



RESPONDING to
DOMESTIC VIOLENCE

The Integration of Criminal Justice and Human Services

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5 EDITION



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Introduction

The Role and Context of Agency Responses to Domestic Violence

Chapter Overview

The movement to end domestic violence in the United States began more than a century ago. In 1885, volunteers working with a coalition of women's organizations in Chicago started a "court watch" project designed to monitor proceedings that involved female and child victims of abuse and rape. In addition to providing legal aid and personal assistance, they also sent abused women to a shelter run by the Women's Club of Chicago, the first shelter of its kind. The Chicago initiative was short-lived, however, and the idea of using emergency housing as a first-line protection did not take hold until a May afternoon in 1972 when the first call to a shelter was made to Women's Advocates in St. Paul, Minnesota. As recalled by Sharon Vaughan (2009), a founder of the St. Paul program and a pioneer in the battered women's movement:

The call was . . . from Emergency Social Services. A worker said a woman was at the St. Paul Greyhound bus station with a two-year-old child. To get a job, she had traveled 150 miles from Superior, Wisconsin, with two dollars in her pocket. What were we expected to do? Where would they stay after two days at the Grand Hotel? One of the advocates borrowed a high chair and stroller and we took them to the apartment that was our office. These were the first residents we sheltered. The two-year-old destroyed the office in one night because all the papers were tacked on low shelves held up by bricks. His mother didn't talk about being battered; she said she wanted to go to secretarial school to make a life for her and her son. She tried to get a place to live, but no one would rent to her without a deposit, which she didn't have. . . . After a couple of weeks, she went back to Superior, and every Christmas for several years sent a card thanking Women's Advocates for being there and enclosed \$2.00, the amount she had when she came to town. (p. 3)

During the next 3 decades, the use of shelters for women escaping abusive partners became widespread in the United States and in dozens of other countries. The shelter movement helped to stimulate a revolution in the societal response to domestic violence victims and offenders that has circled the globe, stirring women from all walks of life; of all races, religions, and ages; and in thousands of neighborhoods, to challenge men's age-old prerogative to hurt, demean, or otherwise subjugate their female partners virtually at will. In addition to the proliferation of community-based services for victims, the revolution consists of the three other major components that are the focus of this text: (a) the criminalization of domestic violence; (b) the mobilization of a range of legal, health, and social service resources

to protect abused women and their children and to arrest, sanction, and/or counsel perpetrators; and (c) the development of a vast base of knowledge describing virtually every facet of abuse and the societal response. By 2010, police in the United States were arresting more than a million offenders for domestic violence crimes annually, and shelters and related programs for battered women in more than 2,000 communities were serving more than 3 million women and children. Most of those arrested for domestic violence are male, although a large number of women also are arrested for abusing male or female partners and both partners are arrested in many cases. So-called dual arrests are a controversial practice that has stimulated much debate.

The Domestic Violence Revolution: Taking Stock

At the heart of public reforms is an ambitious conceit: that violence in intimate relationships can be significantly reduced or even ended if it is treated as criminal behavior and punished accordingly. Given this goal, it is not surprising that the societal response has rested so heavily on reforming criminal justice and legal intervention with offenders and victims. From the start, it was assumed that the primary responsibility for supporting individual victims would be borne by domestic violence organizations and other community-based services and that the role of public agencies like the police and the courts was to provide the legal framework for this support and to manage offenders through some combination of arrest, prosecution, punishment, rehabilitation, and monitoring (i.e., much in the way that other criminal populations are managed). An unfortunate side effect of the focus on individual offenders and victims is that relatively little attention has been paid to identifying and modifying the structural and cultural sources of abusive behavior. Mapping the societal response to domestic violence requires that we place the criminal justice and legal systems center stage. But it also means recognizing the limits of addressing a major societal problem like abuse with a criminal justice approach to individual wrongdoing.

Since the opening and diffusion of shelters, the policies, programs, and legal landscape affecting victims and perpetrators of partner abuse have changed dramatically. Reforms run the gamut from those designed to facilitate victim access to services or to strengthen the criminal justice response to those aimed at preventing future violence by rehabilitating offenders. A range of new protections is available for victims from civil or criminal courts. Conversely, a distinct domestic violence function has been identified in numerous justice agencies and is increasingly being carried out by specialized personnel. Examples include dedicated domestic violence prosecutors, domestic violence courts, and domestic violence police units. Complementary reforms have attempted to enhance the predictability and consistency of the justice response by restricting discretion in decisions about whether to arrest or prosecute offenders, making domestic violence a factor in decisions regarding custody or divorce, integrating the criminal and family court response to domestic violence by creating “consolidated” courts, and constructing “one-stop” models of service delivery for victims. In hundreds of communities, once perpetrators are arrested, they are offered counseling as an alternative to jail through batterer intervention programs (BIPs). Several thousand localities now host collaborative efforts to reduce or prevent abuse in which community-based services such as shelters join with courts, law enforcement, local businesses, child protection agencies, and a range of health and other service organizations. The rationale for these reforms in the United States is straightforward: Under the Equal Protection Clause of the Fourteenth Amendment to the Constitution, women assaulted by present or former partners are entitled to the same protections as persons assaulted by strangers.

At the basis of these reforms is the hope that they will make the societal response to domestic violence more effective. But the efficacy of new laws, practices, or programs is hard to measure directly. Moreover, there is only a tenuous link between whether a program is effective and whether it receives institutional support. Legal and criminal justice agencies have a variety of interests in new policies, programs, or practices other than whether they meet the goals of protection and accountability. To win acceptance by the criminal justice or legal systems, institutional reforms must meet a variety of internal or system needs as well as satisfy public demands. These needs include facilitating an agency’s capacity to attract resources or to add personnel or to achieve greater public visibility and political support. Conversely, police and other public agencies may continue to promote programs or policies that meet these needs long after they have been proved ineffective. Understanding why the police and other justice agencies respond to domestic

violence as they do means appreciating how the given practice converges with the agency's norms, values, and system needs as well as how it is received by the public or affects the problem at hand.

This point is illustrated by the propensity for courts, police, or prosecution to develop specialized functions when confronted with high-demand problems like domestic violence. Examples of specialization in the domestic violence field include consolidated domestic violence courts as well as police teams or prosecutorial units dedicated to misdemeanor domestic violence cases. In theory, these reforms benefit victims by standardizing and streamlining arrest, processing, and case disposition. The assumption is that better outcomes will result from case handling by more knowledgeable and experienced agents. Regardless of whether this assumption is supported by evaluation research, specialization is appealing because it serves the system maintenance functions described earlier. For example, specialization helps ration scarce resources by making expenditures on a problem predictable, attracts new resources, adds status to routine functions by reframing them as special, and helps protect other elements of the system from being overwhelmed. In the past, the large proportion of police calls involving domestic violence posed little threat to routine policing because these cases could be dismissed as "just domestics." If they reached the courts, they received the lowest priority and were routinely dismissed. But as public pressure raised the profile of this class of criminal behaviors and agencies were held accountable for intervention, it became increasingly difficult to respond appropriately while maintaining business as usual with respect to other types of crime. Specialization has helped criminal justice and law enforcement manage this problem, albeit with added costs for administration and training. Thirty years ago, few justice officials would have openly identified themselves with domestic violence cases. Today, being an expert in this area has become an important route to promotion and professional recognition.

