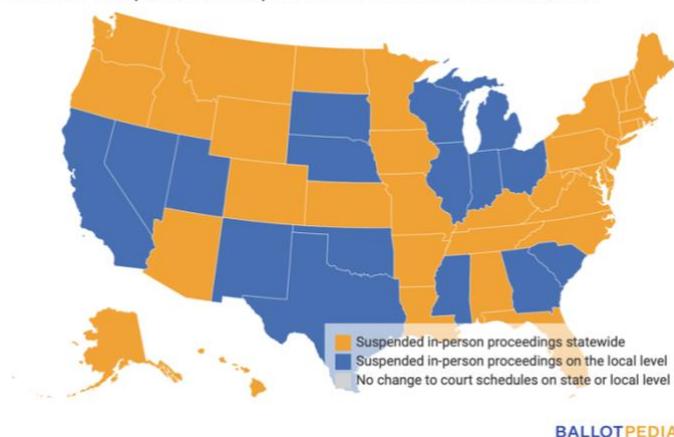
## Community Resources

As reports of domestic violence increase, so do requests for help. In March 2020, Los Angeles County's domestic violence hotline received 70% more calls than those received in March 2019. <sup>48</sup> The coronavirus pandemic has caused a spike in calls by women in search of shelter or alternative housing. <sup>49</sup> Many shelters are full. Iliana Tavera, executive director of the Haven Hills domestic violence shelter in Canoga Park noted that the shelter had to turn away 32 clients in one week during the pandemic, a dramatic increase from the 10 women turned away in the entire month of February 2020. <sup>50</sup> Other shelters, concerned with the spread of the virus inside their facilities, have stopped accepting newcomers altogether." <sup>51</sup> Several shelters have even been converted into health facilities.<sup>52</sup>

Institutions that are supposed to protect victims were weak and underfunded to begin with and now struggle to respond to increasing demands. With social distancing orders restricting the number of occupants permitted in a shelter, many facilities have had to turn to hotels for help. <sup>53</sup> It is significantly more expensive to house clients in hotels than it is to house them in shelters. <sup>54</sup> Lack of funding also makes it difficult to transition survivors out of shelters. <sup>55</sup> Consequently, this makes for fewer available bed spaces. <sup>56</sup> In other instances, shelter space may be available, but a victim is reluctant to go in fear of being exposed to the coronavirus. Some return home back to their abusive partners in fear of becoming ill in the shelter. <sup>57</sup> Some shelters have closed counseling offices to operate remotely. <sup>58</sup> This requires that victims have access to communication tools such as a computer or mobile device, which an abuser can easily monitor or take away. <sup>59</sup> Many shelters are understaffed. School closures present challenges for staff members and advocates that now face their own childcare and economic problems. <sup>60</sup> As a result of overburdened hotlines, overcrowded shelters, and understaffed facilities, and underfunded programs many victims have nowhere to go. The scarcity of community resources, combined with changes in law enforcement and criminal justice sectors forces many victims and even survivors, to stay with, or return to, their abusers.

## The Justice System and Law Enforcement

State court suspensions in response to the coronavirus outbreak, 2020



In response to the novel coronavirus, the justice system and law enforcement agencies limited operations and shifted to remote functions in order to comply with health and safety orders. States across the United States suspended in-person court proceedings at the state and local level. <sup>61</sup> Now, several months into the pandemic, “some courts are pumping the breaks on reopening efforts as COVID-19 cases and deaths rise throughout much of the U.S., while others face pushback from lawyers over resuming in-person operations.” <sup>62</sup>

Courts are grappling with how to resume operations while prioritizing health and safety after the pandemic forced them to postpone jury trials and transition to remote proceedings. <sup>63</sup>

COVID-19 is not the first crisis to put courts on hold. Hurricane Katrina flooded courthouses and destroyed law offices.<sup>64</sup> Wildfires prompted brief court closures in October of 2003. <sup>65</sup> The Northridge earthquake resulted in the closure of some branch office courthouses in 1994. <sup>66</sup> Inevitably, courts have, and will likely again, face closures due to disasters. These closures can frustrate statute of limitations deadlines; postpone court proceedings; and delay the processing of essential documents. As exhibited by the coronavirus outbreak, these impacts can last longer than the weekend-long interruptions caused by the California wildfires.

