

## **THE EFFECTS OF DOMESTIC VIOLENCE PROSECUTION ON FAMILIES: A LITERATURE REVIEW AND RESEARCH PROPOSAL**

### **Introduction**

The battered women's movement has significantly changed numerous elements of our society's perception of and response to violence against women. Today, "domestic violence" is a household word, more than 1,500 programs exist to provide services to battered women, intimate partner violence is viewed as a crime, and perpetrators may be penalized in the criminal justice system (Ghez & Marin, 1998; Heise & Chapman, 1992).

During the past two decades, numerous studies have been conducted as social scientists have endeavored to document the nature, scope, and effectiveness of the criminal justice system's response to domestic violence. The majority of these studies have used quantitative research methods to study various outcomes of arrest and prosecution, and, typically, the outcomes of study are deterrence, recidivism, and re-arrest rates. More recently, a few researchers have emphasized the need to broaden traditional definitions of prosecutorial success, as well as to incorporate the perspectives of battered women into assessments of criminal justice outcomes. There remain, however, several significant gaps in the current literature.

The purpose of the proposed study is to fill some of the gaps in past research and to illuminate fruitful areas for future research efforts. The primary research question motivating this study is: What are the effects of domestic violence prosecution on families?

For this project, I will conduct approximately 30 in-depth, semi-structured interviews with female survivors of domestic violence whose intimate partners have been arrested on criminal charges related to domestic assault within the past twelve months. The proposed study will add to the current state of knowledge in the field by taking the past work on the effects of domestic violence prosecution one step further by examining battered women's perspectives regarding their family's experience with the criminal justice system and its impact on their lives.

In this paper, I first provide a brief overview of the history of the battered women's movement and the criminalization of domestic violence. Second, I examine the literature on the outcomes of various prosecutorial strategies. Third, I highlight the gaps in the existing literature and discuss important areas for future research efforts. And finally, I explicate the goals and methodology of the proposed research project.

## **Background and Significance**

Violence against women has existed throughout recorded history (e.g., Buzawa & Buzawa, 1990; Smith, 2001), but it was only defined as a social problem in the U.S.—rather than as a private, family matter—in the 1970s. Although every state had made wife beating illegal by 1920, another fifty years passed before the criminal justice system began to treat domestic violence as a serious crime (Hanna, 1996). The criminalization of domestic violence—and the resulting impact this had upon families—is intricately tied to the development of the battered women's movement, whose history we will now briefly examine.

### *The Rise of the Battered Women's Movement*

In the late 1960s, in the midst of the social justice movement for civil rights, the resurgence of feminism, and the “discovery” of child abuse by the medical community, the women's liberation movement began to call attention to the violence women experience in their daily lives (Ghez & Marin, 1998; Heise & Chapman, 1992). The abuse of women was by no means a new phenomenon, but activists sensed that the time was right to rally against the long-held belief that such violence was a “private matter,” and thus force society to condemn this behavior as intolerable.

The battered women's movement grew out of two complementary social action groups: the women's liberation movement and the anti-rape campaign. Feminism's early consciousness-raising groups fostered women's discussions on the connection between male dominance in the public realm and male-perpetrated violence against women in the private

sphere of the family (Ghez & Marin, 1998). Meanwhile, anti-rape activists publicly proclaimed that violence was a tool utilized by men to maintain power and control over women. The anti-rape activists successfully obtained grants, founded crisis hotlines, and brought about changes in law enforcement and the judiciary system (Heise & Chapman, 1992). The anti-rape campaign, together with the women's liberation movement, thus served as the training grounds for the future pioneers of the battered women's movement.

As the public dialogue on intimate partner violence grew in breadth and intensity in the mid-1970s, more and more battered women came forward—telling their stories to crisis-line workers and other sympathetic listeners (Heise & Chapman, 1992). A previously hidden and voiceless population—abused women—became visible, as did the immensity of their needs.

In the absence of formal services or shelters to protect women fleeing abuse, activists around the country began opening their homes to battered women seeking refuge (Heise & Chapman, 1992). Meanwhile, advocates for battered women worked to gather the funds, resources, and community support necessary to open a local shelter. In 1974, the first battered women's shelter in the U.S. opened in St. Paul, Minnesota (Heise & Chapman, 1992).