A major limit of services for domestic violence victims is that they are delivered piecemeal, forcing victims to negotiate for needed resources at multiple and often distal sites. Moreover, the lack of dialogue or coordination among service providers often means that systems respond in very different and even contradictory ways to victims and offenders. Common examples are cases where the child welfare system threatens to place children in foster care whose mothers continue contact with an abusive father while the custody court threatens them with contempt if they deny the father access. Furthermore, there is a growing appreciation that things can be made worse if one element of the system improves its response, but others do not. For instance, a victim's risk of being seriously injured or killed may increase if she is encouraged to seek a protection order but police and the court fail to enforce it.

A recent round of programs has attempted to address the fragmentation and lack of coordination of services in the field as well as the obvious obstacles to access created when victims must traverse multiple portals to get the support they need to be safe. Since the late 1990s, several thousand localities have initiated a "coordinated community response," where shelters and a range of local agencies meet regularly to plan the local response. Meanwhile, more than 60 communities have used federal funds to support "Family Justice Centers," a one-stop model of service delivery originally developed in Alameda County, California. These centers bring crisis intervention together in one building with medical and mental health services, legal assistance, law enforcement, and often employment help as well. Prevention, too, has commanded increased attention. In 2002, the Centers for Disease Control and Prevention (CDC) funded 14 state coalitions to implement the Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA) program, which focuses on reducing first-time perpetration by addressing the risk factors associated with domestic violence and by enhancing protective factors. A secondary effect of this initiative has been to foster evidence-based strategic planning by the state coalitions as well as closer working relationships with researchers.

The success of these efforts at coordination and planning, like the durability of programmatic reform within agencies, depends on the larger political and economic context as well as on a substantive commitment to end domestic violence. In the current climate of austerity, an ideal response would involve economies of scale, where agencies sustain cooperative work by eliminating duplication, pooling resources, and sharing personnel. Far more often, however, austerity fosters a much more short-sighted strategy in which funders home in on sustaining traditional or basic services, local agencies return to a self-protective stance of competing for scarce resources against their erstwhile partners, and policymakers redraw their priorities in response to political pressure. In this climate, cooperation and coordination are put off as desirable in the long run, but unrealistic in the near future, and whatever benefits they may have provided for victim groups can erode quickly.

Is the Domestic Violence Revolution a Success?

Never before has such an array of resources and interventions been brought to bear on abuse in relationships or families. But are these interventions effective?

By most conventional standards, the domestic violence revolution has been an unqualified success. This is true whether we look at the amount of public money directed at the problem, the degree to which politicians across a broad spectrum have embraced its core imagery of male violence and female victimization, the vast knowledge base that has accumulated about abuse, or the degree to which law and criminal justice (and, to a lesser extent, health and child welfare) have moved the heretofore low-status crime of domestic violence to the top of their agenda. Indeed, it would be hard to find another criminal activity in these last decades that has commanded anything like the resources or manpower that have flowed to law enforcement on behalf of abuse victims.

A persuasive case also could be made that the revolution has shifted the normative climate, if ever so slightly, so that partner violence has become a litmus test for the integrity of relationships. Male violence against women (as well as against other men) continues to be a media staple, as the durability of the James Bond, *Rambo*, *Halloween*, and *Scream* franchises illustrate. Even when a slasher takes an equal-opportunity approach to his victims (as Freddie Kruger does occasionally in the *Nightmare on Elm Street* movies) or violence against women is treated ironically, as it was in the *Scream* trilogy or *I Know What You Did Last Summer* and its sequel, woman-killing tends to be protracted and sexualized in ways that the killing of men is not, pointing to the underlying stereotypes perpetuated by this work (Boyle, 2005). Moreover, rape and woman-killing remain key themes in other forms of mass culture, most notably in video games (Dill, 2009) and in the brand of rap known as “gangsta rap,” which peaked in the songs of Eminem (1999–2005; Armstrong, 2009).

But if violence continues to compete with sexual conquest as the ultimate test of manhood, male violence against women has increasingly had to share the media stage with images of women as independent actors in their own right who are equally capable of using force and of abusive men as purposeful, obsessive, and cruel. Classic cinema depicted rape victims as viragos getting their just deserts or as helpless victims of brutes who themselves could only be punished by male heroes. Starting with *Thelma & Louise* (1991), however, a series of films pictured women as fully capable of exacting revenge on their assailants, usually by killing them. The idea that women can be *both* victimized and heroic was dramatically presented in *Sleeping with the Enemy*, a 1991 film in which the battered wife (Julia Roberts) is stalked by, but then kills, her husband. Arguably, television has taken the lead in its willingness to provide realistic portraits of abusive men and victimized women on everything from the daytime soaps to evening dramas about hospitals (like *ER*), courts (*The Good Wife*), police (*CSI*), or prosecutors (*Law & Order*). This is a major change from the days when audiences were encouraged to identify with an aggressive James Cagney squeezing a grapefruit in his girlfriend's face (*Public Enemy*, 1931) or even with Jackie Gleason's apparent ability to stop just short of abuse when Ralph Cramden famously threatened to send his wife Alice “to the moon.” Of course, this was no joking matter to millions of battered wives in the audience for *The Honeymooners*. For much of the media, and presumably then for their audience, violence against a wife or partner has become the social problem of choice, a mixed blessing perhaps, but a direct reflection of its currency among the general public.

Ironically, both the nadir and the zenith of the domestic violence revolution occurred in close chronological proximity. If we had to pick a single event that could be considered the nadir of the domestic violence revolution, it might be the 1994 murder of Nicole Brown Simpson and her friend, Ron Goldman, and the 1995 trial—and acquittal—of O. J. Simpson for these homicides. The zenith of the revolution also occurred in 1994, when Congress passed, and President Clinton signed, the Violence Against Women Act (VAWA). Previous legislation lacked the scope, ambition, or funding levels of VAWA. Its passage—and its reauthorization in 2000 and 2005—signaled a growing national consensus that domestic violence and rape merited a nationally coordinated effort focused on safety for victims and accountability for “batterers,” both to be achieved through some combination of arrest, prosecution, counseling for offenders, and the delivery of a broad, if poorly defined, range of community-based and traditional services. It was assumed that states would use VAWA funding to expand training programs for criminal justice personnel, refine criminal justice data collection and processing, and build bridges between law enforcement and domestic violence

services. During the first 5 years of VAWA, more than \$1.8 billion was appropriated for grant programs, primarily in criminal justice, and administered by the Department of Justice and the Department of Health and Human Services. Through the Services *Training*Officers* Prosecution (STOP) Violence Against Women Formula Grant Program alone, from 1995 to 2000, in excess of \$440 million was awarded to support 9,000 projects.

In the wake of VAWA's passage, there was widespread optimism that a broadly based criminal justice response would contain and significantly reduce the incidence of domestic violence, if not prevent it altogether. As the original authorization period for the VAWA came to a close, it was widely assumed that the sheer quantity of the resources committed would have positive effects. As a September 1999 report issued by then Senator Biden stated, "we have successfully begun to change attitudes, perceptions, and behaviors related to violence against women" (p. 5). The report also claimed that, "[f]ive years after the Violence Against Women Act became law, it is demonstrably true that the state of affairs that existed before its enactment has changed for the better" (p. 9). In making his assessment, Senator Biden highlighted "attitudes, perceptions[,] and "behaviors related to violence against women." The implication was that violence against women had dropped as a direct result of new policies and programs.

