2005

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20 J. Interpersonal Violence 479-487 (2005)
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A New Direction for Policy and Research on Intimate Partner Violence

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A key question facing researchers of intimate partner violence is how the real-life contexts of victims’ lives should affect state policy. The bulk of recently adopted and much-touted criminal justice reforms have taken the form of relatively inflexible, one-size-fits-all mandatory responses focused on counseling, restraining, and punishing batterers. Even the protection order system relies far more heavily on batterer treatment programs than on victim support to prevent future violence. Together, these reforms have largely sacrificed the contextualized, woman-centered focus from which the antidomestic violence movement originated. Recently, however, a small body of research has emerged indicating that responding flexibly to victims’ needs and providing them with advocacy and broad social support could be a more successful strategy for keeping women safe. These data highlight the importance of expanding victim-centered resources and reincorporating a particularized perspective into current policy and practice. Development of this literature should guide future reform efforts.

Keywords: intimate partner violence; domestic violence; social support; women’s movement; future directions

One of the key questions facing researchers regarding intimate partner violence in the coming decade is how the real-life contexts of victims’ lives, including their needs for security, advocacy, and support, should affect state policy. The bulk of recently adopted and much-touted criminal justice reforms have taken the form of relatively inflexible, one-size-fits-all mandatory responses focused on counseling, restraining, and punishing batterers to prevent them from reoffending. Although the protection order system is much more responsive to the needs and desires of individual women, it also relies far more heavily on batterer treatment programs than on victim support to prevent future violence. Together, these reforms have largely sacrificed the
contextualized, woman-centered focus from which the antidomestic violence movement originated.

This shift toward a largely perpetrator-centered, generic response stems in large part from the traditional emphasis of police and prosecutors on offender accountability over victim safety and security (Epstein, Bell, & Goodman, 2003). It has been compounded by researchers’ emphasis on evaluating batterer treatment over victim advocacy programs.

Recently, however, a small body of research has emerged indicating that responding flexibly to victims’ needs and providing them with advocacy and broad social support could be a more successful strategy for eliminating domestic violence (Bennett & Goodman, 2004). These data highlight the importance of expanding victim-centered resources and reincorporating a particularized perspective into current policy and practice. Development of this literature should guide future reform efforts.

HISTORICAL CONTEXT

As the battered women’s movement took shape in the late 1960s and early 1970s, activists were philosophically aligned with the broader feminist movement. They created support groups for battered women and the nation’s first domestic violence shelters (Schechter, 1982). These interventions focused primarily on assisting victims at the individual level, responding to the specific needs of particular women.

But as the movement progressed, it rapidly became clear that domestic violence was far too serious and widespread to be resolved solely in the private realm. Activists who had initially viewed government institutions with a robust dose of suspicion began to look to the state for assistance. The following 30 years witnessed a virtual revolution in the field. Today, there is substantial public awareness of the problem, a growing perception that it is unacceptable, and increasing political will to intervene. Major legislative and policy reforms have expanded and improved the responsiveness of police, prosecutors, and judges, among others, to victims of domestic violence (Epstein, 1999; Hanna, 1996).

For example, police officers historically failed to recognize the criminal dimension of intimate partner abuse, ignoring domestic violence calls, delaying their response by several hours, or insisting on mediation rather than arrest. In response to activists’ demands, jurisdictions across the country adopted mandatory arrest policies that eliminate police discretion in domestic violence cases. If an officer finds probable cause that a crime occurred, he or she must arrest (Epstein, 1999).
Similarly, prosecutors nationwide rarely pressed charges in domestic violence cases, and when they did, cases rarely were followed through to plea or trial. Today, no-drop prosecution policies are enjoying widespread popularity. This approach dictates that a criminal case proceed regardless of the victim’s wishes, as long as sufficient evidence exists to prove criminal conduct (Epstein, 1999; Hanna, 1996).

Both mandatory arrest and no-drop prosecution have greatly expanded battered women’s access to the justice system. Women interested in using the criminal justice system are now far more likely to succeed in doing so. These policies also represent an important symbolic shift: a clear declaration by the state that it no longer condones violence against women (Ferraro & Pope, 1993; Ford & Regoli, 1993). And some scholars argue that no-drop prosecution is the most effective way to eliminate a perpetrator’s ability to escape punishment by threatening victims into dropping charges (Hanna, 1996).

**THE PROBLEM:**
**INFLEXIBILITY AND PERPETRATOR FOCUS**

But this progress has come at a price. Given the enormous complexity of intimate partner violence, no single response can meet the needs of every woman, and many responses that are well suited to one circumstance can worsen another. By offering inflexible, cookie-cutter responses to victims, regardless of their life circumstances, mandatory arrest and no-drop prosecution fail to help and may even harm those victims at greatest risk.