It is well recognized that times of distress negatively impact family dynamics. Accordingly, the need for protective orders and emergency child custody orders often increases. <sup>67</sup> While many aspects of the criminal justice system can be put on hold, temporary restraining order requests and attempts to remove children from abusive homes cannot.

The coronavirus pandemic discourages victims from reporting their cases to courts in a number of ways. Courts in some areas, like Miami, allow for limited in-person filings. <sup>68</sup> Even so, many victims are reluctant to go to the courthouse in fear of contracting the virus. <sup>69</sup> Most other states have adopted a virtual model for court filings and proceedings. <sup>70</sup> This presents a challenge for victims that do not have access to communications technology and even for those who do but are closely monitored by their abusers. Additionally, as previously discussed, many victims have restricted access to the news and media. Such victims may not be aware of alternative filing and procedural alternatives. Other victims may be unaware of the status of their cases because they may have no means of contacting the prosecuting entity or their victim advocate. Victim Advocates play a major role in the prosecution of domestic violence cases. They provide support to the victim and help guide the victim through the process. As with many domestic violence shelter personnel, victim advocates face their own challenges with respect to the pandemic. Many cities, like Los Angeles, face a shortage of victim advocate volunteers and those that do volunteer must offer support virtually. Not all victims have access to communication technology and for those that do, virtual support may feel impersonal. The coronavirus pandemic has limited and put pressure on many advocacy programs. Fear of becoming ill, lack of online communication devices, and misunderstanding of court alternatives discourage victims from taking the necessary steps to obtain justice.

The impact COVID-19 has had on the justice system and law enforcement agencies, leaves many victims feeling helpless. Due to the dramatic increases of COVID-19 cases in prisons, some law enforcement agencies are halting arrests and releasing inmates.<sup>71</sup> Many of whom are abusers. Michigan Coalition to End Domestic and Sexual Violence Senior Program Director, Erin Roberts, stated that “if we forget that perpetrators of domestic and sexual violence come in all age ranges and all health statuses, we may be missing and losing track of the victim’s safety and well-being through that.” <sup>72</sup> Inmate releases can create dangerous situations for former victims and the general public given that perpetrators can still assert power and control over their victims despite being ill or aged. <sup>73</sup> A New York Post article reported that at some point in April 2020, approximately fifty newly released inmates from Rikers Island prison were rearrested for new crimes, and in some cases were re-released. <sup>74</sup> In Houston, Texas “a man beat his ex-girlfriend and threw her grandmother to the ground two weeks after he was released.” <sup>75</sup> The man, a violent offender, was one of many Harris County inmates released on a reduced bond to address growing COVID-19 concerns. <sup>76</sup>

In light of the coronavirus pandemic and social distancing concerns, several District Attorneys have adopted decarceration and prosecution-suspending practices. <sup>77</sup> The represented cities include San Francisco, Dallas, Durham County, St. Louis, and Philadelphia. <sup>78</sup> Such measures are limited to nonviolent offenders. <sup>79</sup> Despite limiting the measures to low-level crimes, these measures can still negatively impact domestic violence victims. Abusers may not dodge the bullet for violent offenses, but they can escape arrest for low-level crimes such as drug offenses. The forgone drug offense arrest could have been one step in the direction of inadvertently getting

an abuser off the streets. Though a majority of cities make no exceptions for domestic violence cases, some victims may be fed misinformation regarding the arrest and prosecution of domestic violence perpetrators. Again, this augments the victim's feelings of hopelessness and typically forces the victim to stay with the abuser.

## **Recommendations**

With victim support efforts and public safety measures at odds, it is difficult to visualize solutions. Despite the unprecedented difficulties our world faces, the challenges faced by domestic violence victims and survivors cannot be ignored. The needs of this marginalized group must be prioritized because the pandemic has the potential to continue marginalizing those that are in most need of support. Though there may not be a concrete solution in sight, there are a number of strategies that can be implemented to give a push in the right direction.

