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INTIMATE PARTNER VIOLENCE: CRIMINAL JUSTICE RESPONSES TO
HIGH LETHALITY CASES

by

Victoria E. Collins
B.S. May 2006, Old Dominion University
L.L.B. December 2005, The Open University

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May 2009

Approved by: ,

Dianne C. Carmody (Director)

Doris Edmonds (Member)

Randy Gainey (Member)

ABSTRACT

INTIMATE PARTNER VIOLENCE: CRIMINAL JUSTICE RESPONSES TO HIGH LETHALITY CASES

Victoria E. Collins
Old Dominion University, 2009
Director: Dr. Dianne C. Carmody

This study examines the relationship between the level of violence suffered by the victim in a domestic violence relationship and the criminal justice responses to that violence, namely arrest, prosecution and the issuance of protective orders. Data was obtained from a nonprofit domestic violence agency in Virginia Beach, Virginia. The data was collected by agency staff from victims seeking assistance. This study found that female victims of domestic violence that suffered higher levels of violence at the hands of their abuser were more likely to be issued a protective order. Female victims who suffered higher levels of violence were not however, more likely to experience the police arrest of the perpetrator, the police requesting an emergency protective order on their behalf, or the prosecutor filing charges. These findings imply the criminal justice responses currently in place are not being utilized to assist those victims that arguably need most help; those experiencing the most severe levels of violence.

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CHAPTER I

INTRODUCTION

Domestic violence, defined as 'violence between intimates living together or who have previously cohabitated' (Buzawa and Buzawa 2003), is engrained in American history and culture. Its prevalence in society today is a testament to the fact that despite historical, cultural, legal and institutional changes domestic violence still remains a serious problem.

Despite the acknowledgement that statistics on domestic violence rates understate its prevalence (Buzawa and Buzawa 1996) it has been estimated that each year medical attention is sought by approximately 1.5 million women and 500,000 men as a result of domestic violence (Straus and Gelles 1986). Results from the National Crime Victimization Survey also found that between the years of 1993 and 1998, violence between intimate partners was responsible for 22 percent of violent crime against women and 3 percent against men (Rennison and Welchans 2000). Additionally, of women aged 18 years or older who are killed, 50 percent were killed by a husband, former

husband, common-law husband, or boyfriend (Carmody and Williams 1987). Although some researchers have suggested that domestic violence victimization rates for men and women are similar (Straus and Gelles 1986:1990; Straus 1999), it is hard to contend that domestic violence affects both men and women equally (Bachman and Saltzman 1995; Tjaden and Thoennes 2000; Swan and Snow 2002).

Both self report and criminal justice statistics reflect the gender disparity in domestic violence victimization rates, with women being victimized at a greater rate than men (Carmody and Williams 1987; Bachman and Saltzman 1995; Swan and Snow 2002). The majority of violence directed at women is at the hands of those with whom they are involved in ongoing relationships (Miller and Wellford 1997). In addition, domestic violence is unique because of the relationship between the abused and abuser (Hart 1996). Very often the abuser utilizes verbal, psychological, physical and sexual tactics with the intent to exercise coercive control and domination over their victim (Buzawa and Buzawa 2003). When comparing domestic violence victims with other crime victims, there are also vast differences. Victims of other crimes have not previously been living with the perpetrator of the crime, do not share children in common and are not economically

dependent on that perpetrator (Hart 1996). The gender disparity evident in victimization rates for domestic violence coupled with the unique dynamics often present in domestic violence relationships, has led to the formalization of an appropriate criminal justice response.

Since the 1970s there has been considerable structural change to the criminal justice response to domestic violence within governmental institutions and through the enactment of domestic violence specific legislation (Buzawa and Buzawa 2003). The most radical change has been making domestic violence a criminal justice issue. This has been accomplished through the passing of legislation mandating police enforcement of arrest policies in all 50 states (Buzawa and Buzawa 2003), the introduction of pro-arrest policies giving the decision to pursue prosecution to the state (McHardy 1992), and the use of civil protection orders as tools of protection for victims (National Council of Juvenile and Family Court Judges 1992).

The rationale for the employment of mandatory arrest, pro-prosecution policies and the issuance of protective orders is threefold. First the victim and her children are afforded protection from further acts of abuse (Cahn and Lerman 1991). Secondly, it acts as a public deterrent to domestic violence as a result of aggressive prosecution

(Buzawa and Buzawa 2003). Lastly, it benefits the victim through the identification and treatment of the perpetrator as a batterer (Buzawa and Buzawa 2003). However, domestic violence victims face many barriers when an arrest is made and prosecution pursued. These barriers are often peripheral to or even in conflict with the prosecutor's focus of obtaining a criminal conviction (Hart 1996). These barriers include: fear of retaliation, reconciliation, economic dependence, and legal and practical issues surrounding sharing children with their abuser (Hart 1984:1996; Gwinn 1991).

Research has indicated that involving the criminal justice system does not necessarily prevent future violence (Gelles 1993; Hart 1996; Klein 1996; Rebovich 1996). In fact it has been found that criminal justice intervention does not deter future acts of violence and in some cases can lead to retaliatory violence (Davis, Smith and Henley 1990; Goldsmith 1991; Gelles 1993). In addition, abused women are most often killed when leaving an abusive relationship or seeking legal help (Brown 1987; Hart 1996). Therefore the decision to involve the criminal justice system could potentially jeopardize a victim's safety (Hart 1996) and consequently becomes another barrier for the victim to contend with.

This study focuses on whether the criminal justice responses to domestic violence inclusive of arrest, prosecution and the acquisition of protective orders are being used as intended: to protect those victims who are at the highest risk for violence. This study measures risk of violence with a risk assessment tool that reflects the victim's perceptions and experiences of violence. This study examines whether criminal justice responses such as mandatory arrest, pro-prosecution policies and protective orders are more readily utilized for those victims who are at greatest risk of violence. Elements of Donald Black's (1976) 'Behavior of Law' paradigm are used to help explain the application of these criminal justice responses to the crime of domestic violence. Black's (1976) contentions that law is quantifiable and reflective of the social status of the parties involved will be shown to support the focus of this study: that criminal justice responses are more readily utilized for victims who experience higher levels of violence.

Victims of domestic violence who are at the highest risk for violence are more likely to have been injured, suffered repeated assaults and therefore had increased interaction with hospitals and doctors increasing their chance of police intervention and consequently initiating

the criminal justice response. In addition, domestic violence victims are more likely to seek help when the violence escalates (Mills 1985; Lempert 1996). When violence escalates in a relationship a battered woman is more likely to contact the police (Gondolf and Fisher 1988), and seek a protective order (Fischer and Rose 1995). It is therefore expected that victims who experience the highest levels of violence have an increased chance of receiving criminal justice intervention whether solicited by the victim or not.

CHAPTER II

REVIEW OF THE LITERATURE

INTRODUCTION

This chapter begins with an examination of the historical, political, and social development of current criminal justice practices utilized as a response to domestic violence, inclusive of arrest, prosecution, and the use of protective orders. Literature on the relationship between levels of 'lethality'¹ and the criminal justice system's response to intimate partner violence is examined. The barriers victims of domestic violence face when deciding whether to invoke the assistance of the authorities are also explored. The chapter concludes with a discussion of the current criminal justice response to domestic violence from the perspective of Donald Black's (1976) 'Behavior of Law' paradigm.

LITERATURE REVIEW

The criminal justice response to intimate partner violence consists of many elements, but for the purpose of

¹The term 'lethality' is used in the context of current domestic violence literature to mean the ability of specific acts of violence or abuse as a whole to cause life threatening injury or/and kill the victim.

this study it is inclusive of police intervention, prosecution, and the issuance of protective orders. To better understand the current criminal justice response to domestic violence, it is necessary to examine the research on each element.

Mandatory Arrest

Mandatory arrest policies were first introduced in the 1980s when sociological, academic and political pressures acted as a collective catalyst for structural and institutional change. Mandatory arrest is a term that makes reference to mandated action required of police officers, specifically when and how the power of arrest should be utilized when responding to calls for service for domestic disputes (Barata 2007). Police officers are required to arrest the 'batterer' based solely on whether there is enough evidence to satisfy probable cause that an assault occurred (Barata 2007). Although officers are required to consider many factors when investigating whether an assault took place such as the parties physical appearance, witnesses, weapons, and history of violence, the officer's discretion is eliminated, the victim's wishes are disregarded and the officer must make an arrest.

Mandatory arrest laws have received praise and

endorsement from both the public and advocates of the women's movement. This support is based on the premise that the dynamics of power and control often present in a domestic violence relationship not only justifies but requires stringent police and criminal justice intervention (Black 1983; Hart 1988; Straus 1996; Cardarelli 1997).

However, as time has progressed opposition for mandatory arrest policies has grown. Criticism of mandatory arrest has focused on its limited success in preventing future violence. Critics also note that removal of the victim from the arrest decision further decreases the already greatly diminished sense of control the victim has over his/her situation. This is believed to reinforce the powerlessness already inflicted by the batterer and also remove all police discretion (Stark 1993). Mandatory arrest is often framed as an inadequate response to domestic violence in isolation. It appears to be most effective when coupled with other community responses and support (Ford et al. 1996).

The Traditional Response

Prior to the 1980s, advocates and activists in the feminist and women's movements persistently challenged the traditional police response to domestic assault. They

contended that the police, a male dominated patriarchal institution, failed to take domestic violence seriously (Davies, Lyon and Monti-Cantania 1998). This traditional response assigned lower priority to domestic assault calls. In addition, domestic assaults were treated as less serious than stranger violence and officers were charged with neglecting opportunities to prevent future acts of abuse (Gelles 1993). This traditional recognition through arrest and subsequent prosecution of only the most severe acts of abuse indirectly sanctioned an acceptable level of violence, namely all lesser acts of violence (Stark 1993). The traditional response therefore represented more of a lack of response than a response of any sort, and sometimes left victims even worse off than they were before law enforcement intervened.

The 1980s and Era of Change

The 1980s brought about the redefinition of woman abuse, no longer considering it a 'family matter' to be dealt with in the private sphere. This shift in the public perception of domestic violence was precipitated by large scale cultural changes. Women's societal roles had been progressively changing with their greater involvement in the paid labor force (Davies et al. 1998). This was

coupled with attention from activists and advocates who had exposed the inadequacies of the traditional law enforcement approach to domestic violence. Through domestic violence shelters and crisis lines, advocates and activists actively pursued institutional change (Davies et al. 1998). Their efforts resulted in greater social awareness of an otherwise ignored social issue. Legislative change was also encouraged when domestic violence victims pursued litigation against individual police officers and police departments who failed to protect them against their batterer (Zorza 1992). The case of *Thurman v. City of Torrington* (1984) received national attention when it was found that the Torrington police department inadequately protected Ms. Thurman against her abuser and a large settlement was paid by the city (Cardarelli 1997).

The Role of Academic Research

In conjunction with the increased national attention and litigation against police departments, academic research also played an important role in bringing about mandatory arrest policies. A pivotal study by Sherman and Berk in 1984 indicated that arrest was more effective than other responses in reducing domestic violence recidivism.

Sherman and Berk's (1984) study examined the impact of

three different police responses to domestic violence calls for service in Minneapolis. The study compared the recidivism rates of perpetrators that were arrested and temporarily incarcerated for misdemeanor offenses of domestic violence, with those that received police mediation at the scene and those that were temporarily separated from their partners for a period of eight hours. Based on their study of 314 domestic violence cases in Minneapolis, they found that offenders who were arrested and temporarily incarcerated had significantly lower recidivism rates in the six month follow up period. Sherman and Berk (1984) recommended that arrest be the preferred law enforcement response to domestic violence calls for service. They also recommended additional research to confirm or challenge their findings.