The movement gained momentum throughout the 1970s, and activists worked tirelessly to develop allies, raise public awareness, and capture the attention of legislators. In 1975, at its national conference, the National Organization for Women (NOW) declared that domestic violence was a major issue, and it established a national task force on battered women (Ghez & Marin, 1998). In 1976, a groundbreaking study shocked the American public and the scientific community with its report that 25% of all homicides in San Francisco involved legally married or cohabiting mates (Ghez & Marin, 1998).

### *The Criminalization of Domestic Violence*

In the late-1970s, a pivotal turning point occurred in the battered women's movement. Recognizing that shelters alone were insufficient to protect battered women, acknowledging that the police have more contact than any other agency with either victims or perpetrators of abuse,

and seeking to re-shape society's response to domestic violence, activists turned their attention toward the police and the criminal justice system (Buzawa & Buzawa, 1990; Schechter, 1999).

Prior to the 1970s, domestic violence was trivialized by law enforcement as merely a "family problem" or "domestic dispute"—an incident which required mediation or a "cooling off" period for the participants (Buzawa & Buzawa, 1990; Hanna, 1996). Many police departments even had policies actively discouraging arrest, and urging officers to use crisis intervention and other alternative responses (Fagan, 1996). The following excerpt from a training bulletin released by the Oakland (California) Police Department in June 1975 reflects a common departmental policy of that era:

The police role in a dispute situation is more often that of a mediator and peacemaker than enforcer of the law....Normally, officers should adhere to the policy that arrests shall be avoided except as necessary to (1) protect life and property and (2) preserve the peace [cited in McLeod, 1983, p. 397].

Citing examples of violent behaviors that would be labeled as "assault", "battery", or even "attempted murder" if they occurred anywhere but in the home between intimate partners, domestic violence advocates demanded that violence against women be treated as a crime. The 1980s thus became a decade in which activists primarily focused upon improving the criminal justice response to domestic violence, with a secondary emphasis on securing funds for increased victim services (Ghez & Marin, 1998).

The efforts of activists to criminalize domestic violence were not immediately rewarded, as both internal dissension and external barriers arose. Some members of the battered women's movement, for example, sought to frame battering as a mental health problem, rather than as a crime (Heise & Chapman, 1992). Externally, one of the movement's funding sources, the Law Enforcement Assistance Administration (LEAA), sought to protect its own interests—that is, its efforts to reduce the number of cases in the criminal justice system—by expressing its position that shelters and other programs, not law enforcement agencies or the courts, should handle cases involving violence against women (Tierney, 1982).

In 1984, however, three events combined to dramatically propel activists' efforts to change law enforcement policies and procedures. First, in a landmark lawsuit—*Thurman v. City of Torrington* (595 F. Supp. 1521, 1984)—the court ruled that the conduct of the police department constituted negligence and violated the equal protection of the law guaranteed by the 14<sup>th</sup> amendment. In this case, after Ms. Thurman's repeated attempts to secure protection from the police against her estranged husband, the plaintiff suffered a brutal attack that resulted in paralysis below her neck and permanent disfigurement. A \$2.3 million verdict was awarded to Ms. Thurman (Buzawa & Buzawa, 1990).

Second, a widely publicized study conducted by Sherman and Berk (1984) tested specific deterrence theory by conducting an experiment exploring the effects of various criminal justice responses upon recidivism. This study, which came to be known as the Minneapolis Experiment, provided evidence that arrest for misdemeanor domestic violence was almost twice as effective as other police interventions in reducing repeated violence.<sup>1</sup>

The third key event in 1984 occurred when the U.S. Attorney General issued a report urging all justice agencies to treat domestic violence as a crime (Heise & Chapman, 1992).

The combination of these three events motivated the majority of large law enforcement agencies to adopt pro-arrest or even mandatory arrest policies (Buzawa & Buzawa, 1990; Heise & Chapman, 1992). That same year, the Family Violence Prevention and Services Act was passed, through which a modest amount of federal funding for domestic violence programs was allocated. Additionally, between 1984 and 1988, all but two states adopted warrantless arrest for misdemeanor domestic violence when probable cause exists (Hanna, 1996).