### *Social Media*

2020 has been a prominent year for social media campaigns including Black Lives Matter, the fight against human trafficking, and the explosions in Beirut, Lebanon. These movements circulated educational materials and support resources. The domestic violence crisis too, could benefit from a global social media campaign. Perhaps, #noteveryoneissaferathome or #notsaferathome. By spreading awareness, social media movements can transmit pertinent information not only to victims, but also to communities at large. In the midst of the pandemic, many people are preoccupied by their own burdens and may not have otherwise taken the time to consider the disproportionate impact the coronavirus has had on marginalized communities. A simple post can remind a person to check up on a family member or a friend. Spreading awareness can encourage communities across the globe to find ways to get involved and to offer support. This strategy is an action item for individuals who can help garner the most traction: political figures, celebrities, and social media influencers alike. The movement can then be supported by governments and community leaders who are in optimal positions to effectuate change.

### *Technology*

Not all hope is lost when a pandemic occurs in the digital era. Numerous sectors of society have adopted online methods of operation. To combat domestic violence issues there must be an increased reliance on technology. Text-message based reporting is one example. Spain has successfully implemented instant messaging services and online chat rooms to provide immediate psychological support to both victims and survivors.<sup>80</sup> Though a victim's communications may be closely monitored by an abuser, it is much easier to send a discreet plea for help via text message as opposed to making a telephone call. The use of code word communications can also help to keep pleas for help under the radar. Domestic violence shelters and hotlines should continue to optimize their online functions to best serve domestic violence victims and survivors. These services should find ways to offer 24/7 support and rapid responses.

Some victims may not have access to instant messaging devices. In these cases, it is important to think of innovative ways to make use of resources that are available. Perhaps certain businesses can draw upon code-word strategies used around Europe.<sup>81</sup> For example, including a discreet emergency help option in an automated phone menu. “Press 9 for ‘code word.’” This could be implemented by phone companies, tv/internet providers, medical providers, and the like. The main challenge here, would be informing victims that this option even exists. Though this may not be a perfect solution, it urges communities to make use of businesses and resources that victims and survivors do or may come in contact with.

### *Discreet Reporting Initiatives*

Business closures have limited a victim’s opportunity to leave the house. For victims that are able to leave the house, their trips are often limited to essential errands, such as grocery shopping or picking up a prescription from the pharmacy. Support services should take advantage of these opportunities to reach out to victims. They can place personnel and resources in discreet places around grocery stores and pharmacies. France, for example, has initiated ‘pop up’ centers in grocery stores.<sup>82</sup> Several European countries have set up discreet reporting procedures in pharmacies whereby victims can approach pharmacy counters and communicate code words.<sup>83</sup> At that point, the pharmacist knows to alert the appropriate authorities.<sup>84</sup> In the Canary Islands, women can request police intervention by asking the pharmacist for “Mask-19.”<sup>85</sup> The United States can benefit from implementing similar programs. Additionally, communities can draw upon the strategies of the fight against human trafficking by placing informative flyers in women’s restrooms. Much like the flyers that appear in many airport restrooms, these flyers can include emergency numbers and resources. Though not all victims of domestic violence are women, there is a significantly higher percentage of female victims compared to that of males. The gender disparity presents another unique opportunity to reach out to female victims. Feminine hygiene companies can print emergency information and resources on the insides of pad and tampon wrappers. This may not be useful for women that are forced to use the restroom in the presence of their abusers, but it may be very helpful for those who aren’t. Additionally, the wrappers can be ripped up and crumpled when placing in the trash can to conceal evidence of the printed messages. Though this is not an exhaustive or extensive list of solutions, it demonstrates that a number of solutions can come to mind by using available resources and creative thinking.