The results from the Minneapolis Police Experiment (Sherman and Berk 1984) greatly influenced the United States Attorney General's Task Force on Family Violence (U.S Department of Justice 1984). In their final report, the Task Force recommended the criminalization of family violence (Gelles 1993). This led to significant legislative change and the implementation of mandatory and pro-active arrest policies in multiple cities across the United States.

Although Sherman and Berk (1984) received much notoriety, their research also received much criticism. Subsequent studies intended to replicate Sherman and Berk's (1984) study did not support their findings but rather created further confusion. Replications of Sherman and Berk's (1984) study were conducted in six cities and provided varying results as to the effect of arrest on domestic assault. The findings indicated that recidivism rates did not differ significantly for those offenders that were arrested compared to those that were not arrested when the follow up period exceeded six months (Mills 1998). Several researchers questioned the internal and external validity of the Minneapolis study and argued that the arrest procedure was treated as separate from prosecution instead of considering it an invaluable step in a larger process (Bowman 1992; Frisch 1992; Zorza 1992).

Prosecution

Since the 1970s there has been a decided change in prosecution rates and policies concerning domestic violence. Much of this is as a direct result of public and political interest and pressure, as well as the introduction of both mandatory and pro-arrest policies. Recommendations to local prosecutors as to appropriate

prosecutorial approaches from the National Council of Juvenile and Family Court Judges (NCHFCJ) include the prosecution of all criminal cases that can be proved, "including proceedings without the active involvement of the victim if necessary", as well as the introduction of personnel specifically trained in domestic violence (McHardy 1992).

Pressure to prosecute continues to be supported by research that indicates that without adequate prosecution of domestic violence cases, women and children will continue to suffer at the hands of their abusers (Cahn and Lerman 1991). Despite the recommendations of the NCHFCJ and the supporting research, there is much disparity in the practice of prosecuting domestic violence cases across jurisdictions.

In a 1996 national study of 142 prosecutor's offices of medium to large jurisdiction, Donald Rebovich found that many prosecutors were attempting to approach domestic violence in an aggressive manner by adopting no drop policies. Many also showed a willingness to move forward with the prosecution without victim participation. Rebovich (1996) found much support for domestic violence diversion programs in addition to the utilization of victim advocate programs in an attempt to take a wider approach to

the problem. However, Rebovich (1996) also found that limited funding and resources largely impacted the prosecution response: offices with less funding were more dependent on victim cooperation for prosecution. Under funded offices also showed a greater utilization of victim advocates.

The prosecution practice itself can directly affect batterer recidivism (Ford and Regoli 1993). Ford and Regoli (1993) compared no drop prosecution and drop permitted prosecutions. They found that in situations where victims are permitted to drop the charges, victims who do not drop the charges are at lower risk for being re-victimized in direct comparison to those who experience mandatory prosecution. However, those who did drop charges when permitted to do so were at greater risk of being re-victimized than those subjected to the mandatory prosecution.

It appears that no drop policies in domestic violence cases are most beneficial when resources are available to allow for a comprehensive approach that acknowledges that the prosecution of one specific incident does not solve the problem for the victim, perpetrator or community. In addition, many prosecutor offices rely heavily on the issuance of protective orders to deter offender retaliation

against victims who choose to testify as witnesses (Rebovich 1996). Protective orders are largely ineffective because violation of protective order brings minimal punishment.

Protective Orders

Protective or restraining orders are often offered to victims of domestic violence as a means in which to prevent an abuser from re-victimizing that victim (Klein 1996). In many jurisdictions law enforcement officers initiate the protective order process by requesting a temporary protective order on behalf of a victim when an arrest is executed. In these situations, the victim usually has the option to pursue a more permanent civil order through the courts.

The research concerning the effectiveness of temporary protective orders is mixed. In a 1996 study, Harrell and Smith found that 86 percent of the victims found the granting of a temporary protective order to be helpful in providing documentation of the abuse, 79 percent said it was helpful in asserting that their partner's actions were wrong, and 62 percent found the order to be helpful in punishing the offender. Harrell and Smith (1996) also found that many of the victims did not feel it necessary to

return for a permanent hearing as the abuse had stopped. On the other hand, Harrell and Smith (1996) also found that 75 percent of the women who received permanent protective orders reported some contact with the offender after the order was entered and over half reported unwanted contact. Klein (1996) also found that almost half of the women in his study, who were granted a temporary restraining order, were subsequently assaulted by their abuser within a two year period. It appears that although protective orders do work for some women as a deterrent for some forms of abuse (Klein 1996), they are not a sufficient barrier to future violence.

Victim's Perspective and Risk of Violence

Crimes of domestic assault and battery, unlike any other crimes, place the victim in an often unsafe and conflicting role. Like other victims of violent crime, victims of domestic violence hope for the abuse to stop, they want input as to the prosecution and sentencing of the offender, they want justice and they want to be acknowledged as an individual (Hart 1996). Domestic violence victims fear retaliation but unlike other violent crime victims, they are at an elevated risk of retaliation because of their relationship with the perpetrator (Hart

1996).

Victims of domestic violence may have experienced a multitude of violent acts before the criminal justice system becomes involved. In addition, they are often economically dependent on the abuser during the trial and the time preceding it and know that shared custody of the children will compel them to have some form of contact subsequent to the disposition. All of this elevates the risk for future lethal and non-lethal violence (Langan and Innes 1986; Browne 1987; Hart 1996).

Pursuing prosecution and protective orders can escalate the violence considerably with as many as 30 percent of batterers inflicting subsequent assaults prior to the disposition (Goldsmith 1991). It therefore is not unreasonable for a victim to be reluctant to assist prosecutors in pursuing a criminal conviction. Being seen as an "uncooperative witness" often feeds into other misconceptions about domestic violence victims (Carmody 1998). They are often cast as being in some way responsible for their victimization by the very criminal justice personnel who are tasked with their protection, such as police, judges, magistrates and prosecutors (Hart 1996). This victim blaming is a re-victimization and often reinforces the abuser's repeated threats that the victim

will not be believed or taken seriously if she pursues criminal remedies.

Victims who participate in the prosecution of their abusers are faced with the reality that domestic assault and battery is classified legally as a misdemeanor. This is despite approximately 90 percent of domestic assaults resulting in equal or greater bodily injury than most robberies, rapes and aggravated assaults (Langan and Innes 1986). This fact, coupled with court delays, discourages victim cooperation with the criminal justice system.

The use of diversion programs, sentences, deferments of findings and sentencing that is rehabilitative as opposed to punitive in nature can undermine the sense of justice a victim may receive from the criminal justice system. On the other hand, these alternatives can also provide great reassurance to victims who because of economic dependence or children in common, do not favor custodial sentencing as an option for their abuser.

Victims of domestic violence may also find themselves in the position of defendant, facing the same custodial sentences and rehabilitative programs as their abuser. With the introduction of mandatory arrest policies, the number of women arrested for domestic violence has greatly increased (Henning, Renauer and Holdford 2006). Abusers

use the law as a weapon to re-victimize the true victim when they are able to obtain arrest warrants based solely on their testimony.

Victims of domestic violence are also at a heightened risk for suicide (Shields and Hanneke 1983). A study of shelters and volunteer samples from the community indicated that 35 percent to 40 percent of battered women had attempted suicide at least once (Mills 1998). Another 1995 study by Stark and Flitcraft, found that in a one year period 30 percent of the 176 women who came to the emergency room because of attempted suicide had previously suffered a domestic violence incident. Considering the elevated risk of future violence and institutional barriers a victim of domestic violence faces, it would not be surprising to find the fear, stress and anxiety victims often contend with manifests itself through the contemplation of suicide.

THEORETICAL FRAMEWORK

Donald Black's (1976) 'behavior of law' paradigm addresses law as a form of governmental social control that provides a sense of normalcy to society. Black (1976) proffers that law can be measured quantitatively through size of complaint, degree of punishment and amount of

compensation awarded. For example, an investigation or a custodial sentence would reflect a greater use of law than a police report or a fine. Therefore, Black argues that more serious crimes would receive a greater amount of law (i.e. a stronger response from the criminal justice system) than lesser offenses.

Law also has different styles such as penal, therapeutic, compensatory and conciliatory. Each type corresponds with a style of social control present in society. Each type of law has a different way of defining deviant behavior and consequently a different method of dealing with it. Penal and compensatory law both involve a complainant. For penal law the complainant is society as a whole and for compensatory law the complainant is the victim. Both penal and compensatory law have defendants and both are accusatory in nature with outcomes being absolute. Therapeutic and conciliatory social control are remedial in nature and seek to restore normalcy to a situation and to society as a whole.

In addition to these four types of law, the quantity and style of law varies historically, geographically and within the stratification of society.

Vertical Location and Vertical Direction

Black (1976) argues the class stratification of society also effects the quantity of law afforded an individual. Those at lower socioeconomic levels are afforded less law than those with greater wealth and power. Black (1976) terms this vertical location. Black contends that in most societies both women and children have lower vertical locations than men; therefore they hold less rank and consequently receive less law. Women who are victimized would expect to receive less law than their male counterpart.

Black (1976) acknowledges that the concept of stratification is not isolated to gender. The stratification of wealth and power in a society can be dependent on many factors including age, place of birth, occupation, lineage, and race. Different factors hold different levels of importance for different societies. In the United States of America race has historically and remains today related to social status, with those considered Caucasian afforded a higher social rank than non-Caucasians. In applying Black's (1976) principles of stratification, Caucasians would therefore have higher vertical location than other racial groups, consequently being afforded more law. It therefore follows that a

victim of domestic violence who is female, African American and victimized by a Caucasian male would be afforded less law than an African American female who is victimized by an African American male.

Black (1976) also suggests law has vertical direction moving both upwards and downwards. Law that moves upwards moves from lower to higher rank. This would occur when a person of lower rank is victimized by a person of higher rank. Conversely, law that moves downwards moves from higher to lower rank. Black (1976) also notes that the direction of law is opposite to the direction of deviance. If a crime is upward it is perpetrated by someone of lower rank or status against someone of higher rank. The resulting direction of law would be downwards and consequently downward law is greater than upward law.

In the context of domestic assault which is a gender bias crime, female victims experience a downward deviance and consequently the direction of law is upward. This results in less law than would be expected if the victim were male and the offender female. In this sense, females are less protected by the law than males. The same premise can be applied to race where the relationship is interracial and the perpetrators race holds greater vertical location than the females, i.e. the male is

Caucasian and the female is not.

In addition, Black (1976) argues that the relative social rank of a victim and offender will also influence the likelihood that the victim will request assistance from the criminal justice system. When the victim is of higher rank than the perpetrator, the victim is more likely to call the police than if the roles were reversed. This suggests that female victims of domestic assault are less likely to notify the authorities. Black (1976) would predict that the criminal justice system will treat the crime as more serious if the victim's rank is higher than the perpetrator's rank. The same principle could be applied to race and it would be expected that victims in interracial relationships are more likely to call the police if their race gives them higher vertical location than the perpetrator and less likely to call the police if it does not.

Black (1976) proposes that the style of law can be predicted by stratification: when the perpetrator's rank is lower than the victim's rank, the punishment is greater than if the opposite were true. Downward law is more punitive than upward law and upward law is more therapeutic than downward law. In the case of domestic violence, where the majority of victims are female, the legal remedy would

be likely to be therapeutic rather than punitive for the male perpetrator. This is supported by Black's (1976) notion that the style of law can be predicted by relational distance of the parties involved. When the parties are strangers, the style of law is likely to be more penal. When the parties are intimates, the law is likely to be more remedial. This reinforces the prediction that a male-on-female domestic assault is more likely to receive a remedial response by the authorities.