To some extent, official figures support Senator Biden's optimism. The last three decades have witnessed a decline in the most serious forms of partner assault, including partner homicides, and for some groups this decline has been dramatic. What is less clear is whether the changes are in the direction we would expect if interventions were effective or are the result of changes in policy or intervention. For example, other than arrest and prosecution, most reforms have sought to enhance the safety of female victims, starting with shelters. Interestingly, however, men rather than women have benefited most from the declines in partner homicide, particularly Black men. Since the mid-1970s, when the first shelters opened, the number of males killed by female partners has dropped 70% (and an astounding 82% among Blacks). This is a far greater drop than the overall drop in homicides during this period, suggesting that domestic violence interventions may have contributed to the decline. The number of women killed by partners also has dropped during this period but by only 30% on average and a mere 5% for White women, the largest group of victims. Indeed, until very recently, partner homicides actually increased among women who have never married, which is a substantial subgroup (Uniform Crime Reports, 2006).

It may seem strange that more men than women have been saved by new programs and interventions designed to protect women. This positive, but unintended, effect is explained by the different circumstances in which men and women kill their partners. Abusive men tend to kill partners when they fear that the partner will leave them or when the partner actually does so. Since virtually all the new protections for women involve separation from an abusive partner, these protections may threaten men's control, causing some abusers to escalate their violence. In this line of reasoning, women's continued vulnerability to male partner violence is the result of another fact, that available protections tend to be short term and fragmented and that no effective means has been found to deny abusive partners from accessing their former victims, at least in the long term. By contrast, female partners tend to kill men when they fear for their own or their children's safety, although not necessarily in self-defense. The same options that seem to intensify men's propensity for partner violence may defuse women's feelings of having no way out of their abusive relationship, making it less likely they will kill male partners.

Measuring how our efforts have affected aggregate changes in domestic violence is difficult. Some studies of individual interventions discussed in this text show high success rates, particularly when a broad spectrum of integrated services is at work. Even here, however, the declines documented are not always uniform. Nor is it clear which element or which enhanced program or effort explains reported declines. To illustrate, we return to partner homicide. A retrospective study published in 2001 and sponsored by the National Institute of Justice (NIJ) assessed whether reductions in partner homicide reported in 48 of the 50 largest US cities could be linked to the changing societal response, specifically recently enacted amendments to state statutes, enhanced local police and prosecution policies, legal advocacy programs, or the prevalence of hotlines. The study attempted to link these data during a 20-year time frame (1976–1996) that encompassed the period before and after the enactment of these initiatives (Dugan, Nagin, & Rosenfeld, 2001). The findings provided some support for optimistic projections like vice president Biden's. In slightly more than half of the jurisdictions, an increase in available resources correlated with lower rates of domestic homicide. Ironically, however, in the other jurisdictions, increased resources were correlated with *increased* homicide rates, especially for

certain categories of victims. These findings persisted even after controlling for population mix, demographic trends, and patterns of economic growth or decline.

These examples illustrate a conservative theme that runs through this book: that it is naive to assume that simply increasing the resources or personnel dedicated to domestic violence—adding more dollars to policing or assigning more police or prosecutors or judges to the problem—will lead automatically to a decrease in domestic violence. Even if domestic violence of certain types does decline, this may or may not be the result of the intervention. The corollary of this caution is the importance of specificity: We are at a point in the development of the field when we need to replace the heady generalizations of its early days (such as “arrest works”) with carefully hewn, scientifically grounded observations about which elements of which interventions are effective for which subgroups. This text should help move readers in this direction.

However effective some interventions may be, there can be no question that violence against women remains a major problem affecting a significant proportion of the female population and, by extension, the families and communities in which these families live. Based on extrapolations from the 8,000 women questioned by the highly regarded National Violence Against Women Survey (NVAWS) conducted in 2006, approximately 25,677,735 women in the United States have been assaulted, raped, or stalked as adults, while slightly fewer than 2 million women reported being abused in these ways in the last year (Tjaden & Thoennes, 2000). We know from other research that the average duration of abusive relationships is between 5.5 and 7 years (Stark, 2007). This average includes the small proportion for which a single assault is the sole act of abuse and the millions of abusive relationships that last considerably longer than 7 years. Applying a simple formula of prevalence from public health ($P = I \times D$) generates a conservative estimate that approximately 15.3 million women in the United States were in abusive relationships in 2010. Whatever the trends in domestic violence, these numbers should justify the important place of intervening and/or ending domestic violence on the public agenda.

The Challenges Before Us

Domestic violence intervention is at a crossroads. Mounting evidence suggests that criminal justice intervention alone has a limited effect on the size and nature of the domestic violence problem and that the most effective approaches involve cross-agency and cross-community alliances and coordination. Despite this understanding, budgetary pressures are dashing society’s capacity and perhaps also its willingness to fund alternatives to a strict law-and-order approach. For example, California has long been recognized as having one of the best programs for proactively addressing social problems, including domestic violence. It was here that the Family Justice Centers were first imagined and implemented. Throughout the state, criminal justice agencies have practiced an integrated approach using community resources to assist victims and to rehabilitate or control offenders. These efforts are now seriously at risk. In 2009, to balance the state’s budget, Governor Arnold Schwarzenegger eliminated the remaining \$16 million of financing for his state’s domestic violence programs. These cuts equated to approximately \$200,000 for each of the state’s 94 nonprofit programs involved in sheltering victims. One result is that many programs must now turn away victims in crisis, close transitional shelters, or simply put vulnerable victims and their families in cheap hotels where they are unlikely to get the resources or support they need to remain independent.

California’s attempts to balance its budget at the expense of domestic violence services are extreme. But other states, such as New Jersey and Illinois, also have struggled to keep domestic violence services open. The irony is that cutbacks to established and relatively successful programs are occurring on the 15th anniversary of the passage of VAWA.

Discrimination against domestic violence victims is another major challenge. Until this practice was outlawed by the Health Care Reform Bill passed in 2010, seven states and the District of Columbia allowed insurance companies to consider domestic violence as a preexisting condition and as a reason to deny health coverage to women they believed to be victimized. As several congressional representatives observed, this form of discrimination was the equivalent of defining being female as a preexisting condition.

Domestic violence victims can lawfully leave a rental property without notice and get top priority in public housing in Connecticut and several other states. Still, the number of instances where families have been evicted from public housing because of abuse is on the rise as is the adaptation of antiviolence policies and their use against victims by local housing authorities.

Fundamental issues that many thought would have long been settled remain on the table alongside the emergence of new questions and challenges that concern the preferred method of intervention. An issue that seemed to be settled in the early 1990s, the appropriate response to domestic violence and the role of criminal justice intervention as part of this response, is once again being hotly debated.

In the United States, the criminal justice system has spearheaded the response to domestic violence. The dissemination of mandatory arrest and “no-drop” prosecution in the 1980s and early 1990s reflected a consensus that arrest and prosecution were not merely proper but the preferred response in abuse cases. Starting in the late 1990s, however, there was a growing sentiment in the field that criminal justice intervention alone was not an adequate or even a desirable approach to the problem (see, e.g., Mills, 1999, 2006). Even some advocates warned that the reliance on arrest had gone too far, causing the original emphasis on victim empowerment to wane. Today, even those who support a lead role for criminal justice realize that the response by police, prosecution, or criminal courts is merely one piece of society’s overall reaction to domestic violence.