Meanwhile, the civil protection order, a legally binding court order that prohibits an individual from engaging in specific behaviors for the purpose of protecting another person, became available in all fifty states. Shortly thereafter, forty-three states passed legislation to make the violation of a protection order a criminal—rather than a civil—offense (Danis, 2003). Other developments included the creation of special domestic violence prosecution units,

advocates for victims during the court process, and batterers' treatment programs (Fagan, 1996; Heise & Chapman, 1992).

During the 1990s, the issue of domestic violence received unprecedented media coverage as a result of the highly publicized murder trial of O.J. Simpson and the discovery of his abusive behavior toward his ex-wife. Additionally, Bill Clinton became the first U.S. President to publicly disclose his personal experience witnessing the abuse of his mother at the hands of his stepfather (Ghez & Marin, 1998).

In 1994, a major federal bill—the Violence Against Women Act (VAWA)—was passed. This legislation provided more than \$1 billion in new grant programs to assist shelters, expand existing services, and support other crime prevention efforts addressing violence against women (Ghez & Marin, 1998; Little, Malefyt, Walker, Buel, & Tucker, 1998; Valente, Hart, Zeya, & Malefyt, 2001). One of these grant programs, called the STOP grants (Services, Training, Officers, and Prosecutors), was established to assist states and local governments to develop effective law enforcement and prosecution strategies, to train law enforcement personnel and judges, and to encourage greater coordination of the various community responses to violence against women (Little et al., 1998). Congress reauthorized VAWA in 2000, continuing the grant programs, creating a new program to fund civil legal assistance for victims of domestic violence and sexual assault, and providing greater legal protections to assist battered immigrant women (Valente et al., 2001).

### *The Benefits and Limitations of Criminalization*

With regard to the criminalization of domestic violence, activists succeeded in broadening the legal definition of domestic abuse, making it easier for women to file charges against their assailants, clarifying the legal rights of victims, improving the response of law enforcement, increasing criminal penalties for battering, strengthening civil protections, and amending divorce, support, and child custody laws (Schechter, 1982; Tierney, 1982).

Once they were recognized as legitimate victims of a crime, battered women received increased support and sympathy from various social agencies and from the general public (Ferraro, 1996). Additionally, the symbolic victory of having domestic violence declared to be a crime—a social, rather than a private matter—relieved many women of the torment of self-blame (Schechter, 1982).

As Fagan (1996, p. 10) asserts, “The promise of criminalization was straightforward: the symbolism of public statements valuing the safety of battered women and condemning batterers, substantive expanded social control of wife beaters, and the political mobilization of legal resources and institutions to protect victims.”

Unfortunately, the criminalization of domestic violence also resulted in several unintended consequences. Abusers frequently retaliated against women who called the police, some police officers reacted against new policies by arresting both parties involved in the incident, and some victims became more reluctant to call upon the police for assistance (Danis, 2003).

The irony of the battered women’s movement’s efforts to encourage the criminalization of domestic violence is that by calling upon the social control function of the law, the well-being and autonomy of the individual victim may be compromised. As Fagan (1996) points out, the goals of criminalization—for example, to punish offenders and to protect victims—are sometimes in conflict with each other at the operational level. Hanna (1996) concurs, stating that “There is often a conflict between pursuing the traditional public goals of punishing criminals and protecting society, on the one hand, and furthering the private desires and personal safety of victims, on the other” (p. 1870).

Other critiques of the criminalization of domestic violence focus upon the over-reliance of the movement upon criminal interventions, the lack of consensus regarding the effectiveness of arrest as a deterrent, the paucity of other prevention efforts, and the diversion of much-needed funding toward criminal justice responses and away from more social change-oriented efforts (Danis, 2003; Ghez & Marin, 1998).

A more subtle consequence of the criminalization of domestic violence is that crime control rhetoric moved public discourse away from the movement's emphasis upon oppressive societal systems and social norms that perpetuate violence against women, toward a delineation between "good" and "bad" individual men (Ferraro, 1996; Schechter, 1982). Furthermore, as researchers frequently observe, a vast chasm may exist between shifts in policy and the transformation of attitudes, and between mandated procedural changes and actual on-the-streets implementation (Buzawa & Buzawa, 1990).

At their best, criminal justice responses will increase the safety of survivors, hold batterers accountable for their actions, and send the clear message to society that domestic violence is a crime with real consequences. However, even the most well designed and widely implemented programs will likely have a limited effect upon ending violence against women.