Black (1976) acknowledges the relationship between law and social control. Black (1976) argues that 'law varies inversely with other social control' namely that when other forms of social control are weak, law is strong. In the context of the family, informal social control may be quite strong and this would deter family members from going to the law to provide intervention and remedy disputes. Conversely, if the authorities are notified of family disputes, a more remedial or rehabilitative sentence would be expected. This pattern clearly exists for domestic violence crimes and has led activists to demand legislative changes. These changes are reflected in the adoption of mandatory arrest laws in the 1980s.

Avoidance

Black (1993) introduces the concept of avoidance which he defines as termination of contact between the victim and perpetrator. All contact, whether verbal communication or physical proximity, is ended by the victim. Avoidance may be temporary or permanent. Black (1993) argues that avoidance, independent of degree, is more likely when five factors are present: 'absence of hierarchy', where relationships lack structural chains of authority; 'social fluidity', the degree to which relationships begin or end; 'social fragmentation', the sharing of social activities and relationships; 'functional independence', the more independent people are the greater the avoidance; and 'individuation' the capacity to act as individuals and not as a group. Black (1993) relates avoidance to violence proposing that 'violence varies inversely with avoidance'. When a victim is unable to exercise avoidance, the risk of violent behavior increases as does the risk for homicide and suicide. Black (1993) suggests that suicide is an extreme form of avoidance and can occur when individuals experience extreme isolation. This is directly applicable to domestic violence relationships where one partner may be unable to exercise conventional forms of avoidance and may resort to extreme avoidance measures, such as suicide.

Through the lens of Black's 'behavior of law' paradigm, it could be asserted that female victims of domestic violence would experience a lesser quantity of law than their male counterparts, due to the woman's lesser rank, the downward direction of crime and the upward direction of the law. In addition, Black would argue that the intimate nature of the relationship would make rehabilitative or remedial law more likely than penal law. This pattern may be changed, however, if the violence was especially extreme. Females who experience excessive violence and injury would be expected to receive a stronger response from the criminal justice system than those who experience lesser violence. It is also expected that female victims of extreme domestic violence will find it difficult to accomplish conventional avoidance and will consequently have higher rates of suicidal ideation.

The criminal justice response to domestic violence is extremely complex, but ultimately intends to provide protection and intervention to victims of violence. In spite of this, a study by Gelles and Straus (1988) indicated that only 14 percent of women who experienced severe domestic violence incidences ever contacted the police, suggesting that those who need the police protection most are not receiving it.

HYPOTHESES

The current study is designed to determine if the various elements of the criminal justice response (arrest, prosecution, protective orders) are being employed where they are most needed: in relationships where the violence or risk for violence is high. The study involves the following five hypotheses:

Hypothesis 1: Female victims who experience higher levels of violence are more likely to be issued a Protective Order. In accordance with Black's (1976) theory of law, a female's social rank is lower than a male's making domestic violence a downward deviance and the law afforded the female upward. Additionally the style of law afforded is more likely to be therapeutic than punitive. The lack of status and rank may only be offset by the degree of violence. Therefore, those female victims of domestic violence suffering higher levels of violence are more likely to be afforded more protection from the law.

Hypothesis 2: Female victims who experience higher levels of violence are more likely to have the incident reported to the police. In addition to the rationale listed for hypothesis 1, females experiencing higher levels of violence are more likely to seek assistance and remedies outside the family unit (Black 1976).

Hypothesis 3: Female victims who experience higher levels of violence are more likely to have the police request an emergency protective order on their behalf. Again, the higher level of violence counters the social status and rank of the female affording her greater protection from the law (Black 1976).

Hypothesis 4: Female victims who experience higher levels of violence and notify the police are more likely to experience the prosecutor filing charges. Prosecution could be argued to be the largest quantity of law afforded to a victim of domestic violence, therefore only the cases with the highest levels of violence will be prosecuted.

Hypothesis 5: Female victims who experience higher levels of violence will experience high suicide ideations. The power and control dynamics common to domestic violence relationships suggests conventional avoidance measures may be difficult and increase the expectation of non-conventional avoidance measures, such as thoughts of suicide.

CHAPTER III

METHODOLOGY

This chapter addresses the data set used for analysis, the variables used and the limitations of the study.

DATA AND SAMPLE

The data used in this study were collected by a nonprofit domestic violence agency in the city of Virginia Beach, Virginia, United States of America. Virginia Beach had an estimated population size of 435,619 in 2006 (US Census Bureau 2008). The agency provides a variety of services to domestic violence victims and homeless individuals in the city of Virginia Beach and the surrounding area. The domestic violence services provided by the nonprofit agency include emergency shelter, crisis intervention, counseling, support groups, legal assistance, systems advocacy and court advocacy.

The data used in this study were collected by the agency's staff members as part of a larger, ongoing project titled Virginia's Sexual and Domestic Violence Data Collection System (VAdat). The VAdat project commenced in April 1996 through federal funding provided by the 1994 Violence Against Women Act (V-STOP). The VAdat project

was designed to enhance and improve the collection of statewide data from all victims who use the services of local domestic violence programs and sexual assault centers. The project requires domestic violence and sexual assault agencies across the state of Virginia to provide information on their program participants.

As a participant in the VAdata project, the domestic violence agency in Virginia Beach collects data on all victims who received domestic violence services. There are two forms that staff members complete, dependent on the type of services the victim receives: the hotline form and the advocacy form. The hotline form is used for all crisis calls that come in through the agency's hotline from victims/survivors, friends, family, parents and guardians of those being abused. The advocacy form is used when an agency staff person provides face to face crisis intervention or support services to a victim/survivor, friend, family member, parent or guardian of someone being abused. The information captured on the advocacy form is extensive and includes information on the criminal justice interventions provided to the victim. The data for this study was collected using this form.

Agency staff members complete the advocacy form online within one week of initial contact with the victim. The

form is accessed through the Vadatawebsite (www.VAdata.org). It consists of closed ended questions and is subdivided into five categories: victim information, presenting sexual violence, presenting domestic violence, services and referrals and shelter services. The agency provided a written release granting this researcher access to the information the advocacy form captured under the categories titled victim information and presenting domestic violence incident. Access to the data was gained through the provision of a password that allowed online access to the data from completed advocacy forms. Data access was provided over a 10 month period dating from January 1, 2008 to October 1, 2008, however, amendments were made to the format of some of the questions contained in the advocacy form on September 10, 2008. This limited the data used in this study to data found in advocacy forms completed prior to September 10, 2008 (n = 318).

The victim information section of the advocacy form consisted of 13 questions designed to ascertain demographic information of the victim, referral source, city of residence and the victim's history of violence (i.e. exposure to sexual or domestic violence as an adult or child). The presenting domestic violence section of the advocacy form was further subdivided into sections that

capture the perpetrator's demographic information, perpetrator's relationship to the victim, the location of the incident, legal action related to the presenting domestic violence experience, how the violence impacted the victim, self advocacy efforts the victim has made because of the violence and whether they were helpful, a risk assessment questionnaire and the result of the violence (i.e. whether the victim had relocated, sought medical treatment, or sustained injury).

The data set included information on 318 victims of domestic violence aged 18 years or more. The data was collected directly from the victim information and presenting domestic violence incident sections of the advocacy form.

Confidentiality

The advocacy form did not contain any identifiable information for either the victim or the perpetrator. Each victim was assigned an identification number by a staff member when their information was first entered into the advocacy form. This ensured victim and perpetrator anonymity.

VARIABLES

Dependent Variables

This study examines the criminal justice responses to domestic violence (arrest, prosecution and the acquisition of protective orders) and determines if they are being utilized to protect those domestic victims who are at the highest risk for violence. Attention was also given to the impact of the violence on the victim through an examination of victim suicidal ideations.

Hypothesis 1 involves the dependent variable issuance of a protective order. This was defined as a judge or a magistrate issuing an order of protection to a victim. Protective orders are civil orders that require the abuser to refrain from further acts of violence, prevent or limit contact between the parties, and address a plethora of other related issues (Buzawa and Buzawa 2003). There are three types of protective orders available to victims of domestic violence. An emergency protective order (Virginia Code Section 16.1-253.4) is a 72 hour ex parte order issued by a judge or magistrate at the request of either the victim or law enforcement official by telephone or in person (Department of Criminal Justice Services (DCJS) 2000). A preliminary protective order (Virginia Code Section 16.1-253.1) is the same as the emergency protective

order, but lasts up to fifteen days and must be obtained through the Juvenile and Domestic Relations Court Service Unit (DCJS 2000). A permanent protective order (Virginia Code Section 16.1-279.1) may prohibit the abuser from contacting the victim, causing the victim further harm, and entering the victim's home. In addition, this order may address housing, counseling for the abuser, temporary custody and support of children, as well as other provisions. This order lasts up to two years and must be obtained through the Juvenile and Domestic Court Service Unit (DCJS 2000).

On the advocacy form there were three questions that related to the issuance of protective orders. The first question asked, "Has a protective order been issued?" This measured whether a protective order was issued irrespective of type. The answer choices on the VAdat advocacy form were yes, no and not applicable coded 1, 0 and 2 respectively. The not applicable option applied to victims who may not have met the legal eligibility criteria to obtain a protective order such as same sex partners, juveniles, and dating partners who did not share a residence or children. The victims that responded not

applicable to this question were recoded as no(0)².

The second question asked, "If no, was it requested, but denied?" this was a measure of all protective orders that were sought but denied by a judge or magistrate. Again the answer choices were yes(1), no(0) and not applicable(2). The third question asked, "If yes, protective order issued was?" This measured the type of protective order issued. There are four answer options: emergency protective order(1), preliminary protective order(2), permanent protective order(3), and not applicable(0). The not applicable answer to this question represented those who did not have a protective order and were therefore, labeled no protective order issued.

Hypothesis 2 involves the dependent variable incident reported to the police. This was defined as the police being notified of a domestic violence incident. The police

²A blank advocacy form has all questions set to a default answer that an agency staff member must change when completing the form. If the not applicable is an available answer option then not applicable is set as the default answer. There were a high number of not applicable answers for many of the questions. This is probably because this is the default answer option. For this reason many of the not applicable responses were recoded to no answer responses when there was clear evidence that "no" was the appropriate response. For example, if a case involved a victim who clearly qualified for a protective order, but this question was coded "not applicable", the response was changed to "no". In these cases 'not applicable' did not make sense as an answer option.

can be notified in many different ways, whether by the victim, perpetrator, family members, neighbors, concerned citizens, medical professionals, at a police precinct or through a 911 emergency call. This was measured through the question, "Was the incident reported to the police?" The answers available were yes(1), no(0) and not applicable(2). The not applicable answer responses were recoded to no(0).

The dependent variable associated with hypothesis 3 was police requested an emergency protective order. An emergency protective order is a 72 hour order that contains provisions that protect a victim from further acts of abuse and prevents an abuser from coming to the victim's home (DCJS 2000). Virginia State code provides for a judge or magistrate to issue an ex parte emergency protective order under two different circumstances. An emergency protective order can be issued if a warrant for violating Virginia Code 18.2-57.2 (assault and battery against a family member) has been or is being issued and there is probable danger of further acts of abuse against a family or household member. An emergency protective order can also be issued if there are reasonable grounds to believe that the perpetrator has committed abuse and there is probable danger of further acts of abuse against a family or

household member by that perpetrator (Virginia Code Section 16.1-253.4). A police officer may be more likely to request an Emergency Protective Order if pursuing an arrest.