The fundamental unresponsiveness of mandatory policies exposes individual victims to a range of potential harms (Epstein, 2002; Epstein et al., 2003; Mills, 1999). For example, if a victim seeks to drop charges so that the father of her children can continue to work and provide financial support, a prosecutor is likely to refuse on the ground that this would not serve the interests of the state in punishing violations of the social contract. No-drop policies also allow a district attorney little leeway in situations where a victim fears, realistically, that prosecution will provoke the batterer into retaliatory abuse against her; the district attorney may even subpoena the victim and force her to testify. This inflexibility thwarts a survivor’s efforts to regain control over her life, move past abusive experiences, and protect herself from future violence. Such a victim may also be far less likely to contact police or prosecutors in the future, ultimately leaving her more trapped than ever in her violent home.

The inflexibility of these government policies can be particularly problematic for subgroups of victims, such as those in immigrant, racial minority,
and poor populations, as well as those who love their abusive partner and hope to make the relationship work. As one example, federal law dictates that an immigrant convicted of a domestic violence offense becomes deportable, even if he has previously obtained lawful permanent resident status (8 U.S.C. § 1224(a)(2)(E), 2004). Many women partnered with such men are reluctant to risk triggering deportation and being ostracized from their communities for doing so, particularly if the perpetrator might be subjected to political persecution if forced to return to his home country. Faced with rigid policy mandates, these women often choose to remain silent about abuse (Loke, 1997).

Given the number of women for whom mandatory policies appear problematic, it is not surprising that outcome research has failed to show a positive impact. Studies now show that mandatory arrest has, at best, a mixed impact on reducing intimate partner violence (Maxwell, Garner, & Fagan, 1999; Schmidt & Sherman, 1996). Although no rigorous outcome study of no-drop prosecution has been conducted, researchers have found that victims who followed through with prosecution were less likely to experience subsequent violence only if they made a personal choice to participate and were not coerced into doing so (Ford & Regoli, 1993). Other research has shown that a woman who experiences government officials listening to her story and responding to her individual needs is more likely to feel treated fairly and therefore to cooperate with prosecutors’ requests than is a woman who feels forced into a mandatory model dismissive of her input (Erez & Belknap, 1998; Ford & Regoli, 1993). As a result, despite the initial enthusiasm of policy makers, researchers, and other experts, concern about the degree to which these policies actually keep women safe is steadily growing (Davies, Lyon, & Monti-Catanio, 1998; Mills, 1999).

The seeming indifference that these policy mandates have shown to an individual woman’s voice has been exacerbated by the research community’s disproportionate focus on batterer intervention programs, both in the criminal justice system and beyond. Far fewer federal dollars have been available to evaluate advocacy services for women than batterer treatment programs for men. In a recent review of studies on predictors of reabuse, Bennett and Goodman (2004) found that over the past 10 years, there have been more than 10 separate quasi-experimental or experimental studies of batterer treatment, more than half of which relied on samples of men in the criminal justice system; in contrast, there have been only 2 such studies of victim-focused advocacy, 1 of which was a pilot. Moreover, batterer treatment studies demonstrated equivocal results at best, whereas the advocacy studies demonstrated a clear and positive impact on women’s safety.
CREATING AND EVALUATING MORE FLEXIBLE RESPONSES

The next step for the battered women’s movement must be to revisit its roots by refocusing on supporting women and incorporating an individualized responsiveness into government and community programs. To succeed in these goals, researchers must find creative ways to bring the particular circumstances of women’s lives into acute focus. But this new direction must be pursued without resurrecting the regressive notion that victims are responsible for the violence inflicted on them. Instead, we must emphasize women’s safety in tandem with batterer accountability. And we must reach well beyond the criminal justice system, without sacrificing the gains we have made there.

One example of a new, more flexible approach within the criminal justice system is the Victim Informed Prosecution (VIP) program, an experimental project underway in the District of Columbia (Epstein et al., 2003). VIP redefines prosecutorial success by focusing equally on both offender accountability and victim safety. To accomplish these twin goals, VIP provides victims with a coordinated team comprised of prosecutors, civil attorneys, and advocates from a local community agency. The team meets regularly to discuss options for resolving each victim’s particular situation. For example, civil attorneys and private advocates are likely to learn of a long history of violence the victim has experienced, of which the prosecution typically is unaware. By sharing information, they can convince the government to add new charges, which may increase the amount of jail time for the perpetrator, or provide the victim with additional time and space to create a new, safer life. Alternatively, an advocate or civil attorney might successfully convince a prosecutor to decline pursuit of a particular charge if that would be in the victim’s best interests. In addition to charging issues, such ongoing collaboration can lead to a myriad of creative solutions for individual victims, such as deferred sentences in cases where women do not want their partner in jail or sentencing recommendations that include substance abuse counseling, parenting classes, or other conditions that comport with a woman’s needs.