### *The Prosecution of Domestic Violence*

As the criminalization of domestic violence has become more entrenched in American society, and as greater resources have been allocated and specialized programs created to enhance the criminal justice system's response to battering, there has been a corresponding increase in aggressive prosecution strategies (Hanna, 1996), as well as a growing number of studies seeking to document the nature and scope of the impact of various prosecutorial strategies.

Ford and Regoli (1992) conducted a study, commonly referred to as the Indianapolis Prosecution Experiment, to test the effectiveness of four potential prosecutorial responses—no prosecution, pretrial diversion, prosecution and rehabilitation, and prosecution and other sanctions (e.g., jail)—in preventing future acts of violence. The authors found that authorizing charges and proceeding at least through the initial hearing decreased the probability of future violence in the following six months, regardless of which specific intervention the batterer may experience. Furthermore, the experiment revealed that when victims were allowed to drop complaints they had filed, those who elected to proceed with the prosecution were significantly



less likely to be re-assaulted than those who did not. Those who dropped charges after the batterer was summoned to court were in greatest jeopardy of renewed violence.

Davis, Smith, and Nickles (1998) conducted a study on the deterrent effects of the prosecution of misdemeanor domestic violence cases. The authors found that the disposition of the cases—whether dismissal, probation plus treatment, or jail—had no effect on re-arrest within a six-month period. The authors did, however, find a relationship between both prior misdemeanor convictions and battery arrests without conviction upon increased risk of recidivism.

McFarlane, Willson, Lemmey, and Malecha (2000) conducted a study tracking the level of violence perpetrated against women seeking to file assault charges against an intimate partner. The authors found that the act of attempting to file an assault charge—regardless of whether or not the perpetrator was ever arrested—reduced the prevalence of new violence, and that arrest did not provide any added protection to the women. Noting that police contact makes the abuse public, the authors speculate that “Just as the privatization of domestic violence contributes to its continuation, perhaps public knowledge can prevent reoccurrence” (McFarlane et al., 2000, p. 404).

According to a study conducted by Thistlethwaite, Wooldredge, and Gibbs (1998), qualitatively more severe sentences (e.g., jail combined with probation versus probation alone) corresponded with a lower recidivism likelihood in misdemeanor domestic violence cases. The length of probation and the length of jail time, however, were not significant as predictors of recidivism. That is to say, the type of sentence imposed, but not the length of that sentence, was correlated with the likelihood of re-arrest for domestic violence. Also, sentences appeared to be most effective in preventing recidivism among persons with greater stakes in conformity (i.e., persons who were married, employed, or otherwise concerned regarding their reputation).

Murphy, Musser, and Maton (1998) conducted a study on the effects of a coordinated community intervention upon domestic violence recidivism. The authors hypothesized that due to individual differences among offenders, only a proportion of participants might respond to

each specific intervention component, although a cumulative effect might be observed. Murphy et al.'s (1998) research revealed that reductions in recidivism were associated with greater involvement in the intervention system, and the study provides preliminary support for the effectiveness of coordinated community interventions for domestic abusers.

Tolman and Weisz (1995) also conducted a study exploring the effectiveness of a coordinated community response. The authors found that arrest significantly deterred subsequent domestic violence incidents and that this deterrent effect did not deteriorate over the 18-month follow-up period.

Shepard, Falk, and Elliott (2002) conducted a more elaborate study in Duluth, Minnesota, in which they evaluated the effectiveness of an enhanced community response upon recidivism rates. The innovative element of this study was that it utilized systematic assessment tools to categorize domestic violence offenders in order to determine the appropriate level of sanctions<sup>2</sup>. For example, a Category 1 batterer (i.e., an offender with no history of violence and little risk of recidivism) might receive a sentencing recommendation of stayed jail time, probation with conditions, and a batterer intervention program. A Category 4 batterer (i.e., an offender that poses a serious risk to his victim and the community), however, might receive jail time and longer probationary periods, in addition to a batterer intervention program (Shepard et al., 2002). When the authors compared the recidivism rates of offenders convicted before and after the implementation of the enhanced community response, they found that the increased utilization of risk assessment information resulted in reduced rates of recidivism (Shepard et al., 2002).