### *Community Outreach*

Financial dependency perpetuates the cycle of abuse. As previously mentioned, many victims did not receive a dime from their government relief checks. To avoid similar circumstances during a second round of stimulus checks, the IRS and government agencies should implement investigatory and reporting protocols. Though it may cause delay, the IRS and other applicable agencies can look into the accounts of those who reported not receiving their checks during the first round. The IRS can also set up a hotline for victims and survivors to discreetly message or call to alert the IRS or to even redirect a check away from an abuser, where possible. Shelters, too, can help ameliorate financial stresses by providing essential resources and supplies. This is a perfect opportunity for community involvement. People across the globe have used the time indoors to clean out their closets and homes. Communities can come together to provide clothing, food, toiletries and more to domestic violence shelters across the nation. Grocery stores

can have donation bins by the registers where people can donate non-perishable food and supplies. Additionally, many shelters provide gift cards to victims to lessen the financial burden of a trip to the grocery store. Individuals can assist by gifting unused gift cards to restaurants and grocery stores, or by donating to fund hotel vouchers to house victims. These strategies can ameliorate the shortage of resources at shelters and centers.

Domestic violence shelters and services are not only short on resources, but also on funding. Communities can support these essential services by fundraising and urging government leaders to increase funding to domestic violence shelters. Communities should also expand shelter options. Just as many facilities were converted to house COVID-19 patients, facilities can be converted to house victims of domestic violence. Governments can also look into organizing efforts with Airbnb and Vrbo hosts to temporarily house victims and victims' children. The rental companies can also coordinate donation efforts where individuals can donate to house a victim or a family. These solutions come with a host of complexities and legal implications but are a step in the right direction.

### *Law Enforcement and Criminal Justice Agencies*

Lastly, the criminal justice system should make use of online technologies to help victims obtain protection orders and legal protection. Because the pandemic is likely to impact normal operations well into the new year, it is important that courts find ways to expedite judicial help to victims and strengthen the effectiveness of Victim Advocate programs. Law enforcement agencies can reduce the impact of early releases by increasing patrolling in neighborhoods where inmates were released. Cities can even dedicate additional law enforcement to patrol areas that have high numbers of reported cases of domestic violence. Abusers may be less inclined to physically abuse the victims if they notice patrol cars making routine drives around the block. Bolstering the efforts of law enforcement agencies and criminal justice systems, brings the responsibilities full circle.

It is worth noting, that although these recommendations may seem innovative or promising, they have their limits. A majority of the recommendations function best in a space outside the home (i.e. at the grocery store, the pharmacy, a shelter, the courthouse, etc.). They require the victim to have access to the business, facility, or device. Consequently, the potential success of many of these recommendations is limited by abusers who watch and control the victim's every move. Some victims may never leave the home, making it nearly impossible to get help. This heightened degree of isolation creates privacy concerns. The home is a "private" space, and therefore a perfect space for abuse because people are not watching. Inside the home, individuals are free of surveillance, and while this may be a relief to many, it is a nightmare to others. The laws of criminal procedure recognize a number of exceptions to the warrant requirement to enter a home.<sup>86</sup> "The warrant requirement may be excused when exigent circumstances require prompt action by the police to prevent imminent danger to life ... or to forestall the imminent escape of a suspect or destruction of evidence."<sup>87</sup> Amongst other things, courts consider the gravity of the offense and the risk of danger to police or others when permitting an exception to the warrant requirement.<sup>88</sup> Instances of domestic violence would appear to be prime candidates for the exigency requirement. The problem, however, arises with the imminence requirement. In various instances, harm and danger may be certain, but they may not be imminent. In such

circumstances, we sacrifice prevention for privacy. Though our nation gives strong protections to individual freedoms, many of those freedoms have been compromised during these unprecedented times. There are restrictions on people’s freedom to move and what they wear. If such restrictions can be implemented in response to the COVID-19 public health crisis, why should the domestic violence public health crisis be any different? If we can mandate masks, business closures, and social distancing, perhaps we can permit additional restrictions on individual privacy in light of the magnitude of this double pandemic.

## Conclusions

As cases of coronavirus continue to skyrocket, any hopes of returning to “normal” seem to fade away. Many businesses, schools, and agencies have decided to conduct their operations virtually for the remainder of 2020, making it likely that stay at home orders will remain effective through the year’s end. While mandated safety measures may reduce the spread of coronavirus, they exacerbate the prevalence of domestic violence. Though the impact on domestic violence victims and survivors may be inadvertent, it cannot be ignored.

