

Victims' perceptions of police response to domestic violence incidents

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Abstract

This study examined the nature of police response to domestic violence incidents with a focus on the identification of areas of police intervention that female victims of domestic abuse find “most” helpful and “least” helpful. The first part of the study was based on the analysis of a random sample of incident reports of domestic abuse cases recorded in 2000 and 2001. These reports were examined to obtain information about the characteristics of domestic abuse victims and summary information about the incidents of domestic abuse offenses. The second stage of the research study involved a telephone survey conducted with a random sample of fifty female domestic abuse victims who called the police. The study examined female victims' perceptions of how the police responded to the domestic abuse incidents, how helpful or not so helpful victims found the police to be when they responded to their calls, and how their cases were handled by the legal system.

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Introduction

Domestic violence is a serious problem that cuts across boundaries of race, gender, ethnicity, income, education, religion, and other spheres. The first national family violence study revealed that more than one-third of domestic assaults were serious in nature and involved punching, kicking, biting, beating, and attacks with guns and knives (Straus & Gelles, 1990). At least one-half of all American couples in the United States have experienced minor incidents of domestic violence with serious acts of domestic violence occurring frequently among intimate partners (Straus & Gelles, 1990).

Historically, assaults between domestic partners that occurred in domestic settings were ignored. Rarely was violence between intimates viewed as criminal or as a serious social problem (Erez, 1986). When police

officers responded to domestic abuse calls, arrest of the abuser was usually the last resort even when an arrest was justified based on probable cause (Bard & Zacker, 1971). The perception of domestic violence as a private act between intimate partners hampered any formal response to domestic violence situations in the form of arrest (Klinger, 1995).

It wasn't until the 1970s that domestic violence was placed on the national agenda as a serious problem requiring legal intervention, and the 1980s that mandatory arrest policies began to be implemented. The inadequate legal responses to domestic violence incidents created the need for support and defense of women who were abused by intimate partners (Kelly, 2003). Victim advocacy, feminist organizations, and battered women shelters were developed and eventually facilitated the recognition of violence against women as a part of the broader social structure of society (Erwin, 2006; Kelly, 2003). When feminist and advocacy groups succeeded in placing violence against women on the

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political, social, and legal agenda in the United States (Pence, 2001), social and legal reform began to occur. As highly publicized cases of women being repeatedly abused by intimate partners reached the media, feminist groups across jurisdictions in the United States began to publicly criticize police departments for failure to effectively intervene in domestic violence incidents (Kantor & Straus, 1992). The surge of “civil” action lawsuits arguing that the legal intervention approach used by police officers failed to provide women with equal protection of the law (Goolkasian, 1986) led to the implementation of mandatory and pro-arrest policies (Walker, 1993). Settlements in civil cases, based on police departments taking a non-arrest policy, have been cited as the catalyst for the implementation of mandatory arrest policies in the United States (Goolkasian, 1986; Walker, 1993).

Lawsuits brought against police departments placed pressure upon law enforcement agencies to develop new arrest policies that provided victims of domestic violence with equal protection of the law (Walker, 1994). The fear of monetary consequences of such lawsuits prompted police departments across the United States to implement change in the form of mandatory arrest policies. As of 1995, forty-seven states and the District of Columbia had enacted laws requiring the police to make an arrest in all incidents of domestic violence based on probable cause (Bachman & Coker, 1995; Gelles, 1993). States not only created mandatory arrest policies, but training on the dynamics of domestic violence was administered to law enforcement and community agencies, increasing awareness of violence against women and providing victims with more options and safety measures (Dugan, Nagin, & Rosenfeld, 2003).

Mandatory arrest policies have been adopted for several reasons. First, mandatory arrest policies send a strong message that domestic violence is a serious crime and should be treated as such (Stanko, 1989). Second, mandatory arrest laws also relieve the victim of having to sign an arrest warrant unless the perpetrator is no longer at the premise when the police arrive (Goolkasian, 1986). Third, mandatory arrest policies are assumed to have a deterrent effect on repeated acts of domestic abuse (Sherman & Berk, 1984).

The use of mandatory arrest policies has generated a number of empirical studies about the effectiveness of arrest in deterring future acts of domestic violence. Mandatory arrest policies require police officers to arrest a suspected perpetrator of domestic violence if probable cause exists regardless of whether the victim wants an arrest to be made (Zorza, 1992). Several studies examined the effectiveness of arrest and the impact of

an initial incarceration period on future occurrences of domestic violence incidents using a deterrent model (Dunford, Huizinga, & Elliott, 1989; Hirschel, Hutchison, Dean, & Mills, 1992; Maxwell, Garner, & Fagan, 2002; Sherman & Berk, 1984). The widely cited “Minneapolis Experiment” conducted by Sherman and Berk (1984) was the beginning of numerous empirical studies designed to determine whether the newly implemented policy of mandatory arrest deterred batterers from future use of violence against their partners. While the original Minneapolis study and other studies (Berk & Newton, 1985; Jaffe, Hastings, Reitze, & Austin, 1993) reported that arrest deters batterers, later replications of the Minneapolis study failed to find a similar deterrent effect, producing contradictory conclusions (e.g., Berk, Campbell, Klap, & Western, 1992; Dunford, 1992; Dunford et al., 1989; Garner, Fagan, & Maxwell, 1995; Hirschel & Hutchison, 1992; Sherman, Schmidt, & Rogan, 1992). These studies revealed that arrest does not deter batterers from repeated acts of domestic violence.

Some studies found that the deterrent effect of arrest was mediated by factors such as marital status and employment. The arrest of batterers might actually increase future acts of domestic violence for some victims, such as those who are unmarried (Sherman et al., 1992) and those whose husbands are unemployed (Pate & Hamilton, 1992). Pate, Hamilton, and Sampson (1991) found that employed perpetrators were less likely to engage in future acts of domestic violence once arrested than unemployed batterers. In fact, unemployed batterers significantly increased their use of abuse in subsequent acts of domestic violence after arrest. The differences between employed and unemployed batterers may be related to their degree of stake in conformity. Other studies examined the extent to which arrest is less likely to be a policy of choice in domestic assaults than in other types of assaults not involving intimate partners (Fyfe, Klinger, & Flavin, 1997; Klinger, 1995).

Mandatory arrest policies were not implemented and enforced without unexpected problems. In the process of enforcing the mandatory arrest policy, a number of victims were arrested, along with their abusers. In some states, the arrest of domestic violence victims increased to the point that victims were hesitant to call for the police for fear of being arrested (Buzawa & Buzawa, 1993). Many of these victims were either fighting back or defending themselves when they were arrested. Police departments have responded to the dual arrest of both victims and batterers by carefully evaluating the situation to determine which individual was the primary aggressor. Police officers were instructed to examine

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