As illustrated by the above studies, the exact effects of particular prosecutorial strategies and case dispositions upon repeat violence or arrest remains unclear at this time—although we might tentatively assert that prosecution appears to bring about some positive outcomes, particularly within the context of a coordinated community response. The discrepancies between studies may be partially due to differences in methodology, outcome measures, the length of follow-up periods, and other elements of a particular community's response to

domestic violence. As Shepard et al. (2002) note, the effectiveness of one component of a coordinated community response is dependent upon all of the other components.

While the majority of studies have defined “successful” prosecution quite narrowly—most often using recidivism as the outcome variable—a handful of researchers have challenged the traditional measures of prosecutorial effectiveness. Ford and Regoli (1993) observed that each player in the criminal justice system may define the positive outcomes of prosecution differently. Indeed, there are many possible criteria by which to measure the success of a prosecution strategy, including: conviction rates, recidivism rates, deterrence effects, re-prosecution rates, domestic homicide rates, the protection of the victim, the sanctioning of the offender, higher public confidence, victim satisfaction, and the effective communication of strong symbolic messages to the general public (Hanna, 1996; Nicholl, 2002).

McGuire (n.d.) asserts that prosecutors need to adopt new definitions of “success”. The author proposes that prosecution is successful when “battered women feel that the criminal justice system is available to them if and when they need to use it in the future” (p. 9). McGuire (n.d.) further argues that regardless of whether or not there is a conviction, prosecution is successful when battered women receive non-judgmental support and non-punitive treatment.

In a similar vein, Mills (1998) contends that victim empowerment—that is, whether a battered woman feels empowered as a result of the intervention—is a crucial but overlooked variable in empirical studies on mandatory prosecution and recidivism. Mills (1998) asserts that existing research provides inconclusive evidence regarding the best criminal justice response to domestic violence, and she argues that programs should be developed that provide individually-tailored services to battered women.

Recognizing that the voices of battered women themselves are unaccountably absent from the majority of studies on domestic violence prosecution, a handful of recent qualitative studies have sought to fill this significant gap in the literature. Bennett, Goodman, and Dutton (1999) conducted a qualitative study of 49 victims’ perspectives regarding the criminal prosecution of domestic violence. The authors identified four main themes in the women’s

narratives regarding their participation in the legal process: 1) the criminal justice system and prosecution procedures are confusing; 2) criminal prosecution is a slow and frustrating process; 3) victims are afraid of their abuser; and 4) victims feel conflicted about sending their batterer to jail.

Smith (2000) surveyed 241 female residents of domestic violence shelters to assess their support for the adoption of no-drop prosecution policies, their views about the benefits of the policies, and the effect of the policies on reporting future violence. Smith (2000) found that 65% of the women supported no-drop prosecution, 17% opposed it, and 18% were unsure. With regard to the perceived benefit of no-drop prosecution, 57% believed that the policy would benefit them, 19% believed it would not benefit them, and 24% were unsure. When the women were queried regarding the effect of mandatory intervention laws on their likelihood of reporting future violence, 56% said they would be more likely to report, 15% said they would be less likely to report, and 29% were unsure.

Several studies have examined why women remain in abusive relationships and how they make the decision to leave (e.g., Anderson et al., 2003; Belknap, 1999; Few and Rosen, 2005), but only one study, to this author's knowledge, has explored the effect that involvement with the criminal justice system has upon the victim's decision to end her relationship with the offender. In their analysis of 307 battered women, Stroshine and Robinson (2003) found that women whose partners had previously been arrested or prosecuted were more likely to attempt to end their abusive relationships than women whose partners had not had contact with the criminal justice system.

In summary, a vast literature has developed during the past two decades as social scientists have endeavored to document the nature, scope, and effectiveness of the criminal justice system's response to domestic violence. The majority of these studies have used quantitative research methods to study various outcomes of arrest and prosecution; typically, the outcomes of study are deterrence, recidivism, and re-arrest rates. More recently, a few researchers have emphasized the need to broaden traditional definitions of prosecutorial

success, as well as to incorporate the perspectives of battered women into assessments of criminal justice outcomes.

There remain, however, several significant gaps in the current literature. First, too little attention has been paid to the voices of the women—and children—affected by the criminal justice system's involvement in their families' lives. Ford (2003, p. 669) argues that "the [legal] process from a victim's perspective is no less punishing than it is for a defendant." Further qualitative research is needed to examine the complex impact of prosecution policies on women and their children.