To measure whether a police officer requested an Emergency Protective Order, victims were asked, "Did the police request an Emergency Protective Order?" The advocacy form provided three answers, yes, no and not applicable which were coded 1, 0 and 2 respectively. The not applicable responses (n = 80) were recoded no(0). It must be noted that a limitation to this measure related to the possibility that an emergency protective order could be requested and granted to a police officer who then did not provide the victim with their copy.

The dependent variable associated with Hypothesis 4, prosecutor filed charges against the perpetrator, can be defined as the pursuing of a prosecution by the Commonwealth Attorney's office who prosecutes crimes on behalf of the community (DCJS 2000). To establish whether a prosecution was pursued by the Commonwealth Attorney's Office, the victims were asked, "Has the prosecutor filed charges against the perpetrator?" The advocacy form provides three possible answers, yes(1), no(0) and not applicable(2). The not applicable answer responses (n=81)

were recoded no(0). In addition, a further question was asked, "If the prosecutor did file charges, the charge was?" The three possible responses were misdemeanor(0), felony(1) and not applicable(2). The advocacy form did not provide an option to indicate that both misdemeanor and felony charges had been filed.

The dependent variable associated with hypothesis 5, suicidal ideation was defined as considering or contemplating killing oneself. This was measured through asking whether, "As a result of the violence, did the victim consider suicide?" The advocacy form gave three possible answers, yes, no and 'not applicable' coded 1, 0 and 2 respectively. It was not clear as to why there was a not applicable answer choice for this question and subsequently those that answered that way were recoded no(0).

Independent Variable

The central independent variable used in all hypotheses was the level of violence as measured by a risk assessment. The study was narrowed to focus on female victims of domestic violence because victims of domestic violence are overwhelmingly more likely to be women (Straus and Gelles 1986; Carmody and Williams 1987; Buzawa and

Buzawa 2003). In addition, although the nonprofit agency does provide services to male victims of domestic violence, all subjects in this sample were female (n=318).

The level of violence was measured through an eleven question risk assessment tool found in the latter part of the presenting domestic violence incident section of the advocacy form. There was no information available through the VAdat project that explained the rationale for the inclusion of questions in their risk assessment-tool, therefore it was necessary to look to other research and risk assessment tools to for further explanation.

Risk assessment tools were first initiated by victims of domestic violence and advocates. They were designed to assist with safety planning and were not geared toward the prediction of recidivism or homicide (Roehl et al. 2005). The risk assessment tool on the advocacy form may not have been created for the purpose of predicting future violence or batterer recidivism, however, many of the items on the risk assessment addressed factors that have been found to be predictors of both intimate partner homicide and dangerousness in domestic violence situations (Campbell 1992:1995, De Becker 1997).

Each item on the risk assessment had the following response categories: yes(1), no(0), and not applicable(2).

Unless specifically mentioned, the not applicable responses were recoded no(0)³. The risk assessment included a question on separation, "If the perpetrator is a former partner/spouse, is the separation recent?" The VAdat project did not specify what was meant by a recent separation however, the agency had set its own guidelines determining recent separation to mean in the last 30 days. The inclusion of this item is in line with research that has found that legal separation initiatives and physical separation pose high risks for homicide (Wilson, Johnson and Daly 1995).

The risk assessment included the following question on stalking, "Has the perpetrator stalked the victim?" The legal definition of stalking is as follows:

"conduct directed at another person with the intent to place, or when he knows or reasonably should know that conduct places that person in reasonable fear of death, sexual assault, or bodily harm" (Virginia Code Section 18.2-60.3)

Stalking has been found to be a strong precursor to intimate partner homicide with as many as 75-90 percent of femicide victims being stalked prior to their death (McFarlene et al. 1999). Stalking is a very subjective term, with some victims defining certain behaviors as stalking (i.e. receiving multiple telephone calls or being

³See Footnote 1.

followed) when other victims do not. This was a potential limitation to this measure.

The presence and use of weapons were addressed in the risk assessment tool through the question, "Has the perpetrator used a weapon, or an object as a weapon against the victim?"

The risk assessment tool also contained a specific question that addressed firearms. The question pertaining to firearms was, "Has the perpetrator threatened to use or used a firearm against the victim?" Research has suggested that the accessibility of a firearm can be associated with intimate partner homicide (Campbell 1995; Browne et al. 1998). There was also a question specific to threats of homicide and suicide. Research has found that in a high proportion of femicide cases, the perpetrator commits suicide following the act of homicide (Roehl et al. 2005). The question was, "Has the perpetrator made threats of suicide and/or homicide?"

The risk assessment tool also included questions related to strangulation, threats to the victim's children and harming other people the victim cares about. The question regarding strangulation asked, "Has the perpetrator blocked or obstructed the victim's breathing?" The question regarding the victim's children asked, "Has

the perpetrator hurt or threatened the victim's children?" The not applicable answer option was not recoded for this question as it captured those victims who did not have children. The question regarding harming other people the victim may care about asked, "Has the perpetrator hurt or threatened to harm a person (other than children or pet the victim cares for?" The presence of each of these factors increases the risk for subsequent assault and/or homicide (Roehl et al. 2005).

Further questions included, "Has the perpetrator destroyed or threatened to destroy the victim's property?" and, "If dependent on the perpetrator, has the perpetrator kept you from getting help with a personal need, such as eating, bathing, toileting, or access to medications?"

The last question in the risk assessment tool asked, "Is the victim pregnant?" Research has shown that the presence of physical and or sexual abuse during pregnancy is considered a significant predictor of high levels of violence or lethal violence (Roehl et al. 2005).

In addition to the eleven questions contained in the original risk assessment, an additional question was added. The question is as follows: "As a result of the violence did the victim sustain physical injuries requiring medical attention?". The rationale for including this question

lies in the presumption that victims who suffer severe forms of violence at the hands of their abuser are more likely to suffer injuries, and extreme physical injuries are more likely to require medical attention.

Demographic variables include the victim's age, victim's race, perpetrator's age and perpetrator's race. Both victim age and perpetrator's age are continuous variables. Victim's ages ranged from 18 to 66 years of age and perpetrator's ages ranged from 18 to 76 years of age. Victim and perpetrator's race are categorical variables coded (1) Caucasian, (2) African American, (3) Asian/Pacific Islander, (4) Native American/Native Alaskan, (0) Unknown. Perpetrator and victim race were recoded into four categories Caucasian, African American, Other, and Unknown/Missing with Caucasian being the comparison category.

The five dependent variables, the four demographic variables and the twelve variables that together create the primary independent variable, were analyzed with SPSS 15.0, first by calculating frequencies and other descriptive statistics to determine means, standard deviations, and variable ranges.

Factor analysis using varimax rotation was executed on the twelve risk assessment variables to identify unique

components. The strongest components were identified and through reliability analysis. At this point, it must be noted that weighting the items in the risk assessment tool was problematic. Crime seriousness scales such as Sellin and Wolfgang's (1964) seriousness of crime scale weight criminal acts based on the seriousness of events in comparison to a baseline event. Applying this technique to the VAdat risk assessment tool was problematic as there was no baseline event for comparison. Each item would be weighted as they compared to every other item. It was therefore difficult to justify weighting items based on relative assessments of seriousness (i.e. which is more serious, strangulation or an abuser harming a victim's pet?).

In addition, the questions on the risk assessment are devoid of context. Two victims may answer yes to the question regarding threats of suicide and homicide however, the victim's experiences may differ vastly. It was therefore, more effective to create an index opposed to a scale.

To avoid considerable missing data the index was calculated through computing the mean (the proportion of items answered positively). If a response had missing data due to an item being not applicable (e.g. no children) the

mean was calculated by totaling the responses to the applicable items and dividing that total by the number of applicable items (e.g., 11 rather than all 12).

The five hypotheses were tested using bivariate analysis through correlations and cross tabulations. Multivariate analysis was conducted using logistic regression.

LIMITATIONS OF THE STUDY

This study is challenged by several limitations. The nonprofit agency that provided the data relied heavily on the victim for the information to complete the advocacy form. The information captured is sensitive and some victims may have been uncomfortable or reluctant to be forthright due to fear, lack of trust, post-traumatic stress disorder, mental health or substance abuse issues (Davies et al. 1998). In addition, only a small proportion of the domestic violence victims in the city of Virginia Beach, Virginia receive services through the nonprofit agency. Therefore the data in this research is not representative of the criminal justice response to domestic violence victims in the city of Virginia Beach, but is representative of those receiving services at this nonprofit agency.

The nonprofit agency may also be instrumental in providing education on both the criminal justice system and the protective order process, a benefit that not all victims receive, this may have empowered victims to pursue certain remedies they otherwise may not have, influencing the results in this study.

There were also many variables that were not controlled for such as the victim's history of violence that may have influenced whether or not the victim pursued criminal justice intervention. The victim's prior involvement with the criminal justice system and in requesting protective orders was also unknown. This may have skewed the findings as a victim's preferences for pursuing a protective order opposed to criminal charges may result from prior bad experiences with the police and/or prosecutor. The victim's economic status was also unknown. This may have been a significant barrier to pursuing criminal justice remedies which often require absence from work. The perpetrator's criminal record was also unknown, a factor that may be very influential in deterring a victim from pursuing an arrest and charges, as a victim that is dependent on a perpetrator for child support may not want to see him in jail.

There was a considerable amount of missing data that was either due to the victim not providing the information or the nonprofit agency staff error in recording the data on the advocacy form. This significantly reduced the sample size and consequently the generalizability of the study. In addition to the missing data, there was an issue with a default answer option on the advocacy form. A blank advocacy form has all questions set to a default answer that an agency staff member must change when completing the form. If the not applicable is an available answer option then not applicable is set as the default answer. There were a high number of not applicable answers for many of the questions. This was probably because of the default answer option. For this reason many of the not applicable responses were recoded to no answer responses when there was clear evidence that no was the appropriate response. This however, may have skewed the findings in the study.

CHAPTER IV

RESULTS

SAMPLE DESCRIPTION

Table 1 provides demographic information about the domestic violence clients involved in the study. All of the victims were female ($n = 318$) and their ages ranged from 18 to 66 years, with a mean age of 35 years ($s.d. = 10.051$). The racial composition of the sample consisted of 55 percent Caucasian, 32.1 percent African American, 6.3 percent Other, and 6.6 percent Unknown/Missing. The Other category consists of those victims who identified themselves as Asian, Pacific Islanders, Native American and Bi-Racial.

Most of the perpetrators (86.4%) were male. The perpetrators ranged in age from 18 to 76 years with a mean age of 37 years ($s.d. = 11.290$). It is interesting to note that of the 79 cases where the perpetrator was found to be 70 years or older, 57 percent of the victims were 39 years of age and younger. These cases may be representative of abuse perpetrated by other family members, such as a parent on a child. Most perpetrators were Caucasian (38.1%) or African American (31.8%). Again a small number of cases (3.1%) were categorized as Unknown/Other and consequently

Table 1. Descriptive Statistics of Demographic Variables.

Variables	n	%
Victim's gender	318	100
Male	0	0
Female	318	100
Victim's race		
Caucasian	175	55.0
African American	102	32.1
Other	20	6.3
Unknown/Missing	21	6.6
Victim's age		
18-24	49	15.4
25-39	157	49.4
40-54	85	26.7
55-69	10	3.1
70 years or more	17	5.3
Perpetrator's gender		
Male	216	67.9
Female	34	10.7
Unknown	68	21.4
Perpetrator's race		
Caucasian	121	38.1
African American	101	31.8
Other	14	4.4
Unknown/Missing	82	25.8
Perpetrator's age		
18-24	24	7.5
25-39	119	37.4
40-54	81	25.5
55-69	13	4.1
70 years or more	79	24.8
Unknown	2	.6
Interracial relationship		
Yes	45	14.2
No	251	78.9
Unknown	22	6.9

and were grouped with the 62 cases where the perpetrator's race was not entered at all, resulting in a total of 82 Unknown/Missing cases for this variable (25.8%).