It is important to appreciate that the demand to provide equal protection to victims of partner assault from advocates was not the only source of pressure for criminal justice intervention in the United States. To the contrary, support for a criminal justice response to domestic violence was also part of a long-term trend in the United States toward “law-and-order” approaches to social problems. This trend is reflected in domestic funding priorities and in polling data probing how US citizens believe the government should react to social deviance. The propensity to rely on coercive legal powers to solve multidimensional social problems is illustrated by the “war on drugs,” “get-tough” policies on juvenile crime, and the treatment of drunk driving as a law enforcement issue primarily. In each case, there is little evidence that criminal justice intervention is particularly effective, especially when compared with alternative prevention and treatment models. Of course, this does not mean criminal justice intervention is not effective with domestic violence. But it does remind us of a point we made earlier, that efficacy is not the sole factor sustaining the current emphasis.

The overall approach to domestic violence also reflects broader societal trends. One such trend is to seek official retribution for a range of acts that were once considered private or outside the law because they occurred in family life. Child abuse and homosexuality fall into this category as well as domestic violence. A concurrent trend involves a shift in decision making in these cases. In the past, it was assumed that justice was best served when police, prosecutors, judges, or other professionals allocated resources or sanctions based on their review of individual circumstances. Today, however, it is increasingly common to find these actors constrained by legislative mandates in decisions that encompass whether to arrest and whom to sentence and for how long they should be imprisoned and who should be released. Interestingly, although there is a new political imperative to protect victims and provide a forum where they can express their fear, hurt, or anger, as Garland (2001) points out, “the crime victim now is a much more representative character whose experience is taken to be common and collective rather than individual and atypical” (p. 144). Thus, domestic violence victims often are viewed as part of a generic group exhibiting typical traits rather than as unique individuals who have been harmed in specific ways by identifiable offenders.

Several other basic questions that were first raised in the 1980s have still not been answered definitively, including when police should arrest offenders, the conditions under which prosecutors should charge or refuse to drop cases, and when and how judges should sentence offenders rather than send them to counseling. Even so, our understanding of domestic violence has been considerably advanced by recently developed typologies of offenders and by a deeper appreciation for the range of tactics deployed by offenders, many of which have yet to be incorporated into criminal law. The most popular of these typologies was developed by sociologist Michael Johnson (1995, 2008). Johnson set out to reconcile discrepancies between population-based surveys and point-of-service data drawn from courts, arrest statistics, and shelters. Where the former reported high rates of perpetration by female partners as well as of mutual

abuse, the latter left a consistent picture of domestic violence as a crime committed largely by men. Johnson argued that the discrepant findings reflected two different general types of abuse. The first type of abuse he described was “common” or “situational” couple violence and was largely limited to physical assault and emotional abuse. The second involved a range of control tactics in addition to physical assault. He termed the latter behavioral dynamic “intimate terrorism.” Either or both partners might engage in situational violence, although women were more likely to sustain injuries in these cases. But men were the primary perpetrators of intimate terrorism, the type of abuse most likely to prompt help-seeking. Johnson used the term “violent resistance” to characterize situations where victims used force in response to a partner who was violent and controlling and termed situations where both partners were violent and controlling “mutual violent control.”

A similar distinction was offered by Evan Stark (2007). Stark subdivided situational couple violence into two separate, but occasionally overlapping, dynamics, one of which he termed “fights” and the other “partner assaults.” For Stark, assaults are distinguished from fights by the intent for which force is employed (to instill fear, hurt, control, and dominate a partner rather than to express anger or resolve differences, for example) and the perception of victimization by the targeted party. Although fights may come to police attention as a form of domestic violence, Stark does not consider them a type of abuse for which domestic violence intervention is properly applied. Stark used “coercive control” rather than intimate terrorism to describe the use of multiple tactics (such as intimidation, isolation, and control) alongside physical assault, and argued that coercive control may exist even in the absence of physical assault. Like Johnson, Stark contended that coercive control was a tactic used by male offenders primarily, largely because they played off existing sexual inequalities. But he placed a greater emphasis than Johnson on the structural deprivations that partners use to establish control (such as taking a partner’s money or depriving her of access to transportation or communication). Several other typologies are reviewed in this book. Suffice it to say that much empirical work must be done before we can determine the utility and applicability of these categories or whether subdividing domestic violence in these ways moves us toward or away from more definitive and nuanced interventions. In any case, the work on typologies introduces an argument we will make in the subsequent discussion, that a straightforward equation of partner abuse with physical violence may not accurately reflect the dynamics in many, perhaps most, abusive relationships or fully capture the harms inflicted or the motivation that causes victims to call police or seek other types of assistance.

We have many more clues today than we did 30 years ago about which facets of our response are most helpful. We believe that literally thousands of women, men, and children owe the fact that they are alive to the overwhelming shift in legal reforms in this field and the improved responsiveness of criminal justice agencies, the availability of shelters, and shifts in the response by health care and social service agencies. There is now a broad spectrum of innovative programs to protect, assist, or otherwise support abused women and their children. Unfortunately, these programs are not universally available and most remain vulnerable to the vagaries of local, state, and federal budgets.

Challenges to a Criminal Justice Approach

An important question we address in this book is what the impact has been of relying so heavily on criminal justice intervention to limit domestic violence. Part of the answer involves changes in rates of partner abuse as a result of criminal justice intervention, an issue to which we give considerable attention. But equally important is how this emphasis has shaped societal perceptions of the problem, including the willingness of individuals to accept responsibility for addressing abuse in their own lives and communities or for supporting local efforts at mitigation or prevention. Does the view of domestic violence as a crime make it more or less likely that hospital patients will discuss it with their health providers, for instance? A related issue involves how the primacy of criminal justice affects the decision of other public or community-based institutions to intervene. Are health providers or child welfare workers likely to make domestic violence a priority if they believe it falls solely in the province of criminal justice or that they may be called as witnesses in abuse cases?

Relegating domestic violence to the criminal justice and legal system also has another unintended effect with far-reaching implications for intervention. Filtering the societal response to domestic violence through the criminal justice

system reinforces a widespread proclivity to equate partner abuse with discrete assaults and then to measure the seriousness of these assaults by the level of injury inflicted. This occurs because violence falls squarely in the comfort zone of policing and because prosecution and the criminal courts function best when they target specific acts with tangible consequences. Domestic violence statutes define partner abuse as a form of assault that is only different from stranger assault because of the offender's relationship to the victim. Although few such statutes include the infliction of injury as part of the definition of a domestic violence crime, as a practical matter, criminal justice and legal resources often are rationed based on a crude calculus of physical harms.

There are at least three problems with equating domestic violence with discrete or injurious criminal assaults. The most obvious is that abuse is repeated in most cases. Although this often is ascribed to recidivism, the proportion of offenders who "repeat" is so high—much more than 90% according to some estimates—that it may be both more accurate and more useful to frame domestic violence as a chronic or ongoing behavioral pattern that has more in common with a chronic health problem like diabetes or heart disease than with an acute and time-limited problem like the flu. The reconceptualization of domestic violence as ongoing may be hard to reconcile with traditional models of crime that highlight isolated offenses. But it has far-reaching implications for intervention. To continue our medical analogy, imagine the costs as well as the problems created if physicians did a full medical evaluation every time a patient with a diagnosis of heart disease presented with one of the symptoms. By contrast, once the chronic nature of the problem is recognized, intervention can be proactive as well as comprehensive. At present, victims who repeatedly call the police may be labeled as repeaters whose complaints can be taken less and less seriously as abuse escalates. By contrast, if its ongoing nature is incorporated into the definition of abuse, then continuing and even proactive contact with victims would be viewed as a critical facet of help.