Given the unprecedented nature of the challenges the pandemic presents, a viable solution may not be in sight. However, governments and communities have a number of resources and strategies at their disposal to begin taking steps in the right direction. Efforts that can increase avenues for help and decrease opportunities for abuse. A single strategy alone is not likely to make a lasting impact. However, by spreading awareness and strengthening community support, nations across the world can develop more robust solutions and support systems that may be just enough to encourage a victim to leave or to even empower a survivor to stay away. Again, the first step in the right direction is global recognition of the fact that we are amidst not one, but two, pandemics.

1 Martin R. Huecker and William Smock, *Domestic Violence*, STAT PEARLS (June 26, 2020).

2 National Domestic Violence Hotline, *What is Domestic Violence?*, THEHOTLINE.ORG, <https://www.thehotline.org/is-this-abuse/abuse-defined/>

3 Cal. Penal Code § 13700(b).

4 Huecker and Smock *supra* note 1.

5 *See e.g.*, 1994 Violence Against Women Act (federal). Texas Penal Code § 22.01. New York Penal Law § 120.

6 *See e.g.*, *People v. Vega*, 33 Cal. App.4th 706 (1995). In this case “intimate relationships” is not limited to marital or sexual partnerships. It is intended to include, spouses, cohabitants, etc.

7 Huecker and Smock *supra* note 1.

8 National Coalition Against Domestic Violence, *Dynamics of Abuse*, <https://ncadv.org/dynamics-of-abuse>.

9 Domestic Abuse Intervention Project, “*Power and Control Wheel*”, <https://www.theduluthmodel.org/wp-content/uploads/2017/03/PowerandControl.pdf>.

10 *Id.*

11 Amanda Taub, *A New Covid-19 Crisis: Domestic Abuse Rises Worldwide*, THE INTERPRETER (April 6, 2020).

12 *Id.*

13 Caroline Bettinger-Lopez and Alexander Bro, *A Double Pandemic: Domestic Violence in the Age of COVID-19*, COUNCIL ON FOREIGN RELATIONS (May 13, 2020), <https://www.cfr.org/in-brief/double-pandemic-domestic-violence-age-covid-19>.