A variable was created to indicate the number of victims who were in an interracial relationship at the time of the abuse. In this study, 78.9 percent of the victims were in intra-racial intimate partner relationships and 14.2 percent were in interracial intimate partner relationships. Due to missing data, this variable could not be computed for 6.9 percent of the sample. According to the U.S. Census Bureau 5.7 percent of the 54.5 million married couples in the U.S. were in an interracial marriage in the year 2000. In addition, approximately 10 to 12 percent of the 5.5 million unmarried couples residing together were of different races. The high proportion of interracial relationships found in this study could be explained by the high military presence in Virginia Beach.

Table 2 summarizes descriptive statistics for the dependent variables involved in this analysis. It is important to note that while 318 subjects were included in the study, there were missing values for many of the variables of interest. The questions pertaining to the criminal justice response to domestic violence indicated that 34.6 percent of victims were issued a protective

Table 2. Dependent Variables.

Variables	n	%
Protective order issued		
Yes	110	34.6
No	138	43.4
Unknown/Missing	70	22.0
Protective order requested but denied		
Yes	20	6.3
No	229	72.0
Unknown/Missing	69	21.7
Type of protective order granted		
Emergency protective order	35	11.0
Preliminary protective order	41	12.9
Permanent protective order	35	11.0
None	129	40.6
Unknown/Missing	78	24.5
Incident reported to the police		
Yes	149	46.9
No	102	32.1
Unknown/Missing	67	21.1
Police requested EPO		
Yes	104	32.7
No	147	46.2
Unknown/Missing	67	21.1
Prosecutor filed charges against perpetrator		
Yes	102	32.1
No	148	46.5
Unknown/Missing	68	21.4
Type of charges filed against perpetrator		
Misdemeanor	89	28.0
Felony	21	6.6
None	139	43.7
Unknown/Missing	69	21.7
Victim considered suicide		
Yes	6	1.9
No	245	77.0
Unknown/Missing	67	21.1

order, 43.4 percent were not issued one, and information on this variable was missing in 22 percent of the cases. Of those that were not issued a protective order, 6.3 percent requested one but were denied ($n = 20$). It was found that 11 percent of victims were issued an emergency protective order, 12.9 percent a preliminary protective order and 11 percent a permanent protective order. Again, 24.5 percent of the data was missing for this question, a considerable amount which may reflect the nonprofit agency staff members neglecting to ask the victim about protective orders, or recording it inaccurately on the advocacy form.

Almost half of the sample had the violent incident reported to the police with 46.9 percent reporting the incident, 32.1 percent not reporting the incident and 21.1 percent of the cases involving missing data. It was also found that police requested an emergency protective order for 32.7 percent of the sample and the prosecutor filed charges in 32.1 percent of the cases. In 28 percent of the cases the prosecutor filed misdemeanor charges and felony charges were filed in only 6.6 percent of the cases.

The dependent variable associated with hypothesis 5, addressing victim's suicide ideations, resulted in minimal data with only 6 victims (1.9%) answering that they had considered suicide as a result of the violence. Here it is

important to note that the data is drawn from an advocacy form completed by a staff member at the nonprofit domestic violence agency. It is certainly possible that some victims did consider suicide, but did not share this information with the staff member. The fact that data was missing for this variable for 21.1 percent of the cases also suggests that staff members failed to raise the question of suicidal thoughts with the victims. Because so few victims reported suicidal thoughts no conclusions can be drawn from this data and therefore no further analysis was conducted with regards to hypothesis 5.

Descriptive statistics for the twelve variables that together make up the independent variable level of violence index are included in Table 3. Current literature suggests that these variables reflect the seriousness of the violence, as well as the potential for future serious or lethal assaults. Examination of these descriptive statistics showed that a high number of victims were separated from the perpetrator at the time of the assault (43.7%). In addition, 43.4 percent of the victims faced threats of homicide and/or suicide. Many victims (51.6%) reported having property destroyed by the perpetrator and 24.5 percent of the assaults involved a weapon, with 15.4 percent reporting the perpetrator having used or threatened

to use a firearm against them. A considerable percentage of victims (21.4%) reported the perpetrator had obstructed their breathing, and 18.6 percent reported injuries severe enough to seek medical care. More victims reported the perpetrator hurting or threatening to hurt someone they care about (21.1%), than those who hurt or threatened to hurt their children (13.5%). It should also be noted that 20.1 percent of the sample did not have children at the time of the abuse. Only a small percentage of the sample reported that the perpetrator withheld accesses to resources to address their basic needs (8.2%), being pregnant at the time of the abuse (6.6%) and being stalked by the perpetrator (6.3%).

INDEX MEASURE

An index was created⁴ utilizing the twelve variables listed in Table 3, to reflect the level of violence the victim has suffered and also indicate the victim's future risk of violence. The index scores range from 0 to 1.0 with 1.0 indicating a high level/risk of violence score. The mean of the index was .3320 (s.d.= .2049, n = 251).

⁴An attempt was made to use full reliability and factor analysis, however few subscales were adequate measures of the level of violence, and a full index has the most variation and is consistent with prior research (Wilson, Johnson and Daly 1995; Roehl et al. 2005).

Table 3. Variables included in the of Level of Violence Index.

Variables	n	%
Victim and perpetrator recently separated		
Yes	139	43.7
No	112	35.2
Unknown	67	21.1
Perpetrator made threats of homicide /suicide		
Yes	138	43.4
No	113	35.5
Unknown	67	21.1
Perpetrator destroyed victim's property		
Yes	164	51.6
No	87	27.4
Unknown	67	21.1
Perpetrator use/threat to use weapon		
Yes	78	24.5
No	173	54.4
Unknown	67	21.1
Perpetrator use/threat to use firearm		
Yes	49	15.4
No	202	63.5
Unknown	67	21.1
Perpetrator obstructed victims breathing		
Yes	68	21.4
No	183	57.5
Unknown	67	21.1
Victim sustained injuries		
Yes	59	18.6
No	192	60.4
Unknown	67	21.1
Perpetrator hurt/threaten to hurt person victim cares for		
Yes	67	21.1
No	184	57.9
Unknown	67	21.1
Perpetrator hurt/threatened to hurt victim's children		
Yes	43	13.5
No	144	45.3
Not Applicable	64	20.1
Unknown	67	21.1

Table 3. Continued.

Variables	n	%
Perpetrator withheld access to victim's basic needs		
Yes	26	8.2
No	225	70.8
Unknown	67	21.1
Victim pregnant		
Yes	21	6.6
No	230	72.3
Unknown	67	21.1
Victim stalked by perpetrator		
Yes	20	6.3
No	231	72.6
Unknown	67	21.1

BIVARIATE ANALYSIS

Table 4 shows the correlations between victim's and perpetrator's age, the dependent variables protective order issued, police report made, emergency protective order requested by the police on behalf of the victim, prosecutor filed charges and protective order requested but denied and the level of violence index score. There was not a significant correlation between level of violence index score and victim's age ($r = .038$, $p > .05$), or perpetrator's age ($r = .021$, $p > .05$).

In addition, an analysis of variance indicated that both victim's race ($F = .869$, $d.f. = 12$, $p > .05$), perpetrator's race ($F = 1.447$, $d.f. = 12$, $p > .05$), and interracial relationships ($F = .519$, $d.f. = 2$, $p > .05$) were not significantly associated with the level of violence index score.

Hypothesis 1 states that female victims that experience higher levels of violence are more likely to be issued a protective order. Bivariate analysis was conducted on the variables contained in hypothesis 1. The mean level of violence index score for those who were issued a protective order was .3697 ($n = 110$, $s.d. = .2058$) and the mean was .3013 ($n = 138$, $s.d. = .2017$) for those who were not issued a t-test found protective order. An

Table 4. Bivariate Correlation between Demographic Variables, Dependent Variables and Level of Violence Index.

Variable	Pearson's r
Victim age	.038
Perpetrator age	.021
Protective order issued	.165**
Police report made	.094
EPO requested by police	.068
Prosecutor filed charges	.072
EPO requested but denied	.068

**Significant $p < .001$

independent sample that there was a statistically significant difference between the mean level of violence index score for those who were issued a protective order and those who were not ($t=2.628$, $d.f.= 246$, $p<.01$).

Further bivariate analysis was conducted to determine whether the level of violence had any impact on the type of protective order awarded. An analysis of variance was conducted indicating that there is a significant variation in level of violence index scores across types of protective orders issued ($F = 1.878$, $d.f. = 11$, $p<.05$). The level of violence index score is highest for those victims issued a permanent protective order (mean = .4238, $s.d. = .2299$), followed by those issued a preliminary protective order (mean = .3557, $s.d. = .1728$) and then those issued an emergency protective order (mean = .3000, $s.d. = .1898$). The η^2 indicated that only a small proportion (5.2%) of the variation in level of violence is related to type of protective order issued. Hypothesis 1 was supported by these findings.

Hypothesis 2 states that female victims who experience higher levels of violence are more likely to have the incident reported to the police. Bivariate analysis was conducted on the variables in hypothesis 2. The mean level of violence index score for those victims who reported the

incident to the police was .3479 ($n = 149$, $s.d. = .2020$) and .3088 for those who did not ($n = 102$, $s.d. = .2080$). An independent sample t-test found that there was not a statistically significant difference in mean level of violence index score for those victims who reported the incident to the police and those who did not ($t = 1.486$, $d.f. = 249$, $p > .05$). It was also found that the mean age of perpetrator was significantly different for those victims who reported the incident to the police and those who did not ($t = -2.227$, $d.f. = 238$, $p < .05$). The mean age of the perpetrators where the incident was reported to the police was 36.11 years ($s.d. = 10.41$) and 39.39 years ($s.d. = 12.266$) when the incident remained unreported. Hypothesis 2 was not supported by these findings.

Hypothesis 3 states that female victims who experience higher levels of violence are more likely to have the police request an emergency protective order on their behalf. The results from the bivariate analysis for hypothesis 3, indicated that the level of violence index score for those victims where the police requested an emergency protective order on behalf of the victim was .3486 ($n = 104$, $s.d. = .2073$) and the mean level of violence index score for those where the police did not request an emergency protective order on behalf of the victim was

.3203 ($n = 147$, $s.d. = .2031$). An independent sample t-test revealed no significant difference in level of violence index score between those victims where the police requested an emergency protective order on behalf of the victim and those where they did not, ($t = 1.077$, $d.f. = 249$, $p > .05$).

Further analysis was conducted on the relationship between level of violence index score and whether a protective order was requested but denied. The mean level of violence index score for those cases where the victim requested a protective order but the request was denied by a magistrate was .3958 ($n = 20$, $s.d. = .2730$), and .3257 ($n = 229$, $s.d. = .1985$) for those who did not. An independent t-test confirmed that there was no significant difference in level of violence index score for those who requested and were denied an emergency protective order and those who did not ($t = 1.466$, $d.f. = 246$, $p > .05$). Hypothesis 3 was not supported by these findings.

Hypothesis 4 states that female victims who experience higher levels of violence and notify the police are more likely to experience the prosecutor filing charges. The bivariate analysis of hypothesis 4 indicated that the mean level of violence index score for victims where the prosecutor filed charges was .3503 ($n = 102$, $s.d. = .2086$) and

.3204 ($n=148$, $s.d.=.2024$) for those victims where charges were not filed by the prosecutor. An independent sample t-test did not reveal a statistically significant difference in level of violence index scores between those victims where the prosecutor filed charges and those where no charges were filed ($t = 1.142$, $d.f. = 248$, $p > .05$). In addition, the average age of perpetrator in cases where the prosecutor filed charges was 34.72 years ($s.d. = 9.521$) and 39.41 years ($s.d.=12.073$) in those cases where charges were not filed. An independent sample t-test indicated that this difference was statistically significant ($t=-3.238$, $d.f.=238$, $p < .05$).