Second, there is a dearth of studies which examine criminal justice outcomes other than recidivism. Research exploring victim protection, satisfaction, and empowerment would add needed breadth to the current literature.

Finally, there seems to be a considerable disconnect between the literatures of family sociology and that of domestic violence criminalization. Specifically, in the studies reviewed above, there is a complete lack of discussion regarding the impact of criminal justice involvement upon couples' relationship quality and stability. The only study that this author found that addressed the issue of relationship quality was a study of adolescent dating violence conducted by Henton, Cate, Koval, Lloyd, and Christopher (1983). Henton et al. found that more than half of the teens who had experienced abuse in their dating relationships reported that their relationships had either improved or had stayed the same following the violence. Typically, the relationship between the victim and the offender is only discussed as a variable predicting a particular outcome—such as victim cooperation in the prosecution (e.g., Hirschel & Hutchison, 2001; McLeod, 1983). Additional studies are needed to investigate the ways in which domestic violence prosecution affects couples' relationship quality and stability.

Likewise, although there is a substantial body of literature regarding the effects of domestic violence upon children (e.g., Abrahams, 1994; Jaffe, Wolfe, & Wilson, 1990), this research is entirely separate from the dialogue regarding the impact of domestic violence

criminalization and prosecution. Research is needed that examines the effects of domestic violence prosecution upon the well-being of children.

### **Research Goals**

The purpose of the proposed study is to fill some of the gaps in past research and to illuminate fruitful areas for future study. Specifically, my research question is: What are the effects of domestic violence prosecution on families? The proposed study will add to the current state of knowledge in the field by taking the past work on the effects of domestic violence prosecution one step further by examining battered women's perspectives regarding their family's experience with the criminal justice system and its impact on their lives.

### **Proposed Methodology**

For this project, I will conduct approximately 30 in-depth, semi-structured interviews with female survivors of domestic violence whose intimate partners have been arrested on criminal charges related to domestic assault. In order to minimize women's recall errors, as well as the confounding effects of other life events upon families, I will limit my sample to women whose partners were arrested within the past twelve months.

I will collaborate with SafeHouse Center—a local battered women's shelter and service provider—to recruit women who may be interested in participating in the study. Specifically, Legal Advocates at SafeHouse Center (i.e., staff members who offer advocacy services to the intimate partner of every batterer arrested in Washtenaw County) will provide their clients with information explaining the nature and purpose of the study. Women interested in participating in the study will be encouraged to contact me and set-up an interview. Interviewees will be compensated \$20 for their participation in the study. Recruitment will be ongoing until the desired number of interviews is reached.

Interviews will be conducted at a time and place that is convenient for each respondent, including at SafeHouse Center. Interviews will last between one and two hours, and (with

respondents' written permission) will be recorded on audiotape and subsequently transcribed. Interviews will still be conducted if a respondent chooses not to have the interview audio taped. In addition, detailed fieldnotes will be taken to document any aspects of the interviews not adequately captured on audio tape.

Study participants will be assured that their name and any identifying information will be kept confidential; SafeHouse Center, as an organization, will also be assured anonymity in any resulting research product. All information collected for this study—including fieldnotes, cassette tapes, and interview transcripts—will be stored securely in a locked file cabinet. Fieldnotes will only include the first name and last initial of respondents, names of interviewees will not be tape recorded, and the cassette tapes and interview transcripts will be identified only with a code number. The code key connecting individual names to the numbers will be kept in a separate location from any data. Five years after completion of this study, the cassette tapes will be destroyed.

Interviewees will be asked to read and sign a consent form. The consent form will explain the purpose of the study, its procedures, risks and discomforts, benefits, confidentiality, future use of the data, their voluntary participation, and information on how to contact me, the primary faculty advisor, and an Institutional Review Board (IRB) representative.

The interview data will be analyzed through a process Smith (1995) terms “interpretative phenomenological analysis”—a procedure that Smith recommends for interview samples larger than five respondents. First, I will randomly select a subset of six to eight transcripts, closely examining them and identifying a list of common themes within each section of the interview schedule (see Appendix A). Second, I will further develop and refine these themes by reviewing the remaining transcripts. Finally, I will recruit a second analyst to review the subset of transcripts and identify themes. These themes will be compared against my own analyses and the two raters will discuss any discrepancies in theme identification.