- 14 See generally, Rachel Dolan, *Home is the Most Dangerous Place to Be*, HEALTH AFFAIRS (October 2019), <https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2019.01143>.
- 15 United Nations Population Fund, *Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage*, (April 27, 2020), [https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19\\_impact\\_brief\\_for\\_UNEPA\\_24\\_April\\_2020\\_1.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNEPA_24_April_2020_1.pdf).
- 16 Ana Sandoiu, 'Lessons Never Learned' – How COVID-19 affects domestic violence rates, MEDICAL NEWS TODAY (April 24, 2020), <https://www.medicalnewstoday.com/articles/lessons-never-learned-how-covid-19-affects-domestic-violence-rates>.
- 17 *Id.*
- 18 Wanqing, Z., *Domestic Violence Cases Surge During COVID-19 Epidemic*, Sixth Tone (March 2, 2020), <http://www.sixthtone.com/news/1005253/domestic-violence-cases-surge-during-covid-19-epidemic>.
- 19 Mohsen Rezaeian, *The Association between natural disasters and violence: A systematic review of the literature and a call for more epidemiological studies*, J RES MED SCI, Vol. 18(12) 1103-07 (2013).
- 20 Onyango, M.A. et al., *Gender-Based Violence Among Adolescent Girls and Young Women: A Neglected Consequence of the West African Ebola Outbreak*, PREGNANT IN THE TIME OF EBOLA, 121-132 (2019).
- 21 *Id.*
- 22 Caroline Bettinger-Lopez *supra* note 13.
- 23 Caroline Bradbury Jones, Louise Isham, *The Pandemic Paradox: The Consequences of COVID-19 on Domestic Violence*, 29 J. CLIN. NURS. 2047-49 (2020).
- 24 *Id.* at 2047.
- 25 Amanda Taub *supra* note 11.
- 26 Scott Miller, *Isolation – Understanding the Power and Control Wheel*, THE DULUTH MODEL, <https://www.theduluthmodel.org/wheels/understanding-power-control-wheel/#isolation>.
- 27 Cesia Guerra, *Isolation and Domestic Violence*, BREAK THE SILENCE AGAINST DOMESTIC VIOLENCE (2018), <https://breakthesilencedv.org/isolation-and-domestic-violence/>.
- 28 Allstate Foundation, *Help Domestic Violence Victims Facing Social Isolation and New Barriers*, ALLSTATEFOUNDATION.ORG (April 2020), <https://allstatefoundation.org/who-we-are-news-help-domestic-violence-victims-facing-social-isolation-and-new-barriers/>.
- 29 Buddy T., *Top Warning Signs of Domestic Abuse*, VERYWELL MIND (March 1, 2020), <https://www.verywellmind.com/signs-someone-is-being-abused-66535>.
- 30 *Id.*
- 31 *Id.*
- 32 *Id.*
- 33 Buddy T., *Why Domestic Abuse Happens: It's All About Control*, , VERYWELL MIND (June 22, 2020), <https://www.verywellmind.com/domestic-abuse-why-do-they-do-it-62639>.
- 34 *How Money Traps Victims of Domestic Violence*, THE ATLANTIC, <https://www.theatlantic.com/sponsored/allstate/how-money-traps-victims-of-domestic-violence/750/>.
- 35 Melissa Jeltsen, *Financial Abuse Takes Heavy Toll on Domestic Violence Survivors*, HUFFINGTON POST (October 1, 2014), [https://www.huffpost.com/entry/domestic-violence\\_n\\_5611887](https://www.huffpost.com/entry/domestic-violence_n_5611887).
- 36 Adrienne E. Adams, *Measuring the Effects of Domestic Violence on Women's Financial Well-being*, UNIVERSITY OF WISCONSIN MADISON CENTER FOR FINANCIAL SECURITY (2011).
- 37 National Network to End Domestic Violence, *About Financial Abuse*, <https://nnedv.org/content/about-financial-abuse/>.
- 38 *Id.*
- 39 Scott Miller, *Economic Abuse – Understanding the Power and Control Wheel*, THE DULUTH MODEL, <https://www.theduluthmodel.org/wheels/understanding-power-control-wheel/#economic-abuse>.
- 40 *Id.*
- 41 Public Law 116-136 “The CARES Act”.
- 42 *Id.*
- 43 Allyson Versprille and Kaustuv Basu, *Domestic Abusers Controlling Virus Relief Checks Raise Red Flags*, BLOOMBERG LAW (June 25, 2020), [https://www.bloomberglaw.com/document/X80DAN5O000000?udv\\_expired=true](https://www.bloomberglaw.com/document/X80DAN5O000000?udv_expired=true).
- 44 Julie Bosman, *Domestic Violence Calls Mount as Restrictions Linger: 'No One Can Leave'*, THE NEW YORK TIMES (May 15, 2020), <https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html>.
- 45 *Id.*