Serious injury and fatality are tragic outcomes of domestic violence. But a second problem with the violent incident definition develops because most abuse incidents are noninjurious and seem relatively minor from a criminal justice or legal standpoint if observed in isolation. For many victims, the significance of these violent acts may have less to do with the emergent nature of a given incident than with the cumulative effect of multiple incidents on their sense of autonomy and security in the world. Victims who experience multiple, but low-level assaults may experience high levels of entrapment and fear. But when justice professionals view these effects only in relation to a given abuse incident (which is usually relatively minor), the victim may seem to be exaggerating the situation and may not be taken seriously. Victims also may minimize abuse if they equate "real" domestic violence with an injurious assault.

A third problem with the violent incident definition develops because the emphasis on discrete assaults can mask the co-occurrence of a range of other harmful tactics that may compliment physical abuse in establishing one partner's domination of the other and compromise a victim's capacity to escape or resist abuse. These complimentary tactics also may be minimized because the need for proof beyond a reasonable doubt in a criminal justice system tends to bring injurious violence to the fore rather than the multifaceted behavior that comprises the abuse for victims and their children.

These points are meant to illustrate an important point in the book, that however necessary or important, the criminal justice framework can be a very blunt and inexact instrument to rely on to stop or prevent the ongoing pattern of coercion and control in relationships.

Should Criminal Justice Intervention Be Victim-Centered?

At the heart of the criminal justice response is the dichotomy between victim and offender. Given the mission of criminal justice, including the belief by key actors that the primary role of police and prosecution is to protect society as a whole from crimes against the public order, it is hardly surprising that the justice system has emphasized the identification, arrest, deterrence, and rehabilitation of offenders. But there also has been immense pressure for the system to assist and empower domestic violence victims. Whether to be victim-centered and how to do this in a way that does not undermine other goals of criminal justice presents another set of challenges addressed in the book.

In keeping with a tough-on-crime approach and deterrence-based theories of offending and reoffending, the emphasis in criminal justice intervention has been on tactical issues such as the certainty of apprehension, deterrence via arrest, aggressive prosecution, forced attendance in batterer treatment programs, and “target hardening” via issuance of restraining orders. The general premise behind this emphasis is that crime is an offense against the state, hence, that the interests of any given victim are secondary. The result is that victim assistance has been relegated to an ancillary status in criminal proceedings and that relatively little funding is available for direct victim support. Unfortunately, this model fails to empower, or even protect, many victims of domestic violence. As this book will explore in detail, victims whose preferences are not followed, whether it be to arrest or not arrest, are those who are most dissatisfied. The lack of sensitivity to a victim’s wishes comes into play when a policy determination is made to process all offenders through mandatory arrest and/or mandatory prosecution even if such a course is not a victim’s preference or even, for a variety of reasons, is not objectively in her best interests.

In this book, we argue that this mission-centric emphasis can be shortsighted and that the criminal justice system *should* consider the impact of intervention on individual victims. Unlike bank robbery or even stranger assault where the crime is an isolated event against a victim who is relatively anonymous, in “private” crimes such as domestic violence, victims disproportionately bear a crime’s costs. Interestingly, the fact that the largest burden of abuse falls on individual victims was an implicit rationale for nonintervention early on. Some believed that partner violence was a private matter and a byproduct of family conflicts that participants could and should resolve informally. Some observers believed that because victims had entered the abusive relationship voluntarily, they had “made their bed” and now should “lie in it.” There also were positive rationales for noninterference based on respect for the right of adult women to make their own decisions about the sort of troubles they dealt with in their personal lives. Another reason why listening to victim voices is imperative originates from the fact that we have yet to find a foolproof way to deny an offender access to the partner he victimized. The privilege of intimacy often affords offenders a special knowledge of a victim’s whereabouts and vulnerabilities that is rarely available in anonymous crimes. Since most offenders remain at large for some period of time, even if they are eventually convicted and sent to jail or receive relatively minor sanctions, arrest may not enhance victim safety, even if it is followed by conviction and/or assignment to a BIP. It is a well-tested adage of the advocacy movement that victims themselves are the best judge of what keeps them safe. Finally, as we explain in the text, enormous burdens often are placed on victims at each stage of criminal justice processing.

Following a victim’s wishes with respect to arrest or prosecution need not mean doing nothing. Once victims initiate contact with the justice or court system, they should have access to a range of supports and resources regardless of whether an offender is arrested or prosecuted. In opposition to our view, some respected researchers argue that, given the structural and organizational capacities of justice agencies, a traditional crime-fighting approach is preferable to a victim-centered, multipronged approach to domestic violence. Jeffrey Fagan (1996), for example, argues that the criminal justice system functions best when its primary focus is on the detection, control, and punishment of offenders, batterers in this instance, and it has minimal and only indirect involvement in providing services to victims (i.e., battered women). His reasoning is that trying to factor in victim experiences and rights or the rehabilitation of offenders conflicts with the primary mission of these institutions and confounds their efficacy. Ironically, this broad emphasis on serving victims as well as on punishing offenders can inadvertently make it easier for these agencies to marginalize domestic cases as they did in the past, turning case handling into low-status social work rather than crime fighting.

Another challenge posed by the prevailing economy of offenders and victims originates from the complexity and ambiguity of many abusive relationships. For the criminal justice system to operate within statutory requirements, crimes must have offenders and victims who can be clearly demarcated based on objective criteria. This determination, in turn, implies that the status of the persons involved is not only identifiable but also constant. Unfortunately, research suggests that the offender–victim dichotomy is hard to sustain in a significant proportion of abusive relationships. For example, in an examination of 2,000 police reports during a 10-year period for *all* assaults (not just domestic), researchers found that 18% to 20% (depending on the year examined) of victims also had been seen by the criminal justice system as offenders (Hotelling & Buzawa, 2001).

Because the law's definition of a domestic violence assault relies so heavily on violent acts, it is hard to distinguish abusive assaults that merit police intervention from mere fights, where the use of force is typically noninjurious and may reflect a maladaptive response to family conflicts rather than an effort to coerce, control, or dominate a partner. Once persons are publicly recognized as participants in violence, they may suffer the stigma associated with being labeled. Everyone is familiar with the negative effects of being labeled a "wife beater." But being identified as an abuse victim also can have a downside. However sympathetic the general public may be with persons who have been victimized, in certain communities, being a victim may signal that the particular person can be "had" (i.e., exploited) by others. Individuals may resist the victim label because they associate it with weakness. Moreover, a range of characteristics and behaviors may be associated in the public's mind with being a "worthy" victim, including a person's race, age, social class, looks, and propensity for self-assertion or aggression. Moreover, once someone is a victim, he or she may be expected to enact these stereotypes, which is a constraint that often extends to their perceived eligibility for vital services (Wuest & Merritt-Gray, 1999).

The Evolution of This Text

This is the fifth edition of this text. Each edition has been updated and revised, and in this edition, we go even further by complementing the emphasis on criminal justice and law with chapters on how domestic violence affects children and health and on the roles played by the health-care system, child welfare organizations, and the family courts in the societal response. In part, we have broadened the focus to reflect a growing realization that relying so heavily on criminal justice and law may not have proved as effective as was initially hoped.

Interestingly, each edition of this text has appeared at a watershed of sorts in the history of the domestic violence revolution. We try to capture these moments for our readers, particularly in terms of what they imply for the criminal justice response to domestic violence, as well as to anticipate where things are headed.

The first edition of this text was published in 1990, 3 years before the historical signing of VAWA by President Clinton. In a very small way, the goal of the text—to synthesize existing knowledge about the criminal justice response—was the intellectual counterpart to the political goal of VAWA, namely, to bring together the diverse strands of criminal justice intervention under a single-policy umbrella.