An analysis of variance was used to test the relationship between the level of violence index score and the type of charges filed by the prosecutor. The results indicated that there was a significant variation in level of violence index score across type of charges filed by the prosecutor ($F = 2.684$, $d.f.=12$, $p < .05$). The level of violence index score is highest for those cases where the prosecutor filed felony charges (mean = .3320, $s.d. = .2056$), followed by misdemeanor charges (mean = .3202, $s.d. = .1897$) and then those where no charges were filed (mean = .3112, $s.d. = .1955$). The η^2 indicated that only a small proportion (7.8%) of the variation in level of violence is

related to type of charges filed by the prosecutor.

Hypothesis 4, was somewhat supported by these findings.

Next, cross-tabulations were run to examine the way the dependent variables related to each other.

Relationships that were statistically significant ($p < .01$) are discussed below. Among those cases where the police requested an emergency protective order on behalf of the victim, 86.1 percent of the victims were issued a protective order. Of those victims where the police did not request an emergency protective order on their behalf, only 15.6 percent were issued a protective order.

Additionally, of the 149 victims where the incident was reported to the police 68.5 percent had the police request an emergency protective order on their behalf. Also among the 104 victims where the police requested an emergency protective order on behalf of the victim, 75 percent had charges filed by the prosecutor. In only 16.4 percent of those cases where the police did not request an emergency protective order on behalf of the victim, charges were filed by the prosecutor. Of the 110 victims who had a protective order issued 70 percent had charges filed by the prosecutor. Among the victims (137) who did not have protective orders issued, 16.1 percent had charges filed by the prosecutor.

The cross-tabulation results indicated that of the 148 victims who reported the incident to the police 66.9 percent had charges filed by the prosecutor, and 69.2 percent had a protective order issued, and of those (102) who did not report the incident to the police, only 2.9 percent had charges filed by the prosecutor and 8.8 percent were issued a protective order.

MULTIVARIATE ANALYSIS

The four dependent variables are dichotomous therefore multivariate analysis was conducted using logistic regression. In addition to the independent variable level of violence index score, the victim's and perpetrator's age, whether the relationship was interracial, and race were included in this analysis. Victim's and perpetrator's race were each recoded into three dummy variables where Caucasians were used as the reference category to compare with African Americans, Others and Unknowns. The variable measuring whether the relationship was interracial was also recoded into two dummy variables where intra-racial relationships were allocated as the reference category to compare with interracial relationships and those where the racial composite was unknown.

The logistic regression model for hypothesis 1,

Table 5. Logistic Regression Model Predicting Protective Order Issued (n = 235).

	Exp (B)
Constant	1.330
Victim age	.987
Perpetrator age	.985
Level of violence index	4.652*
Victim race black	.959
Victim race other	.953
Victim race unknown	2.555
Perpetrator race black	.674
Perpetrator race other	1.886
Perpetrator race unknown	1.255
Couple's races are different	2.532
Couple's races are unknown	.299
Nagelkerke r-square	.111

*Significant at $p < .05$

displayed in Table 5, predicts the odds ratio for the variables victim's race using the dummy variable African American as compared to Caucasian, Other as compared to Caucasian, and Unknown race as compared to Caucasian, victim's age, perpetrator's age, interracial relationship as compared to intra-racial, couple's race unknown as compared to intra-racial relationship, and level of violence index score predicting whether a protective order has been issued. Only the level of violence index score is statistically significant ($p < .05$), in this equation. Each unit increase in level of violence index score is associated with a 365 percent increase in odds of being issued a protective order. However, the model only explains 11.1 percent of the variation in the odds of receiving a protective order.

Further analysis was conducted to determine whether the level of violence index score was a predictor of the type of protective order issued. The results are displayed in Table 6. The three types of protective order, being an emergency protective order, a preliminary protective order and a permanent protective order, get more inclusive in the protections respectively. The demographic variables were also included in this analysis. The results from an ordinal logistic regression indicated for one unit increase

Table 6. Ordinal Logistic Regression Model Predicting Type of Protective Order Issued (n = 236).

	Exp (B)
Victim age	-.007
Perpetrator age	-.017
Level of violence index	2.065*
Victim race black	-.257
Victim race other	1.314
Victim race unknown	.413
Perpetrator race black	-.266
Perpetrator race other	.976
Perpetrator race unknown	.144
Couple's races are different	.775*
Couple's races are unknown	-1.491
Nagelkerke r-square	.141

*Significant $p < .05$

in level of violence index score there would be a 106.5 percent increase in expected odds of receiving a more inclusive type of protective order, with all other variables in the model held constant. The demographic variables had no statistically significant effect on the type of protective order issued. The test of parallel lines indicates that the proportional odds assumption has not been violated ($p > .05$), but only 14.1 percent of the variance is explained.

The logistic regression model for hypothesis 2, displayed in Table 7, reveals the results of the logistic regression with whether the incident was reported to the police as the dependent variable. Here, only the perpetrator's age was statistically significant ($p < .05$). Each unit increase in age was associated with a 4.9 percent decrease in odds of the incident being reported to the police. The level of violence index score was not a statistically significant predictor of whether the incident was reported to the police. However, the model only explains 10.5 percent of the variation in odds that the incident is reported to the police.

The logistic regression model for hypothesis 3, involves whether the police requested an emergency protective order as the dependent variable. The results,

Table 7. Logistic Regression Model Predicting Incident Reported to the Police (n = 238).

	Exp (B)
Constant	2.931
Victim age	1.029
Perpetrator age	.951*
Level of violence index	2.182
Victim race black	1.073
Victim race other	.946
Victim race unknown	.371
Perpetrator race black	.575
Perpetrator race other	1.496
Perpetrator race unknown	.788
Couple's races are different	2.732
Couple's races are unknown	2.757
Nagelkerke r-square	.105
*Significant $p < .05$	

Table 8. Logistic Regression Model Predicting Police
Requesting Emergency Protective Orders on
Victim's Behalf (n = 238).

	Exp (B)
Constant	1.384
Victim age	.996
Perpetrator age	.988
Level of violence index	1.281
Victim race black	.564
Victim race other	.586
Victim race unknown	.471
Perpetrator race black	.901
Perpetrator race other	3.394
Perpetrator race unknown	1.348
Couple's races are different	1.345
Couple's races are unknown	.845
Nagelkerke r-square	.069

*Significant $p < .05$

shown in Table 8, indicate that no statistically significant predictors of whether an emergency protective order was requested, were found. Again the model explains only a small amount (6.9%) of the variation for the dependent variable. In addition, it was found that none of the variables were statistically significant predictors of whether the victim requested a protective order and was denied, see Table 9. Again the model explains only 8.2 percent of the variation in odds that a protective order was requested but denied.

The logistic regression model for hypothesis 4, displayed in Table 10, predicts the odds ratio of the same ten demographic variables and the level of violence index score on whether the prosecutor filed charges against the perpetrator. The perpetrator's age is statistically significant in this equation ($p < .05$), as each unit increase in age is associated with a 5.2 percent decrease in odds of the prosecutor filing charges. In addition, those in interracial relationships as compared to those in intraracial relationships, had a 173 percent increase in odds of having the prosecutor file charges ($p < .05$). It is interesting to note that of the 45 cases where the relationship was identified as interracial, 53.3 percent of the perpetrators identified as African American in

Table 9. Logistic Regression Model Predicting Protective Order Requested but Denied (n = 236).

	Exp (B)
Constant	.156
Victim age	1.000
Perpetrator age	.983
Level of violence index	1.682
Victim race black	1.818
Victim race other	.555
Victim race unknown	.000
Perpetrator race black	.251
Perpetrator race other	1.460
Perpetrator race unknown	.000
Couple's races are different	1.618
Couple's races are unknown	.008
Nagelkerke r-square	.082

*Significant $p < .05$

Table 10. Logistic Regression Model Predicting Charges
filed by the Prosecutor (n = 238).

	Exp (B)
Constant	2.898
Victim age	1.012
Perpetrator age	.948*
Level of violence index	1.766
Victim race black	.751
Victim race other	1.130
Victim race unknown	.648
Perpetrator race black	.749
Perpetrator race other	1.093
Perpetrator race unknown	1.727
Couple's races are different	2.728*
Couple's races are unknown	.794
Nagelkerke r-square	.138

*Significant $p < .05$

relationships with Caucasian victims and 8.9 percent as Asian/Pacific Islanders in relationships with Caucasian victims. The level of violence index score is not a statistically significant predictor of whether the prosecutor will file charges. However, the model only explains 13.8 percent of the variation in odds that the prosecutor files charges.

Further analysis was conducted to determine whether the level of violence index score can be a predictor of the type of charges filed by the prosecutor, i.e. no charge, misdemeanor charge, or felony charge. An ordinal logistic regression was used and the results, as displayed in Table 11, indicated that for every unit increase in level of violence index score, there is a 87.3 percent increase in odds of having more serious charges filed by the prosecutor, given all other variables in the model are held constant⁵.

In conclusion, the results of both the bivariate and multivariate analyses indicated that there was support for hypothesis 1: a protective order was more likely to be issued in cases with higher level of violence index scores.

⁵ These findings must be cautioned as the test of parallel lines is statistically significant ($p < .05$), suggesting that a single parameter does not adequately model the relationship.

Table 11. Ordinal Logistic Regression Model Predicting Type of Charges filed by the Prosecutor (n = 236).

	Exp (B)
Victim age	-.001
Perpetrator age	-.035
Level of violence index	1.873*
Victim race black	-.158
Victim race other	-.066
Victim race unknown	.297
Perpetrator race black	-.344
Perpetrator race other	-.062
Perpetrator race unknown	.599
Couple's races are different	.462
Couple's races are unknown	-.763
Nagelkerke r-square	.113

*Significant $p < .05$

The level of violence index score was also found to have a significant effect on the type of protective order issued: the higher the level of violence index score increased the odds of receiving a permanent protective order. There was however, no support for the other four hypotheses.

The logistic regression analysis also revealed that the demographic variable perpetrator's age had a significant impact on the dependent variables in hypotheses 2 and 4, namely whether the domestic violence incidents were reported to the police and whether charges were filed by the prosecutor. The results indicated that the older the perpetrator is, the lower the odds are for the incident to be reported to the police. Older perpetrators were also less likely to have the prosecutor file charges against them. In addition, it was also found that victims in interracial relationships as compared to victims in intraracial relationships were more likely to have the prosecutor file charges against the perpetrator.

CHAPTER V

CONCLUSION

The focus of this study was to examine the current criminal justice responses to domestic violence, specifically how they are impacted by the level of violence suffered by the victim. Four hypotheses were tested, predicting that victims who scored high on the level of violence index were more likely to be issued a protective order, have the incident reported to the police, have the police request an emergency protective order on their behalf and have the prosecutor file charges. Additionally it was expected that among the three types of protective orders that are available, the permanent protective order would more likely be issued to those victims who scored the highest on the level of violence index. In addition, it was expected that the charges filed by the prosecutor would be more serious, (i.e. felony charges), for those victims that had the higher level of violence index scores.

Bivariate and multivariate analyses were used to test the four hypotheses and only one of the hypotheses was supported. Consistent with Hypothesis 1, victims who scored higher on the level of violence index were found to be more likely to be issued a protective order. This is in

accordance with Black's Theory of Law (1976). Because females have a lower social rank, or vertical location, than males, domestic violence is a downward deviance and the direction of law is upwards. When the level of violence suffered is high, greater protection from the law follows. However, it must also be noted that in these situations Black (1976) would expect the law to be less punitive and more therapeutic. Protective orders are civil remedies opposed to criminal sanctions therefore through definition they are less punitive and more therapeutic than criminal charges.