- 46 *Id.*
- 47 Caroline Bettinger-Lopez *supra* note 13.
- 48 Robert Garrova, *Domestic Violence May be on the Rise in L.A. During the Coronavirus Pandemic*, KCET (April 17, 2020), <https://www.kcet.org/coronavirus-covid-19/domestic-violence-may-be-on-the-rise-in-la-during-the-coronavirus-pandemic>.
- 49 *Id.*
- 50 *Id.*
- 51 Julie Bosman, *Domestic Violence Calls Mount as Restrictions Linger: 'No One Can Leave'*, THE NEW YORK TIMES (May 15, 2020), <https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html>.
- 52 Caroline Bettinger-Lopez *supra* note 13.
- 53 Emily Holwick, *Domestic Violence Shelters Seek Funding Amid COVID-19 Challenges*, KMBC News (June 19, 2020), <https://www.kmbc.com/article/domestic-violence-shelters-seek-funding-amid-covid-19-challenges/32919225#>.
- 54 *Id.*
- 55 *Id.*
- 56 *Id.*
- 57 *Id.*
- 58 Sharp Health News Team, *Why Domestic Violence Could Increase During COVID-19*, SHARP (April 15, 2020), <https://www.sharp.com/health-news/why-domestic-violence-could-increase-during-covid-19.cfm>.
- 59 *Id.*
- 60 Esther Wang, *Home Isn't a Safe Place for Everyone: How Coronavirus is Impacting Domestic Violence Shelters*, JEZEBEL (March 19, 2020), <https://jezebel.com/home-isnt-a-safe-place-for-everyone-how-coronavirus-is-1842409643?fbclid=IwAR3L97e1OIZYVyXxcccUQu2nXbD1kQHkSSVL0WBBbi9PuOMuMCA56ra9MBdE>.
- 61 State Court Closures in Response to the Coronavirus (COVID-19) Pandemic, 2020, BALLOTPEDIA (July 30, 2020), [https://ballotpedia.org/State\\_court\\_closures\\_in\\_response\\_to\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic\\_2020](https://ballotpedia.org/State_court_closures_in_response_to_the_coronavirus_(COVID-19)_pandemic_2020).
- 62 Madison Alder, *Court Reopening Plans Face Pushback as Coronavirus Surges*, BLOOMBERG LAW (July 22, 2020), [https://www.bloomberglaw.com/exp/eyJhdHh0IjoiQ1ZOVyIsImlkIjoiMDAwMDAxNzMtNTJhYS1kOTcyLWExN2YtZGFhYWM5ZTIwMDAxIiwic2lnIjoibmwrUnZacEhvcnZkNzhWQm9WVnl6NEMyeDFRPSIsInRpbWUiOiIxNTk1NDQxOTEzIiwidXVpZCI6InJnBESWRINGF6VDdDeDhUbjVOeXc9PTUvdXJSc1FyYm9qMit5ZnVwTzkweFE9PSIsInYiOiIxIn0=?usertype=External&bwid=00000173-52aa-d972-a17f-daeac9e20001&qid=6946671&cti=L.SCH&uc=1320028382&et=SINGLE\\_ARTICLE&emc=bcvbw\\_cn%3A1&bna\\_news\\_filter=true..](https://www.bloomberglaw.com/exp/eyJhdHh0IjoiQ1ZOVyIsImlkIjoiMDAwMDAxNzMtNTJhYS1kOTcyLWExN2YtZGFhYWM5ZTIwMDAxIiwic2lnIjoibmwrUnZacEhvcnZkNzhWQm9WVnl6NEMyeDFRPSIsInRpbWUiOiIxNTk1NDQxOTEzIiwidXVpZCI6InJnBESWRINGF6VDdDeDhUbjVOeXc9PTUvdXJSc1FyYm9qMit5ZnVwTzkweFE9PSIsInYiOiIxIn0=?usertype=External&bwid=00000173-52aa-d972-a17f-daeac9e20001&qid=6946671&cti=L.SCH&uc=1320028382&et=SINGLE_ARTICLE&emc=bcvbw_cn%3A1&bna_news_filter=true..)
- 63 *Id.*
- 64 Benjamin Shatz and Melissa Goetz, *Court Deadlines After a Disaster*, LOS ANGELES LAWYER (March 2006).
- 65 *Id.*
- 66 *Id.*
- 67 Robert V. Wolf, *In Practice: Courts Respond as COVID-19 Fuels Rise in Domestic Violence*, COURT INNOVATION (Audio Transcript) (March 31, 2020), [https://www.bloomberglaw.com/exp/eyJhdHh0IjoiQ1ZOVyIsImlkIjoiMDAwMDAxNzMtNTJhYS1kOTcyLWExN2YtZGFhYWM5ZTIwMDAxIiwic2lnIjoibmwrUnZacEhvcnZkNzhWQm9WVnl6NEMyeDFRPSIsInRpbWUiOiIxNTk1NDQxOTEzIiwidXVpZCI6InJnBESWRINGF6VDdDeDhUbjVOeXc9PTUvdXJSc1FyYm9qMit5ZnVwTzkweFE9PSIsInYiOiIxIn0=?usertype=External&bwid=00000173-52aa-d972-a17f-daeac9e20001&qid=6946671&cti=L.SCH&uc=1320028382&et=SINGLE\\_ARTICLE&emc=bcvbw\\_cn%3A1&bna\\_news\\_filter=true](https://www.bloomberglaw.com/exp/eyJhdHh0IjoiQ1ZOVyIsImlkIjoiMDAwMDAxNzMtNTJhYS1kOTcyLWExN2YtZGFhYWM5ZTIwMDAxIiwic2lnIjoibmwrUnZacEhvcnZkNzhWQm9WVnl6NEMyeDFRPSIsInRpbWUiOiIxNTk1NDQxOTEzIiwidXVpZCI6InJnBESWRINGF6VDdDeDhUbjVOeXc9PTUvdXJSc1FyYm9qMit5ZnVwTzkweFE9PSIsInYiOiIxIn0=?usertype=External&bwid=00000173-52aa-d972-a17f-daeac9e20001&qid=6946671&cti=L.SCH&uc=1320028382&et=SINGLE_ARTICLE&emc=bcvbw_cn%3A1&bna_news_filter=true).
- 68 *Id.*
- 69 *Id.*
- 70 *Id.*
- 71 Caroline Bettinger-Lopez *supra* note 13. *See e.g.* John Eligon, *'It's a Slap in the Face': Victims are Angered as Jails Free Inmates*, NY TIMES (April 24, 2020), <https://www.nytimes.com/2020/04/24/us/coronavirus-jail-inmates-released.html>; Bloomberg, *California to Release some Inmates as Coronavirus Ravages Prisons*, LOS ANGELES TIMES (June 30, 2020), <https://www.latimes.com/california/story/2020-06-30/california-coronavirus-inmate-release>; Claudia Vargars, *The City is Releasing Some Inmates. But Who Are They – and Where Are They Going?*, NBC PHILADELPHIA (April 21, 2020), <https://www.nbcphiladelphia.com/investigators/the-city-is-releasing-some-inmates-but-who-are-they-and-where-are-they-going/2371131/>.