The utility of this more individualized VIP approach is now being evaluated empirically, both quantitatively (using a quasi-experimental design) and qualitatively (conducting individual interviews with participants). The researchers hope that the results of the study will help guide the field toward new forms of flexibility within the criminal justice system.

But criminal justice solutions will never be appropriate for a large number of women, particularly those whose cultural or ethnic backgrounds make
them reluctant even to enter its doors. It therefore is crucial to explore innovative options that are community based, culturally sensitive, and more flexibly responsive to the needs of individual women. For example, the restorative justice movement proposes a series of models for responding to domestic violence, including community justice forums, sentencing circles, and alternate dispute resolutions, all in which simultaneously consider the needs of the victim, the community, and the offender (Koss, 2000; Rivera, 1998). A few communities also are finding creative ways to expand victims’ social support networks beyond traditional victim advocacy services. Working with a Hispanic migrant worker community, for example, United Migrant Opportunities in Wisconsin trained promotoras, natural community leaders nominated by other members of the community, to run support groups, make referrals, activate resources, and provide one-on-one assistance to victims of intimate partner violence (Bennett & Burt, 1999). Developing successful strategies in these and other relatively unexplored areas will depend heavily on advocates’ and policy makers’ access to as-yet-unavailable data. Extensive research is needed to guide the way.

This research direction is supported by emerging data demonstrating that despite the emphasis over the past several decades on research into perpetrator-focused interventions, advocacy and support services for women may be the most promising direction for the future. Recent experimental and quasi-experimental studies suggest that, for example, intensive advocacy programs for women may be far more effective in keeping women safe, even long after the completion of the program, than treatment programs for perpetrators (Bell & Goodman, 2001; Bybee & Sullivan, 2002; Sullivan & Bybee, 1999). Two recent studies also have found that women rate domestic violence advocacy as far more helpful in keeping them safe than the criminal and civil justice systems (Goodman, Dutton, Weinfurt, & Cook, 2003; Goodkind et al., 2004). And a growing body of research demonstrates the key role of women’s informal social support networks in helping them stop, prevent, or escape violence from their intimate partner (Goodman, Dutton, Weinfurt, & Vankos, in press; Rose, Campbell, & Kub, 2000).

FUTURE RESEARCH AGENDA

To shift the research community’s focus toward the exploration and evaluation of woman-centered programs, we propose further investigation in several areas.

First, as a necessary precursor to the development and refinement of flexible, woman-centered programs, researchers need to focus their attention on
those populations traditionally underserved by the criminal justice system. We need to understand better the obstacles to accessing existing services as well as women’s perspectives on the creation of new ones. Qualitative methodologies may be the most useful for getting at these complex dynamics.

Second, researchers need to conduct rigorous evaluations of innovative government practices, such as the VIP program, and other forms of coordinated responses that attempt to address the individualized needs of victims.

Finally, researchers need to evaluate new, community-based alternative responses, such as the advocacy programs described above, that support women whose particular needs never will be met by the criminal justice system. Such research should explore multiple outcomes, including women’s physical safety and emotional well-being, as well as the extent to which services are accessible to marginalized populations. Researchers will need to use multiple methodologies to get an accurate picture of whether and how these programs support women. Quantitative evaluations are needed to assess the outcomes of flexible programs, as well as qualitative studies to assess women’s particular perspectives and experiences within these programs.

There is no denying that this kind of research tends to be highly resource intensive. But it is far less costly than a long-term failure to reduce or eradicate domestic violence. By refocusing on the individual experiences of women, researchers, activists, and policy makers can continue to build on the substantial progress of the past several decades in the fight against domestic abuse.

REFERENCES


Lisa Goodman, Ph.D., is an associate professor in the Department of Counseling and Developmental Psychology at Boston College. Her research focuses on interpersonal violence and women's health.
responses to domestic violence and the prevalence and effects of violence against underserved women. Currently, she is coprincipal investigator on a National Institute of Justice–funded investigation of the nature of coercive control in intimate partner relationships and the contributing roles of culture, gender, social networks, and mental health. She is also conducting qualitative research on access to services among immigrant and poor women.

Deborah Epstein is a professor at the Georgetown University Law Center and has spent 20 years working as an advocate for victims of domestic violence. She directs the law center’s domestic violence clinic, where she teaches a seminar course on domestic violence and litigation strategy and supervises students who represent battered women in civil protection order cases. She has served as director of the D.C. Superior Court’s Domestic Violence Intake Center and as a member of the D.C. Mayor’s Commission on Violence Against Women, the D.C. Domestic Violence Fatality Review Team, and the D.C. Coalition Against Domestic Violence Board of Directors.