The target audiences for the first edition of this text included students and practitioners in criminal justice and other social sciences who had little prior knowledge about domestic violence and those who had a substantive interest in domestic violence but little sense of how the response by police and the courts fit into the broader workings of the criminal justice system. The initial focus solely on criminal justice reflected the overall societal emphasis in the United States on defining domestic violence as a criminal assault involving partners or other family members, the propensity to frame the participants as offenders and victims, the widespread reliance on court orders to protect victims and on police intervention, and primarily on arrest as the front-line intervention that would complement the safety afforded by shelters. The focus on criminal justice also reflected another reality: Starting with hearings and a report by the US Commission on Civil Rights in 1978, the criminal justice system also had borne the brunt of criticism for the inadequate societal response to domestic violence.

By 1993, most localities had already adapted so-called mandatory arrest policies, although debate about the wisdom and efficacy of these policies was still widespread. Although some commentators questioned whether domestic violence should be treated as a crime rather than as a problem in family dynamics, the most trenchant criticism highlighted the threat these policies posed to victim autonomy and police discretion and the possibility that making arrest standard procedure might exacerbate racial bias in policing. Many jurisdictions also had initiated BIPs, although criminal courts were not yet relying on referrals to counseling as the preferred alternative to jail to nearly the extent they are today. Although some research suggested these programs could reduce subsequent violence, the quality of evaluations was poor. Moreover, advocacy organizations remained skeptical about BIPs, both because they questioned their efficacy in reducing violence and because they worried that money spent to rehabilitate offenders might draw funds away from front-line protections for victims, including shelters. In addition to mandatory arrest, many cutting-edge issues of the day involved the sensitivity of police, prosecutors, judges, and other front-line providers to victims,

the wisdom of so-called dedicated domestic violence prosecution, the interstate enforcement of protection orders issued by civil or criminal courts, and whether no-drop prosecution should be widely adapted.

The second edition, published in 1996, focused on the nature and extent of the rapidly evolving criminal justice system and offered tentative observations about the opportunities and limitations of the various approaches being attempted at the time of its publication.

In the third edition, published in 2003, we noted a proliferation of research evaluating the impact of innovative intervention strategies and the unanticipated problems originating from aggressive intervention.

In the decade since the first edition was released, it also had become clear that the efficacy of arrest, prosecution, and other components of the criminal justice response depend on their interplay with other components of the societal response, including health, child welfare, and the family courts. The third edition presented the various elements of the criminal justice response as if each could be evaluated in isolation (as if we could answer questions like “Does arrest end violence?” solely by comparing the propensity for continued violence among arrested offenders with offenders who are not arrested, for instance). This was the dominant approach in the field, and we felt we should reflect it. In reality, however, there are few communities in the United States where arrest exists in a vacuum. Even if an individual offender is not deterred by arrest, for instance, the police response may open a door to a range of services for victims as well as to counseling for the batterer. Thus, the question of whether arrest is an effective deterrent is increasingly secondary to the assessment of which package of services is available, and which supports are most likely to inhibit subsequent abuse. This is why the fourth edition included chapters on key non-criminal justice responses by BIPs, the child welfare system, family courts, and health-care agencies. We covered both the strategies that guide intervention by these agencies and the knowledge base that supports these interventions. We also identified the limits of these interventions. Key issues in these chapters are the health dimensions and consequences of adult and child victimization; the institutional response by the health-care system, child welfare organizations, and the family courts; and whether and how the harms caused by domestic violence are ameliorated by these institutional responses. As with criminal justice, an outstanding question is whether certain interventions do more harm to victims than good. Examples include mandatory reporting of domestic violence by health providers and the removal of children from mothers who have been abused.

A primary goal of this edition, as with the earlier editions, is to assist the reader in understanding the cultural, political, and organizational contexts that shape how criminal justice agencies relate to one another as well as to other societal agencies or institutions, historically and at the present time. This edition explores the individual components of the criminal justice system, how these components interact, and how these interactions affect outcomes.

The current edition expands upon our growing understanding of the nature of domestic violence and in particular, the importance of coercive control when looking at its impact on victims and assessing the danger posed by offenders. There also continues to be a proliferation of research examining the impact of many innovations in our criminal justice system and societal response to domestic violence. We now have much more knowledge about a diverse range of interventions. Therefore, this edition substantially updates what we know both in terms of current responses as well as their impact and effectiveness.

There also has been a growing awareness internationally of the problem of domestic violence and many efforts are under way in response to its recognition. Therefore, this edition will provide some discussion of these efforts as they help make important comparisons with approaches taken in North America.

We now find new policy issues emerging as well. The dramatic increase in victims seeking criminal justice intervention seems to have leveled off at about 55% (Truman & Morgan, 2014). The question remains as to whether and how this percentage can be increased or whether victims prefer alternative sources for intervention. In addition, we now find that our ability to control the most serious violent offenders and those at risk for committing homicide—not necessarily the same profile—remain a challenge. Many have raised concerns about the growing reliance on risk assessment instruments often used by overburdened criminal justice agencies that lack the resources to address the massive influx of cases reaching their attention. This volume provides a framework for understanding the progress we have made, as well as the challenges we still face in helping the millions of victims in need of assistance.

Organization of This Edition

Most chapters have been substantially rewritten from the earlier editions. An obvious exception is the chapter on the historical precedents. In accordance with the sweeping changes undertaken by the criminal justice system, we have significantly expanded our emphasis on current innovations made by the criminal justice system as well as by health-care and social-service agencies. We also have provided expanded coverage of the empirical research on the impact of these interventions on victims as well as the efficacy of such interventions with offenders. We include numerous case studies to show both our successes and challenges as agencies and society strive for continued improvement.

The text is structurally organized as follows:

Chapter 2 explores why the definition of domestic abuse, perhaps more than any criminal act, should encompass a very wide range of behaviors and apply to all forms of intimacy, regardless of marital or living status. We will discuss how, along with the direct impact of enforcement actions, case processing requirements might have indirectly defined the parameters of “permissible” contact by only criminalizing certain violent conduct, while conversely, tacitly condoning harassment or other strategies of coercive control—actions that in practice rarely result in arrest or prosecution. Thus, definitions are important not merely for what they highlight, but also for the sorts of behaviors, relationships, and consequences they throw into the shadows. We also introduce a new source of data, the National Intimate Partner and Sexual Violence Survey (NISVS), and explore how it helps inform us of the incidence and prevalence of sexual violence, physical violence, and stalking as well as variations in the general population.

Chapter 2 identifies gaps in the behaviors and relationships covered by domestic violence criminal codes. We contrast the propensity for criminal codes to define violence as individual acts, usually a physical assault or threat of physical harm, with the growing realization by researchers that domestic violence is more accurately conceptualized as including a range of behaviors that coerce and control victims, many of which currently are not recognized as criminal. These behaviors may entail isolating victims from resources or supports; exploiting them financially, sexually, or emotionally; humiliating them; intimidating them through a range of threatening behaviors; and using various means to control them physically or psychologically. Although not directly causing physical injury, by undermining a victim’s ability to resist or escape abuse, these behaviors can greatly increase the likelihood that a victim will be vulnerable to injury or even death. In this perspective, it is the *pattern* of violent and abusive behavior within the relationship that constitutes domestic violence rather than the individual acts of perpetrators. The relationships included under these acts also vary from state to state, sometimes only including married individuals, or alternatively, including some or all of the following: current and past intimate partners, anyone living in the same residence, children, siblings, any other family members, and any relative. Nothing we say here or elsewhere in the text suggests ending or even significantly limiting the role of criminal justice intervention. However, we do suggest that criminal justice and law enforcement are unlikely to prevent domestic violence or even revictimization unless their focus is clear and consistent and they are parts of a comprehensive societal response.