Due to the lack of other research on the impact of domestic violence prosecution upon families, the proposed study may best be considered an exploratory project. A research design

consisting of qualitative, in-depth interviews is well-suited for such a study. According to Weiss (1994), qualitative interviewing allows the researcher to gain detailed descriptions of people's interior experiences, their perceptions of events and relationships, and their interpretations of their experiences and the world around them. In addition, qualitative interview studies often provide valuable insights that may frame the inquiries of larger-scale quantitative research studies (Weiss, 1994).



## Notes

1. Five replications of the Minneapolis experiment, collectively known as the National Institute of Justice's Spouse Assault Replication Program (SARP), were conducted between 1990 and 1992. Like the original Minneapolis experiment, the SARP studies were criticized for their varying research designs and methodologies (Garner, Fagan, & Maxwell, 1995), inconsistent findings (Fagan, 1996; Maxwell, Garner, & Fagan, 2001), varying types of outcome measures, the absence of data on the cultural background of couples, and their failure to take into account the consequences of arrest (Weisz, 2001).

When Maxwell, Garner, and Fagan (2001) took the same data as the five published replication studies and used consistent definitions of eligible cases across the jurisdictions, the authors found that arrest was associated with less repeat offending in all five jurisdictions. However, the authors also noted that the size of the reduction in recidivism associated with arrest is modest compared with the effect of other factors—such as the batterer's age and prior criminal record—on the likelihood of repeat offending.

2. The concept of categorizing batterers, and then tailoring interventions to the specific needs and personalities of the different groups, is not a new idea. Saunders (1993), for example, suggests that three types of batterers—the family-only assaulter, the general aggressor, and the emotionally volatile assaulter—may require different legal and treatment interventions, due to their unique backgrounds and personalities. Saunders (1993) highlights the need for future research in which types of batterers are assigned experimentally to different interventions. The author concludes that "Our public policies and treatment programs are likely to be more effective if we tailor them to particular types of husbands who assault" (Saunders, 1993, p. 30).

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## Legal Cases

*Thurman v. City of Torrington*, 595 F. Supp. 1521 (1984)

## **Appendix A: Proposed Interview Protocol**

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### **I. Background**

- How old are you?
- What is your educational background?
- How do you identify yourself with regard to race or ethnicity?
- Do you have any children?
  - What are their names and ages?
- What is your marital status? (Are you single? Married? Separated? Divorced?)
  - How long have you and your partner been together?
    - Are you currently living with your partner?
  - How long have you and your partner been separated?
    - Whose decision was it to separate?
    - Where do the children live?

### **II. Experience with the Criminal Justice System**

- Could you walk me through the events that occurred the day/night that your partner was arrested?
- Then what happened?
  - Did you have contact with the prosecutor?
  - Did you have contact with a victim advocate?
  - Did you attend any court proceedings?
- Tell me about your partner's criminal case.
  - What were the charges?
  - How long was your partner in jail?
  - What was the outcome of the case?
  - Did you attend any court proceedings?
  - What was your involvement in the prosecution? Did you testify?
- What was it like for you to be involved in the criminal justice system?
  - Thoughts? Emotional responses?
- What was your partner's response to your involvement in the prosecution?
- What are your thoughts/feelings regarding how the criminal justice system handled your partner's case?
- Has your perspective regarding the criminal justice system changed as a result of this experience with the system? How?

### **III. Impact of Prosecution Upon the Family**

- In what ways have you noticed that this experience with the criminal justice system has changed you? Your partner? Your children?
- What effect do you think that your partner's criminal case has had upon your relationship?
  - Did your involvement in the criminal justice system stress your relationship (or contribute to your break-up)?
  - How would you describe the quality of your relationship now compared to the days and weeks prior to your partner's arrest?
- What effect do you think that your partner's criminal case has had upon his/her relationship with the children?
  - How would you describe the quality of your partner's relationship with the children now compared to the days and weeks prior to your partner's arrest?
- What do you think was the best thing that happened as a result of your partner's prosecution?
- What do you think was the worst thing that happened as a result of your partner's prosecution?

- Reflecting back upon the day that your partner was arrested, if you could do it all over again, would you still call the police? Why or why not?

#### **IV. Wrap-up**

- Is there anything else you would like to share or discuss?
- Are there any questions that you would like to ask me?