It was also found that as the level of violence score increased, so did the likelihood of being issued a more permanent protective order containing greater protections for the victim. This suggests that there is some recognition in the courts of victims who suffer more severe violence, and those victims require greater protection. However, it must be noted that of the three types of protective orders available to the victim, all three are available to the victim directly, without police intervention.

The two more stringent protective orders, (preliminary protective and permanent protective order) can only be obtained by the victim directly through the victim

petitioning the Court to start the process. This is in accordance with Black's (1976) contention that victims who experience higher levels of violence are more likely to seek assistance outside the family unit. It is interesting to note that this relationship only exists for protective orders; and further research is needed to explore why victims pursue protective orders and not police intervention and criminal charges. It is certainly possible that prior negative experiences with the police and prosecutor's office may deter them from seeking help. It is also possible that victims are more aware of protective orders as a feasible option. Further research is needed to explore this.

The gap between criminal processes of arrest and prosecution and the civil remedy of the protective order is reflected by the lack of support for Hypothesis 3. It was found that female victims experiencing higher levels of violence were no more likely to have the police request an emergency protective order on their behalf, than those who suffered lower levels of violence. It is also interesting to note that police officers were found not to request emergency protective orders in more cases (46.3%) than they did request one (32.7%). The data gathered for this study was collected from the victim, and it is a possibility that

some victims were not aware that the police officer had requested an emergency protective order on their behalf, especially if the request was denied. There is also no way to ascertain whether police officers who were denied a request for an emergency protective order communicated that to the victim. Further research would be needed to determine why so few emergency protective orders are being requested by the police and why those victims who suffer higher levels of violence are not more likely to be issued one.

It is surprising that a statistically significant relationship was not found between the level of violence suffered by the victim and the incident being reported to the police (Hypothesis 2). This was unexpected because of the increased opportunity of reporting when there are higher levels of violence, i.e. through medical staff, witnesses, friends and family. This is however, consistent with a finding by Gelles and Straus (1988) that only an estimated 14 percent of American women who suffered severe violence ever contact the police.

This finding is also contrary to Black's (1976) notion that victims who experience higher levels of violence are more likely to seek assistance outside the family unit, contrary to the findings in Hypothesis 1. It then must be

questioned whether it is victims suffering high levels of violence who do not seek help or rather that victims that do seek help, do so in other ways that do not involve the police. There may also be something about the police response that deters victims that suffer the most severe violence from seeking their help.

In addition, there was not a significant relationship between high levels of violence and whether the prosecutor filed charges. Again this is surprising considering that those victims who have experienced the highest levels of violence should be afforded the most law, prosecution of the perpetrator being the highest level available (Black 1976). It was also found that the level of violence index score did have a statistically significant impact on the type of charges filed by the prosecutor⁶. This was expected due to the fact that the higher level of violence experienced by the victim, the more likely weapons would be used, and that visible injuries would be sustained, factors that facilitate the prosecution of a more serious criminal charge.

The couple's races, whether their relationship is interracial compared to intra-racial, was found to influence whether the prosecutor filed charges. Couples in

⁶See Footnote 5.

an interracial relationship were more likely to experience the prosecutor filing charges compared to those in relationships with someone of their own race. This finding was in accordance with Black's (1976) contention that like gender, race is strongly associated with social stratification. Therefore racial minorities are afforded less law than those of the majority racial group, i.e. Caucasians. Consequently racial minorities would be afforded less law than Caucasians. The study finding suggests interracial couples are afforded more law than intra-racial couples. A possible explanation is that the perpetrators were more likely to be racial minorities and the victim is Caucasian. Further research is needed in this area.

The perpetrator's age was found to have a significant impact on two of the dependent variables: whether the incident was reported to the police and whether charges were filed by the prosecutor. It was found that as the perpetrator's age increases the likelihood that a police report was made decreased, as did the likelihood that the prosecutor filed charges. This is in accordance with research that both arrest and prosecution policies are not effective in reducing recidivism, elevating the victim's risk for future violence (Browne 1987; Cahn and Lerman

1991; Hart 1996; Mills 1998). A victim who has had previous contact with the criminal justice system may then be reluctant to involve the police and cooperate with the prosecution of the perpetrator, explaining why older perpetrators may be less likely to face arrest and prosecution. In addition, victims who have been in a violent relationship for a considerable amount of time may be more resigned to accepting the violence as part of life. Again, cases with older perpetrators may have victims that are more dependent financially and emotionally, and they may be more likely to have children in common.

POLICY IMPLICATIONS

Previous research has repeatedly raised concerns as to the effectiveness of the current criminal justice responses to the crime of domestic violence. Mandatory arrest and pro-prosecution policies have been criticized as to their success in deterring both initial offending and recidivism (Mills 1998). The justifications offered for mandatory arrest include the premise that the dynamics of power and control so often present in domestic violence relationships requires stringent police and criminal justice intervention (Black 1983; Hart 1988; Straus 1996).

The results from this study indicate that current police and criminal justice interventions put in place to protect victims of domestic violence are not being implemented for those victims who are experiencing the higher levels of violence. This leads one to question not only the effectiveness of mandatory arrest and prosecution policies but also their justifications if they are not capturing those victims that are arguably at the most risk.

If the current criminal justice response to domestic violence is to remain, we need to think beyond the short-term risks to the victim. Police officers and magistrates serve as the first point of contact for many victims pursuing criminal justice help for domestic violence. In this study, police officers failed to request emergency protective orders for those victims experiencing higher levels of violence. This suggests an inherent lack of training on the potential dangers in domestic violence relationships on the part of the police that request emergency protective orders, or the magistrates that issue them. Other approaches may better educate police officers to pursue all criminal justice interventions available to them, such as the implementation of police conducted risk assessments at the scene of the domestic assault, to both

heightened the protections and the interventions for the victim (Hoyle 2008). This would ensure that the police not only provide interventions to all victims of domestic violence, but target interventions on those who present the highest risk (Hoyle 2008).

Clearly, greater collaboration is needed to create a more comprehensive community response to this crime. It is essential that criminal justice personnel including police officers, magistrates, court personnel, judges and prosecutors, have a thorough understanding of domestic violence, and are required to have periodic trainings to freshen that knowledge. It is also critical that all actors in the criminal justice system have a comprehensive knowledge of the support services available to victims.

The results indicated that victims who are experiencing the highest rates of violence do pursue protective orders, and that the higher the level of violence experienced, the more extensive the protections afforded in the protective order (i.e. a permanent versus a preliminary protective order was issued). This may indicate that victims prefer to invoke civil remedies rather than involve the police and pursue a prosecution. Both preliminary and permanent protective orders can only be granted on the victim's request and only after they have

gone through an extensive petitioning process. This process is independent of both police and prosecution involvement.

A possible explanation for this finding may be the fact that both mandatory arrest and pro-prosecution policies often neglect the victims wishes (Mills 1998). Victim satisfaction with the police's response was found to be almost entirely dependent on the victim's wishes (Mills 1998). The fact that both the preliminary and permanent protective order are initiated on the victim's wishes alone gives the victim the control over the both the process of pursuing a protective order and the decisions needed throughout the process. This is potentially an empowering experience for a victim and therefore may be more appealing to victims than pursuing criminal charges. To better facilitate the protective order process, there is a need for greater accessibility to both the court services unit, (that currently is only open during limited times and during normal court hours⁷), and educational information on protective orders and their provisions. Court personnel,

⁷The Court Services Unit in the City of Virginia Beach will only receive Protective Order petitions between the hours on 8am to 11:30am Monday through Friday and they do not guarantee the petitioner will see a Judge that day and may be scheduled for a hearing on the morning docket the following day.

such as Magistrates, court services personnel, prosecutors, victim witness workers, attorneys and judges, need to be trained more thoroughly in the dynamics of domestic assault to better understand a victim's needs and behavior.

Victim empowerment is therefore essential to countering domestic violence, and there is a need for more comprehensive policies that are victim centered, catering to the specific needs of victims and their children, not pushing them to comply with arrest and prosecution policies that repeatedly have been found to be ineffective in keeping them safe. Perhaps the answer is to adopt more alternative approaches to address domestic violence and its consequences, such as, albeit controversial to some, restorative justice healing and peace circles (Mills 2006). This approach moves away from the punitive response of the criminal justice system, and recognizes that violence within a relationship cannot be examined in isolation; rather it needs to be examined within the context of the relationship (Mills 2006). This consequently gives the women, who are often neglected by the criminal justice system, a voice. Mills (2006) advocates for a mediation/therapeutic reparative approach for those who wish to salvage their relationships through the implementation of 'Intimate Abuse Circles'. These circles

incorporate the couple together or individually, as well as a caring team of family, friends and community members to attempt a holistic approach (Mills 2006).

This study has shown that the current criminal justice response to domestic violence is seriously lacking, built around criminal justice remedies that have repeatedly been found to be ineffective. However, short of restructuring the whole system to be more centered on victim empowerment, it is suggested that the current criminal justice system actors look to a more comprehensive and informed approach to domestic violence.

REFERENCES

- Bachman, R. and L. E. Saltzman. 1995. *Violence against women: Estimates from the redesigned survey*. Washington, D.C: Bureau of Justice Statistics. U.S. Department of Justice.
- Barata, Paula C. 2007. "Abused Women's Perspectives on the Criminal Justice System's Response to Domestic Violence." *Psychology of Women Quarterly*. 31:202-215.
- Black, Donald J. 1976. *The Behavior of Law*. San Diego, CA: Academic Press.
- Black, Donald J. 1983. "Crime As Social Control." *American Sociological Review* 48(1):34-45.
- Black, Donald, J. 1993. "Avoidance." Pp 79-83 in *The Social Structure of Right and Wrong* edited by Donald Black. San Diego, CA: Academic Press Inc.
- Bowman, C. G. 1992. "The arrest experiments: A feminist critique." *Journal of Criminal Law and Criminology*, 83(1):201-208.
- Browne, A. 1987. *When battered women kill*. New York: Free Press.
- Buzawa, Eve S., and Carl G. Buzawa. 1996. "Extent of the Problem." P1 in *Do Arrests and Restraining Orders Work?* Thousand Oaks, CA: Sage Publications.
- Buzawa, Eve S., and Carl G. Buzawa. 2003. "The Development of State and Federal Legislation." Pp109-110 in *Domestic Violence the Criminal Justice Response* edited by, Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Buzawa, Eve S., and Carl G. Buzawa. 2003. "The Changing Prosecutorial Response." Pp194-196 in *Domestic Violence The Criminal Justice Response* edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Buzawa, Eve S., T.L. Austin, J. Bannon, and J. Jackson.