Chapter 3 discusses the historical context of domestic violence. There have been significant variations in how societies have responded to domestic violence, starting with ancient peoples. But close inspection reveals these responses to have revolved around a single theme, the right of the male patriarch or his surrogate to use violence and other means to enforce his will on the women and children under his control. Male domination in family or intimate relationships was alternately sanctioned by culture, religion, law, or some combination, making governmental support for abuse implicit, and faced periodic challenges from liberal governments, social critics, or movements to improve women’s lot. Nevertheless, the domestic violence revolution that sets the stage for this book has been far and away the most effective in eliciting reform.

Chapter 4 provides a number of theoretical frameworks currently used to analyze the behavior of domestic violence offenders. The chapter posits that actual acts of violence often are merely a part of an overall pattern of behavior. We include an extensive discussion of coercive control and its significance in understanding why a given offender may

select a particular means of coercion or control from all available options; the chronic nature of most abuse; and the complexity of the dynamic that typically unfolds making it unrealistic to hope that either party will simply stop or withdraw in the moment. Conversely, any effective societal intervention must confront this complexity either by complementing situational sanctions with a larger strategy of prevention; by building from the bottom up, so to speak; or as part of a coordinated community response in which criminal justice is deployed, as needed, as part of a multi-institutional strategy designed to prevent revictimization and reoffending. We see funding for prevention, criminal justice intervention, and health and human services as parts of a piece rather than as alternative policy initiatives.

Chapter 5 discusses the long history of societal neglect of this problem. Prior to the 1970s, the statutory structure for handling domestic violence could charitably be described as “benevolent neglect” of “family problems.” State assistance for victims, if any, went to traditional social welfare agencies that handled a variety of family problems, most of which were assumed to originate from poverty, ignorance, or ill-breeding. Not only did these agencies lack expertise in domestic violence, but also they often took the occurrence of violence as an occasion to strengthen family bonds, in many cases exacerbating women’s abuse. Managing violence against women was considered beyond the purview of government; as a result, the failure of government to assume responsibility for the safety of women and children in their homes was not noticed. To the contrary, it was widely believed that intervening to protect women and children except in the most egregious cases could do incalculable harm to family structure and so, by extension, to society as a whole.

Chapter 6 identifies the factors that changed the traditional criminal justice response. The frequency of calls for help to police suggests that the general public viewed domestic violence as a problem meriting state intervention. Nevertheless, little was done to address it, let alone to control its incidence. By the early 1970s, however, the climate had changed and a range of publications, including research monographs, news articles, and advocacy papers criticized justice agencies for their failure to deter future acts of violence or respond to requests for assistance from victims. Changing the criminal justice response proved much more difficult than criticizing it, however.

Reforms in the criminal justice system were elicited by a historically unique constellation of the grassroots activists who formed the battered women’s movement, policymakers across a broad political spectrum, and those law professors Elizabeth Schneider (2000) called “feminist lawmakers.” Resistance to change was deeply rooted in organizational culture. Police and prosecution were committed to using their discretion to filter out cases that lacked sufficient public purpose to merit a major expenditure of resources. In effect, they had used this discretion historically to eliminate not only cases where there was insufficient evidence for an arrest or conviction, but also those considered unimportant or unworthy of their time. Domestic violence fell squarely in this latter group, making police arrest-averse and instilling a strong bias in favor of dismissal among prosecutors.

Chapter 7 homes in on a core issue, how the criminalization of domestic violence led first to an emphasis on arrest as the solution to domestic violence and, more recently, as a required initial response. The immediate effect of such legislation was to give primary responsibility for the suppression of ongoing domestic violence to the criminal justice system—the very institution that had neglected the problem historically—and to do so by constraining discretion in the decision to arrest, which is a core value in policing. There also is an examination of the implementation and diverse impact of the new pro-arrest statutes on police arrest practices. We argue that some proponents of more aggressive intervention had a limited understanding of how laws or policies that mandated a particular response would affect victims, especially in those states or police departments that require officers to make an arrest in cases of intimate partner violence. The chapter highlights an unintended consequence of these policies: that many victims feel disempowered by their inability to control the outcome of a call for police assistance. To reiterate earlier points, some victims may feel that control over the arrest decision provides bargaining room with an abusive partner or may fear the financial consequences of arrest for themselves or their abusive partner, particularly if he is unable to work or she must miss work to appear in court. In addition, victims who choose to remain with offenders may find their relationship harmed, whereas those leaving may find themselves in greater danger from the offender. As a result, victim reporting may

diminish, and in such jurisdictions, a smaller population of victims may actually be served than would be if police discretion is exercised in the victim's interest. This chapter also addresses another serious and unintended consequence of current arrest policies, the dramatic increase in the arrest of women as well as an increase in dual arrests (i.e., the arrest of both parties). In fact, the leveling off in reporting to police may be a manifestation of this problem.

Chapter 8 focuses on the increasing attention and significance attributed to the role of the prosecutor. As practitioners and policymakers realized that the mere arrest of an offender was rarely sufficient to deter reoffending and/or protect victims, the focus shifted to the practices and efficacy of prosecutors. As with police, changed expectations for prosecutors have spurred attempts to mandate aggressive prosecution in domestic violence cases. Although legislative mandates with respect to prosecution are more problematic than similar mandates for police, there has been a massive increase in the proportion of cases prosecuted. However, victim cooperation continues to be a key factor in determining whether prosecution is successful.

Even more than police, prosecutors have the capacity to provide key services for victims beyond taking a case to trial. Specifically, they can help reduce victim fear, provide a degree of ongoing protection, and facilitate access to needed services, including advocacy. Many victims may be safer as the result of prosecution. But most offenders continue their abuse, many are undeterred by conviction, and some become even more violent. The solution is not to forgo prosecution but to combine aggressive prosecution of high-risk offenders with enhanced efforts to ensure victim safety. There is now evidence that we can identify a subpopulation of low-risk offenders who are unlikely to reoffend, regardless of whether the case is prosecuted. In these instances, the best course from the standpoint of both the victim and society may be to follow a victim's preference and provide alternative strategies for intervention.

Chapter 9 discusses restraining orders and how civil courts work to address elements of domestic violence that are not specified in criminal statutes. There have been additional court cases impacting how such orders are applied, as well as knowledge about their effectiveness. They can potentially provide greater relief by expanding the application of other statutes not expressly linked to domestic violence at the moment, including harassment or stalking laws. In addition, the growing use of risk assessment instruments in identifying the most dangerous offenders can help determine where such orders should be more closely monitored. Finally, there is a discussion of new strategies to enforce their effectiveness.

Chapter 10 covers the role of the judiciary. Determining the extent and nature of judicial intervention depends on which of many conflicting goals is considered paramount: retribution, rehabilitation, or satisfaction and safety of the victim. Historically, the response fluctuated between punitive responses to domestic violence—ensure arrest, prosecution, and conviction—and violence suppression strategies to deter aggressive behavior without regard to their punitive nature.