72 Eve Kucharski, *Domestic Violence, Sexual Assault Activists Call for Stricter Prison Release Guidelines During COVID-19*, PRIDE SOURCE (May 6, 2020), <https://pridesource.com/article/domestic-violence-sexual-assault-activists-call-for-stricter-prison-release-guidelines-during-covid-19/>.

73 *Id.*

74 Julia Marsh and Jorge Fitz-Gibbon, *Inmates Committing Crimes After Coronavirus Release ‘unconscionable’*: De Blasio, NEW YORK POST (April 20, 2020), <https://nypost.com/2020/04/20/unconscionable-for-released-inmates-to-commit-crimes-de-blasio/>.

75 Jessica Willey, *Man Let out of Jail for \$50 Accused of Beating his Ex and her Grandma*, ABC 13 (April 16, 2020), <https://abc13.com/inmate-bonds-harris-county-sheriffs-office-coronavirus-covid-19/6106875/>.

76 *Id.*

77 Brentin Mock, *Where Inmates are Getting Bailed out in the Coronavirus Crisis*, BLOOMBERG (March 21, 2020), <https://www.bloomberg.com/news/articles/2020-03-21/prosecutors-are-halting-arrests-amid-covid-19-outbreak>.

78 *Id.*

79 *Id.*

80 *COVID-19 and Ending Violence against Women and Girls*, UN WOMEN

81 See discussion below on code word “Mask-19”.

82 <https://www.france24.com/en/20200330-france-to-put-domestic-violence-victims-in-hotels-as-numbers-soar-under-coronavirus-lockdown>

83 *Id.*

84 *Id.*

85 Sonia Elks, Sophie Davies, *Coronavirus Code Words: Help or Hinderance in Domestic Abuse*, REUTERS (April 15, 2020), <https://www.reuters.com/article/us-health-coronavirus-abuse-trfn/coronavirus-codewords-help-or-hindrance-in-domestic-abuse-idUSKCN21X2Z6>.

86 *See generally*, Warrantless arrests – Exigent Circumstances to Enter Residence, California Criminal Procedure § 3:28.

87 *Id.*

88 *Id.*