1992. "Role of victim preference in determining police response to victims of domestic violence." Pp 225-269 in *Domestic Violence The Changing Criminal Justice Response* edited by Eve Buzawa, T. Austin, J. Bannon and J. Jackson. Westport, CT: Auburn House.
- Cahn, N., and L Lerman. 1991. "Prosecuting woman abuse." Pp95-112 in *Woman battering: Policy responses* edited by N. Cahn and L. Lerman. Cincinnati OH; Anderson Publishing and Academy of Criminal Justice Sciences
- Campbell, J. 1992. "If I can't have you, no one can": Power and Control in homicide of female partners." Pp99-113 in *Femicide: The politics of woman killing*, edited by J Radford and D Russell. New York: Twayne.
- Campbell, J. 1995. *Assessing dangerousness: Violence by Sexual Offenders, Batterers and Child abusers*. Thousand Oaks, CA: Sage Publications.
- Carderelli, Albert P. 1997. "Violence and Intimacy: An Overview" Pp 8-10 in *Violence Between Intimate Partners: Patterns, Causes, and Effects* edited by Albert Carderelli. Upper Saddle River, NJ: Allyn and Bacon.
- Carmody, Dianne C. and K.R. Williams. 1987. "Wife assault and perceptions of sanctions". *Violence and Victims*, 2(1):25-38.
- Carmody, Dianne C. 1998. "Mixed Messages: Images of Domestic Violence on Reality Television." In *Entertaining Crime: Television Reality Programs* edited by Cavender, Gray and Mark Fishman. Aldine de Gruyter.
- Davies, Jill, Eleanor Lyon, and Diane Monti-Cantania. 1998. "Creating the Image of Battered Women" Pp11-12 in *Safety Planning with Battered Women: Complex Lives/Difficult Choices* edited by Jill Davies, Eleanor Lyon, Diane Monti-Cantania. Thousand Oaks, CA: Sage Publications.
- Davis, R., B. Smith, and S. Henley. 1990. "Victim-witness intimidation in the Bronx courts. New York: Victims Service Agency." P100 in *Do Arrests and Restraining Orders Work* edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications Inc.

De Becker, G. 1997. *The gift of fear*. Boston: Little Brown and Co.

Department of Criminal Justice Services, online since 1998, 2000. *Victims Services Section: Domestic Violence Victims in Virginia*. Retrieved September 12th 2008. (<http://www.dcjs.virginia.gov/victims/documents/domvio br.PDF>).

Fischer, K., and M. Rose. 1995. "When "enough is enough": Battered women's decision making around court orders of protection." *Crime and Delinquency*, 41:414-429.

Ford, David A., and Mary J. Regoli. 1993. "The criminal prosecution of wife assaulters: Process, problems, and effects." In Mills, Linda G. 1998. "Mandatory Arrest and Prosecution policies for domestic violence: a critical literature review and the case for more research to test victim empowerment approaches." *Criminal Justice and Behavior* 25n3:306(13).

Ford, David A., Ruth Reichard, Stephen Goldsmith and Mary J. Regoli. 1996. "Future Directions for Criminal Justice Policy on Domestic Violence." Pp243-265 in *Do Arrests and Restraining Orders Works?* Edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.

Frisch, L. 1992. "Research that succeeds, policies that fall." *Journal of Criminal Law and Criminology*, 83(1):209-216.

Gelles, R.J. 1993. "Constraints Against Family Violence: how well do they work?" *American Behavioral Scientist* 36n5:575(12).

Gelles, R.J., and M. Straus. 1988. *Intimate Violence: The causes and consequences of abuse in the American Family*. New York: Touchstone.

Goldsmith, S. 1991. "Taking spouse abuse beyond a "family affair"." *Law Enforcement News* 17(334)7.

Gondolf, E., and E. Fisher. 1988. *Battered women as survivors: An alternative to treating learned helplessness*. Lexington, MA: Lexington Books.

- Gwinn, C. 1991. "From Investigation to trial; The strategy for successful intervention." Lecture for the National College of District Attorneys, Las Vegas, NV. Pp 100-101 in *Do Arrests and Restraining Orders Work* edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Harrell, Adele, and Barbara E. Smith. 1996. Effects of Restraining Orders on Domestic Violence Victims". Pp214-242 in *Do Arrests and Restraining Orders work?* Edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Hart, Barbara J. 1984. "Testify or Prison? AEGIS: The magazine on Ending Violence Against Women." Pp 100-101 in *Do Arrests and Restraining Orders Work?* Edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Hart, Barbara J. 1988. "Safety for Women: Monitoring Batterers Programs." P105 in *Violence Between Intimate Partners Patterns, Causes and Effects*, edited by Albert Carderelli. Upper Saddle River, NJ: Allyn and Bacon.
- Hart, Barbara J. 1996. "Battered Women and the Criminal Justice System." Pp98-101 in *Do Arrests and Restraining Orders Work*, edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Henning, Kris, Brian Renauer, and Robert Holdford. 2006. "Victim or Offender? Heterogeneity Among Women Arrested for Intimate Partner Violence." *Journal of Family Violence* 21, 6:351(18).
- Hoyle, Caroyle. 2008. "Will she be safe? A critical analysis of risk assessment in domestic violence cases." *Children and Youth Services Review* 30, 323:337.
- Klein, Andrew R. 1996. "Re-Abuse in a Population of Male Batterers: Why Restraining Orders don't work." P192 *Do Arrests and Restraining Orders Work*, edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Langan, P.A and C.A. Innes. 1986. *Preventing domestic*

violence against women: Discussion paper. Washington D.C: Bureau of Justice Statistics.

- Lempert, L. B. 1996. "Women's strategies for survival: Developing agency in abusive relationships." *Journal of Family Violence*, 11:269-289.
- McFarlene, J., J.C. Campbell, S. Wilt, C. Sachs, Y. Ulrich, and X. Xu. 1999. "Stalking and intimate partner femicide." *Homicide Studies*, 3(4).
- McHardy, L. 1992. *Family Violence: State-of-the-art court programs.* Charleston, S.C: National Council of Juvenile and Family Court Judges.
- Miller, S.L., and C.F. Wellford. 1997. "Patterns and Correlates of interpersonal violence." Pp 90-100 in *Violence Between Intimate Partners: Patterns, Causes, and Effects*, edited by Albert Carderelli. Upper Saddle River, NJ: Allyn and Bacon.
- Mills, Linda G. 1998. "Mandatory Arrest and Prosecution policies for domestic violence: a critical literature review and the case for more research to test victim empowerment approaches." *Criminal Justice and Behavior* 25n3:306(13).
- Mills, Linda G. 2006. *Insult to Injury: Rethinking Responses to Intimate Abuse.* Princeton University Press.
- Mills, T. 1985. "The assault on the self: Stages in coping with battering husbands." *Qualitative Sociology*, 8:103-123.
- National Council of Juvenile and Family Court Judges. 1992. *Family violence: State-of-the-art programs.* Reno NV: State Justice Institute.
- National Crime Victimization Survey. 1987-1991. P1 in *Do Arrests and Restraining Orders Work*, edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.
- Rebovich, Donald J. 1996. "Prosecution Response to Domestic Violence Results of a Survey of Large Jurisdictions." Pp176-181 in *Do Arrests and Restraining Orders Work?*

Edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.

- Rennison, C.M., and S. Welchans. 2000. *Intimate partner violence*. Washington DC: Bureau of Justice Statistics, NCJ178247.
- Roehlhl, Janice, Chris O'Sullivan, Daniel Webster, and Jacquelyn Campbell. 2005. *Intimate Partner Violence Risk Assessment Validation Study, Final Report*. U.S. Department of Justice (unpublished): Washington D.C.
- Sellin, T., and M.E. Wolfgang. 1964. *The Measurement of Delinquency*. New York: Wiley.
- Sherman, L., and R. Berk. 1984. "The specific deterrent effect of arrest for domestic assault." *American Sociological Review*, 49:261-272.
- Shields, N., and C. Hanneke. 1983. "Battered wives reactions to marital rape." Pp 131-148 in *The dark side of families: Current family violence research*, edited by D. Finkelhor, R. Gelles, G. Hotaling, and M. Straus. Beverly Hills, CA: Sage Publications.
- Stark, Evan. 1993. "Mandatory Arrest of Batterers: a reply to critic." *American Behavioral Scientist* 36n5:651(30).
- Stark, and Flitcraft. 1995. "Killing the beast within: Woman battering and female suicidality". *International Journal of Health Services* 9:461-64.
- Straus, M.A., and R.J. Gelles. 1986. "Social change and change in family violence from 1971 to 1985 as revealed by two national surveys." *Journal of Marriage and the Family*, 48:465-479.
- Straus, M.A., and R.J. Gelles. 1990. "How violent are American families: Estimates from the National Family Violence Resurvey and other studies." Pp 95-112 in *Physical violence in American families: Risk factors and adaptations in 8,145 families*, edited by M. Straus and R. Gelles. New Brunswick, N.J: Transaction.
- Straus, M.A. 1996. "Identifying Offenders in Criminal Justice Research on Domestic Assault." Pp14-29 in *Do*

Arrests and Restraining Orders Work, edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.

Straus, M.A. 1999. "The controversy over domestic violence by women: A methodological, theoretical, and sociology of science analysis" P20 in *Domestic Violence The Criminal Justice Response*, edited by Eve Buzawa and Carl Buzawa. Thousand Oaks, CA: Sage Publications.

Swan, S.C. and D.L. Snow. 2002. "A typology of women's use of violence in intimate relationships." *Violence Against Women*, 8:286-319.

Tjaden, P., and N. Thoennes. 2000. *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Washington DC: U.S. Department of Justice.

Tracey Thurman et al. v. City of Torrington, Connecticut. 595F. Supp. 1521, D. Connecticut (1984).

U.S. Census Bureau. 2000. *U.S. Census Bureau Table MS-3. Interracial Married Couples: 1980 to 2002*. Retrieved February 28, 2009. (<http://www.census.gov/population/www/socdemo/hh-fam.html>>; and unpublished data).

U.S. Census Bureau. 2008. *U.S. Census Bureau Quick Facts State and County for Virginia Beach, Virginia Population Estimate*. Retrieved October 22, 2008. (<http://quickfacts.census.gov/qfd/states/51/51810.html>)

U.S. Department of Justice. 1984. *Attorney General's Task Force on Family Violence: Final report*. Washington DC.

Virginia Code Section 16.1-253.4. *Virginia General Assembly's Legislative Information System*, online since 1995, 2008. Retrieved July 2nd 2008. (<http://leg1.state.va.us/cgibin/legp504.exe?000+cod+16.1-253.4>).

Virginia Code Section 16.1-279.1. *Virginia General Assembly's Legislative Information System*, online since 1995, 2008. Retrieved July 2nd 2008. (<http://leg1.state.va.us/cgibin/legp504.exe?000+cod+16>)

.1-279.1).

Virginia Code Section 18.2-57.2. *Virginia General Assembly's Legislative Information System*, online since 1995, 2008. Retrieved July 2nd 2008.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-57.2>).

Virginia Code Section 18.2-60.3. *Virginia General Assembly's Legislative Information System*, online since 1995, 2008. Retrieved September 16th 2008.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-60.3>)

Wilson, M., M. Daly, and H. Johnson. 1995. "Lethal and nonlethal violence against wives." *Canadian Journal of Criminology*, 37:331-362.

Zorza, J. 1992. "Symposium on domestic violence: Criminal law: The criminal law of misdemeanor domestic violence, 1970-1990." *Journal of Criminal Law and Criminology*, 83(1):46-72.

VITA

Victoria E. Collins
Sociology Department
Old Dominion University
Norfolk, Virginia 23509

Education:

M.A. Applied Sociology, May 2009; Old Dominion University, Norfolk, Virginia

B.S. Criminal Justice, May 2006; Old Dominion University, Norfolk, Virginia.

L.L.B. Law, December 2005; The Open University, Milton Keynes, United Kingdom

Employment and Experience:

Graduate Assistant, Department of Sociology and Criminal Justice, Old Dominion University, Norfolk, Virginia, August 2007-December 2007.

Victim Advocate/Police Liaison, Samaritan House, Virginia Beach, Virginia, May 2005-May 2009.

Victim Advocate Military/Civilian Domestic Violence Prevention Task force of Hampton Roads.

Professional Memberships:

Member of American Sociological Association.

Member of Virginia Sexual and Domestic Violence Action Alliance.