

## **DOMESTIC VIOLENCE - MANDATORY ARREST LAWS**

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This portion of the presentation discusses the evidence from Smith's analysis, in, "It's My Decision, Isn't it? A Research Note on Battered Women's Perceptions of Mandatory Intervention Laws."

This article reports findings from a survey that asked domestic violence victims their opinions about mandatory arrest policies, their perceptions about the benefit of these policies, and the potential impact of mandatory arrest policies on their future reporting of domestic violence.

The primary purpose of the survey in this study was to obtain answers to the following set of questions. Specifically, do victims support mandatory domestic violence interventions? Do victims believe that the adoption of a mandatory arrest and no-drop policies will affect rates of reporting domestic violence to police or prosecutors? Will the adoption of the mandatory medical reporting laws affect victims seeking medical attention for their injuries? And do victims believe that the interventions are either beneficial to themselves or others.

Prior research indicates mandatory policies encourage police, prosecutors, and judges to treat domestic violence as a serious crime. Relieving victims from making arrest and prosecution decisions protects them from retaliation by their abuser. There's also the belief that these policies effectively deter batterers from future violence, because the system is perceived as taking domestic violence seriously.

Some challenge the wisdom of removing the power from victims to decide whether an arrest or prosecution should be pursued. Others question whether such reforms may have unintended and detrimental consequences.

Mandatory policies essentially strip victims of the power to make decisions about the police involvement, arrest, and prosecution. The failure to consider the disempowerment of victims on recidivism and victim well-being may be critical to understanding the true effect of mandatory intervention laws.

Another problem may be that the policies generate a natural antagonism between victims and criminal justice system agents. Domestic violence victims who do not want an arrest or prosecution may become antagonistic toward a criminal justice system that ignores their wishes.

Unintended consequence of relieving victims of power may be that they simply stop calling the police, stop making reports to the prosecutors, and stop seeking aid from physicians when their preferences, opinions, and views are ignored by the police, the prosecutors, and the doctors.

Another reason why victims' opinion should matter stems from the Procedural Justice Philosophy. Procedural Justice Theorists argue that victims who believe they have an influence over criminal

case outcomes. will be both more satisfied and more likely to cooperate with police and prosecutors.

So the methodology in this particular study consisted of executive directors of the coalitions against domestic violence in each state were sent a letter soliciting their participation in the project. Eight states agreed to participate in a distribution of the surveys for the project. The survey was administered to domestic violence victims who resided in shelters in these states-- sample size of 276. Only a very small percentage of the surveys were completed and returned, and actual response rate was reported as being unknown. Nevertheless, participation was voluntary, and not controlled by the author of the study. Thus, random or representative sampling was not possible.

Acknowledging these methodological limitations, the sample consisted of 68% Caucasians. The average age of the respondents was 33.6 years of age with a range of 15 years old to 83 years old. Only 17% of the respondents had less than a high school education, and 22% of the women were married.

The length of the relationship with the abuser ranged from less than one year to more than 20 years. The average length of time in the relationship was eight years. 16% reported that physical assaults were too numerous to quantify. Almost 60% reported that the abuser was never arrested for his violence. Only 29% reported a single arrest incident. 7% reported two domestic violence arrest incidents, and 5% reported three more arrests for domestic violence-related incidents perpetrated against men.

For some more additional sample descriptions, 44% of the women reported being in more than one abusive relationship. Most of them-- 42% specifically-- were victimized by a spouse. In response to questions about the last incidents of physical abuse, the police were notified almost 70% of the time, but an arrest was made in only 33% of the cases. Almost 2/3 of the women were physically injured by their abuser. Among the women with injuries, 15% were hospitalized, and 53% spent at least one day in the hospital.

With regard to the results begs the question, so do victims support mandatory domestic violence interventions? In fact, the majority did this support mandatory arrest laws. 76% percent were in support. 65% supported no-drop policies. And 74% supported mandatory medical reporting.

As an answer the question, do victims see the benefits of mandatory laws, a relatively high percentage of the women did not believe that mandatory interventions would benefit them specifically. 19% of the women believe that no-drop policies would not benefit them. 14% percent believed that mandatory medical reporting would not benefit them. And almost 13% believe that mandatory arrest would not benefit them.

The results specific to answering the question of do victims believe that the adoption of mandatory arrest in no-drop policies will affect rates of reporting domestic violence to the police and prosecutors? Revealed evidence indicating that 22% of battered women reported that they will be

less likely to seek medical attention in communities that had a mandatory medical reporting requirement. Furthermore, almost 15% of the victims reported they will be less likely to report future violence in a community with a no-drop policy. And nearly 13% said that they would be less likely to report future violence in a community where there was a mandatory arrest law in existence.

What about race differences? In the literature, race has been found to be one of the strongest predictors of attitudes toward the police. With the exception of one relationship, however, in this study, no statistically significant differences emerged when comparing white and nonwhite responses. Contrary to the expectation, more nonwhite-- 68%-- rather than white women-- 54%-- reported an increased likelihood of seeking medical attention in communities with a law that required medical professionals to report injuries related to domestic violence to the police.

The belief that the laws will not be a benefit may be a consequence of the Learned Helplessness Response, identified by Lenore Walker in 1979 and further discussed in 1984 publication, which also found to be common among domestic violence victims. In essence, following years of abuse, a victim may begin to perceive her abuser as omnipotent. Although she may support the adoption of these laws, she does not believe the laws could help her case-specifically. Therefore, mandatory laws may not be beneficial to a victim who believes she is, in fact, helpless.

Although another explanation of the findings is that mandatory police intervention, arrest, and prosecution may not necessarily be congruent with a victim's goals. Victims of domestic violence may simply want to use police intervention to stop the violence and resolve the immediate conflict. They may not necessarily want a longer term response, related to a jury trial, sentencing, and ultimately incarceration. In this regard, the goals of the victim and criminal justice personnel may at times not be the same, and also a times in direct conflict.