There have been tremendous changes in the judicial response, but the diversity and inconsistency of these responses make it hard to generalize across jurisdictions. Some jurisdictions prefer the traditional model, with domestic violence cases heard in a criminal court setting where the offender and victim can be clearly demarcated. Other jurisdictions favor a more holistic approach, hearing all misdemeanor domestic violence cases in a single venue or “domestic violence court,” for instance, or combining all matters pertaining to the couple in a single proceeding, including family matters—the “integrated” domestic violence court. This chapter explores these alternative approaches, identifies their varied goals and procedures, and highlights the need for research that explores their relative efficacy. Since the last edition, we also have additional information on their effectiveness which previously was lacking.

Chapter 11 focuses on the breadth of statutory changes since the 1970s, including legislative reform in all 50 states. Although the new statutes differed markedly in their scope and substance, they were designed to effect profound structural changes in the response of government agencies to domestic violence. Such changes have primarily been concentrated in three areas: (a) the police response, (b) the handling of cases by prosecutors, and to a lesser extent,

(c) the judiciary methods of educating the public about the problem and providing state funding for shelters and direct assistance to victims. An additional set of reforms supported batterer intervention. More recently, criminal codes have evolved to include stalking and harassment as forms of abuse. These statutes move beyond the equation of domestic violence with physical assault. But they are not as widely used as the original statutes, often are inconsistent, and are set standards of proof that are difficult to meet. Little is known about whether these statutes are an effective way to combat abuse or even whether their use is an improvement over the statutes focused only on violent incidents. We conclude this chapter by asking whether the focus on identifying violent offenders, determining guilt, and using criminal justice sanctions to prevent reoffending have clarified or obscured the larger societal concerns about the control of domestic violence. Also new in this edition is an extensive discussion of international efforts to address domestic violence and what can be learned from their initiatives.

Chapter 12 focuses on the courts' most common disposition, mandated attendance at a BIP. Currently, most batterers attending these programs are there as part of a judicial sentence. We assess the general efficacy of such programs in reducing violence as well as their relative success with specific types of offenders. Proponents of these programs continue to insist on their general efficacy, at least in reducing repeat violence in the long term. Our conclusion, however, is that these programs do not seem to deter many types of offenders, specifically those who are chronic and severe batterers. In response to these concerns, there is a growing trend to use these programs to ensure offender accountability rather than to rehabilitate offenders. We assess the wisdom of this approach.

Research continues to show that, no matter how innovative or enhanced, serious domestic violence cannot be effectively addressed unless the criminal justice system works in concert with the range of government, nonprofit, and community-based agencies and programs. Chapters 13 and 14 address the three other institutions that are central in the lives of domestic violence victims: the health-care, child welfare, and family court systems.

It was by no means inevitable that the domestic violence revolution in the United States would rely so heavily on the criminal justice system. In countries where the welfare state is more developed than it is in the United States—in England or Scotland, for instance—arrest is just one piece of a complex web of services to which domestic violence victims have access. In Scandinavia, support for victims plays a more important role than sanctioning offenders. So it is worth asking why police were so central to the societal response in the United States. One obvious reason is that, with the exception of health crises, the police are the default agency contacted in the midst of an emergency. A related factor is that their services are free and are available 24/7, which is an important fact since only a small proportion of family assault calls occur on weekdays during “office hours” between 8:00 a.m. and 5:00 p.m. Also important is the nature of the crisis precipitated by domestic violence. In the midst of an assault, many victims want police intervention: Police are easy to contact, respond relatively quickly, make home visits, and provide a highly visible authority figure to counter the raw power of the abuser. These factors mean that the police often are the source of the family's contact with other local government agencies such as health care or child welfare and that these agencies, in turn, often depend on police referrals for their clientele.

Chapter 13 covers the health dimensions and consequences of domestic violence, the subsequent utilization of health services by victims and related costs, and the development of a health-care response. Starting in the late 1970s, a substantial body of research documented the significance of abuse for women's health. Early work focused on physical injury as the most obvious symptom of abusive relationships, showing, for example, that domestic violence was the leading cause of injury for which women sought medical attention (Stark & Flitcraft, 1996). However, comparisons of health utilization by battered and non-battered women also showed that victims suffered disproportionately from a range of medical, behavioral, and mental health problems in addition to injury, including most notably substance abuse, attempted suicide, depression, and a range of disorders related to the fear and entrapment established by abuse. Although the emphasis on injury pointed toward intervention in hospital emergency rooms, a larger picture of its health consequences suggested that domestic violence required clinical violence intervention across the board, ranging from health to mental health to public health services.

Many of the same factors that defined the police as first responders in domestic violence cases disqualified other services, at least initially, including health care. Although hospital emergency rooms are usually open around the clock 7 days a week, they present victims with any number of obstacles to access. These obstacles include long waits, the need for self-transport, ambiguity about where domestic violence ranks in relation to the sorts of trauma for which emergency medicine was established, and limited services for the uninsured or underinsured. Through much of the 1970s and 1980s, medical providers were much less likely to be aware of domestic violence than the police and even more reluctant to become involved with family problems. Thus, they responded symptomatically, providing medication for pain but doing nothing to enhance women's awareness or safety.

Today, some, but by no means all, of the barriers to accessing health services have been removed. Starting with the introduction of domestic violence into professional education and training, medicine, nursing, psychology, psychiatry, and social work have introduced a range of innovative programs to identify and respond more appropriately to the adult and child victims of abuse. Most agencies where these professionals work have adapted formal protocols for recognizing, assessing, and providing services to victims as well as for interfacing with the criminal justice system, shelters, and other service agencies where appropriate. Still, major challenges to mounting an appropriate health system response remain.

Chapter 14 starts with a remarkable fact: that domestic violence may be the most prevalent context for child abuse and neglect. We explore the many ways in which exposure to abuse can harm children as well as the resiliency of battered mothers and their children in the face of abuse. Despite the significant impact of domestic violence on children's well-being, the child welfare system and the family court—the two institutions most directly charged with protecting children and their best interests—have hesitated to get involved in partner abuse, in part because they have feared that doing so would embroil them in political controversy. The traditional focus of child welfare on women as mothers and its historical move away from criminal justice toward counseling and parent education has left enormous ambiguity about whether its function in these cases is to protect children by removing them from the potential danger posed by abuse or to broaden its perspective to encompass women's safety as well. A similar dilemma has faced the family court. Following congressional guidance, many states have adapted rules mandating that their family courts give significant weight to domestic violence in custody disputes. But many of these same states also have emphasized shared or co-parenting as the most desirable outcome of divorce for children. The dilemmas faced by the child welfare and family court systems often are borne by victimized women.

Conclusion

The goal of this edition is to track the domestic violence revolution largely, but not exclusively, through the prism of the criminal justice and legal response. The text has evolved alongside the societal response. In an ideal world, three decades of intervention would yield a finite picture of what works and what does not, and we could simply embrace those programs identified as best practices and move on to eliminate partner violence against women. This is not the world in which we live. Some of what has been done to end domestic violence seems to help. However, the effect of much of what has been done remains unclear, with equivocal findings suggesting that the organizational, social, and cultural context in which interventions operate may be as important to their outcome as their content. And some interventions that are widely thought to be effective are probably not. We take a victim-friendly approach and suggest where we *should* go next in our support for victims and our efforts to sanction or otherwise manage offenders. But this text is not designed to promote one type of program, solution, political direction, or philosophy. Rather, it takes stock, asking how we got where we are in our societal response to domestic violence and where we are likely to go next. We will be satisfied if the text helps readers locate these points on their social compass.