

Domestic Violence

Domestic Violence

- What is it?
- Why?
- What can be done?
- What can police do?
- What can courts do?
- “Why don’t they just leave?”

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Domestic Violence

- Up to the 1970s, police favored a “hands-off” approach to domestic violence calls. Arrests only used as a last resort.
- In the late 1970s and early 1980s, feminists and battered women's advocacy groups were calling on police to take domestic violence more seriously and change intervention strategies.

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The Police Perspective

- Same couples fighting again and again.
- Very limited discretion.
- “Preferred arrest” means lock-up the winner.
- People play the system.
- The victim won’t show up in court.
- Paperwork required.

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Minneapolis Domestic Violence Experiment (1984)

- Randomized field experiment looking at effectiveness of methods used by police to reduce domestic violence.
- Cases used were misdemeanor assault calls with both victim and offender present.
- 51 patrol officers in Minneapolis. Each was asked to use one of three approaches for handling D.V. calls in which an assault had occurred:
 - Send the abuser away for eight hours.
 - Advice and mediation of disputes.
 - Make an arrest.

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Minneapolis Domestic Violence Experiment

- The design called for each officer to carry a pad of report forms, color coded for the three different police responses.
- The forms were numbered and arranged for each officer in an order determined by the lottery.
- Each time the officers encountered a situation that fit the experiment’s criteria, they were to take whatever action was indicated by the report form on the top of the pad.
- Court records were examined and interviews were conducted during a 6-month follow-up period (n = 330).

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Minneapolis Domestic Violence Experiment

- The study showed arrest to be the best option.
- Many U.S. police departments adopting a mandatory arrest policy for domestic violence.
- By 2005, 23 states and the District of Columbia had enacted mandatory arrest for domestic assault, without warrant, given that the officer has probable cause and regardless of whether or not the officer witnessed the crime.

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Oops!

- Five replication studies produced mixed results. Three found that arrested offenders had *higher* levels of recidivism.
- Restoring order, providing crisis intervention, issuing emergency protection orders can all be more effective than arrest.
- In 1993, Lawrence W. Sherman, the author of the original study, recommended that police be given more discretion.

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Does forced prosecution work?

- In the Bronx you need a cooperating victim. 80% prosecuted.
 - In Brooklyn, "No-drop" policy. 99% of cases are filed. (95% of cases dropped with 90 days.)
 - Prosecution may increase the risk for some victims. Much, if not most, reoffending occurs after an arrest yet *prior to actual adjudication*.
 - No evidence of a lower recidivism rate in no-drop Brooklyn was found, regardless of whether the offense was assault, menacing behavior, or harassment.
- (Buzawa and Buzawa 2008)

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Prosecuting Offenders

- Despite all the efforts in Brooklyn, less than 5% were ultimately convicted.
- To present potential offenders with a *credible belief that they will be prosecuted and convicted*, real additional resources beyond that already allocated by Brooklyn for domestic violence prosecutions must be provided (Buzawa and Buzawa 2008).

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The problem of scarce resources

- Any additional funding to improve prosecution might come at the expense of other proven programs to combat domestic violence.
- If a victim refuses to sign a complaint, the money that would otherwise be spent on case prosecution should be allocated more directly to the provision of victim services (Buzawa and Buzawa 2008).

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Prosecuting Offenders

- A subset of offenders, which includes those that are generally violent, account for the most serious injuries. They are not likely to be rehabilitated.
- These offenders pose a threat to intimates as well as to the general public.
- Resources should be used to target these high-risk offenders.

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Victim Preference

- The resources used to prosecute each case should be used to provide victims with services and assistance.
- Court initiated restraining orders may be more problematic than the decision to leave their case open because victims may be denied the ability to decide whether they wish to remain with the abuser or maintain an "intact" family.

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Special Police Considerations

- Brady Bill, 1993, named after James Brady, who was shot by John Hinckley during a 1981 assassination attempt on President Reagan.
- Says, in part, they you can't be a cop with a domestic conviction because you can't carry a gun.
- A domestic-violence conviction is perhaps the *only* automatic disqualifier for becoming a cop.

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