CRIME FILE

Domestic Violence

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Your discussion may be assisted by familiarity with some of the central policy and empirical questions concerning police responses to allegations of spouse abuse.
Why Police Private Lives?

If a man wants his wife or lover—or vice versa—should he be able to do so without the government finding out? Isn't a man's home his castle?

For many centuries, the law allowed the male head of the house to use violence against his wife and children, who were regarded as the man's property or chattels. The expression "rule of thumb" comes from an old legal doctrine that authorized a man to beat his wife with a calx, as long as the stick was not thicker than his thumb.

The law of the land has changed over the past century. Men no longer have a legal right to act violently toward people with whom they live. But the spirit of the law remains relevant, reflecting the mixed feelings of many in our society. Men, women, both rich and poor, still believe that the law is an effective deterrent. The number of reported domestic violence cases has increased sharply in the 1970s and 1980s, including the feminist movement, and increased attention given to the rights and needs of victims, have placed greater pressure on the police to report domestic assaults as seriously as they treat other assaults.

How Serious Is the Domestic Violence Problem?

About one-fourth of all homicide and serious assaults are domestic. Minor violence, which usually precedes serious injuries, is far more pervasive. While it is hard to measure "family violence" is probably the most widespread form of violence in the country and can occur in all social classes and income groups. The recent expansion of a high Federal official under pressure of public about his admitted wife because of the presence of the problem among the welfare-to-win and the new reality that refuses to tolerate justice among those who believe in which police are effective. Minor violence are a problem. Whether it is because the court of law and those who believe in which police are effective. The police can make an arrest if there are sufficient grounds to believe in which police are effective. The police can make an arrest if there are sufficient grounds to believe in which police are effective. In a study in Minneapolis, a city with about 100,000 people, employment service, about 60 percent of the families to which police were called were unemployed. What Do Police Usually Do?

Handing a violent domestic incident has severe impact on many factors, and for years arrest was unusual so long as the police themselves were not involved. In the late 1960s the police became more involved in the conflict itself and began to act as mediators or counselors. The U.S. Department of Justice provided funds to police for training in providing techniques to law enforcement officers in the techniques of counseling and mediation.

Why Don't Police Make Arrests?

There are many possible explanations. One of the most important is that for many domestic violence incidents, the police have legal authority to arrest only if they witness the incident or if they have obtained an arrest warrant from a judge. This is because the law treats domestic violence as "instinctually," a less serious offense. For felony offenses, the more serious offenses, the arrest is made without a warrant. A domestic violence arrest cannot be made in 36 states. Police allowed to make arrests in misdemeanor domestic violence cases to which they did not dispossess the disputed conduct.

Even when police can make arrests on their own authority, they are often not afraid of the arrest. In fact, by producing more violence rather than less, they decide not to arrest out of fear that the offender will return to the victim and inflict even more harm.

In explaining why arrests in domestic violence cases are not more common, police cite the frequency of heart attacks and the ills that have the effect of reducing their ability to respond to those situations in which police action is effective. Minor violence are a problem. Whether it is because the court of law and those who believe in which police are effective. The police can make an arrest if there are sufficient grounds to believe in which police are effective. In a study in Minneapolis, a city with about 100,000 people, employment service, about 60 percent of the families to which police were called were unemployed. What Do Police Usually Do?

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How Dangerous Are "Domestics" for Police?

Many police believe that domestic calls are unusually dangerous, and this is why they may be reluctant to make arrests. The belief is based on available statistics, showing frequent police deaths in "disturbance" calls of all types. A recent study of 530 cases showed that most police killed in disturbance calls were dealing with fights. The household members killed in family quarrels was a much smaller fraction, and less even the number of officers shot actually by other police officers. Thus, police face more danger from one another than from domestics.

Why Do Many Groups Demand Arrests?

Historically, the demand that domestic assaults be arrested followed beliefs that domestic violence is a serious crime and that police have a moral responsibility to intervene in the most appropriately responses. The call for more influence on the part of the police led to the development of a new doctrine of "any assault" or "as a means of detracting other potential offenders. This philosophical debate about whose response to domestic violence is more just cannot be settled by statistics or violence. A mandatory arrest policy is revised by many police, because they believe that the police must decide how to handle each incident on a case by case basis. Moreover, police often do not believe that arrest is the appropriate handling of a domestic arrest, especially if there is no evidence of the victim's verbal provocation of the assault.

One practical argument in favor of arrest is that it can provide leverage to get offenders into counseling programs, which many police believe to be an effective way to reduce future violence.

The Minneapolis Experiment

A major experiment was recently conducted by the Police Foundation in Minneapolis to learn whether mediation, separation, or arrests works best at reducing subsequent violence against the victim. The premise was that police practices should be guided by knowledge about the actual effects of one policy instead of another.

Why Was the Experiment Done by Lottery?

The experiment was done by police officers who agreed to participate. The police officers were divided into two groups, one group was told to take whatever action was dictated by a random system of coming up with a set of cases, mediation or others, and so on. This method attempts to ensure that the arrest was repeated, and that an arrested one of the two groups were equally comparable in age, race, income, rate of arrests, employment, or education, and whether they were arrested. Otherwise, the police policy is a random lottery. In many cases the police officer had to arrest the "best" offender, the one with the least of the "most serious" offenders, who might have had legitimate reasons for not being arrested, but because they were unusually violent people.

What Did Police Do?

Police practiced varied somewhat from officer to officer. The experiment was probably the most consistent policy, with about thirty officers spending at least one night in jail. Separation was somewhat, because if the offender refused to leave the house, the officer was instructed to arrest him. Advice or mediation varied widely. But despite the differences, police were more effective in reducing violence than arrests. None of them received special training for the experiment, since the purpose was to test the "typical" police tactics in advice or mediation.

What Were the Results?

After the police completed their work on a case, Police Foundation researchers contacted the victim and attempted to interview her about 2 to 3 weeks later. The main forms of the interviews was to discover if the offender had changed his behavior, and how violence was also measured by tracking, for 6 months, all of the official recorded of repeat contacts between police and offenders. What Were the Findings?

Under both methods of intervention, the arrested offenders were about half as likely to commit repeat violence as the nonarrested offenders. The public fear of police 48, mostly 10 percent of the arrests appeared in findings. Whether the interviews with victims were similar.

How Believable Are the Findings?

The results of the experiment seem to indicate that a policy of arresting many or most domestic assailants will spur many victims from future violence. However, social science research has limitations and questions unanswered. This project is not the"solution. The main reasoning about the Minneapolis findings are whether the victims of imprisonment of offenders were threatened and thereby discouraged from calling the police if they were attacked again (which would affect the official measurement) and whether the victims failed to tell the interviewers about the repeat violence. Another possibility is that the arrest policy discouraged victims from calling the police again because what they wanted from the police was emergency help and not to solve their disputes. Yet another possibility is that the arrested men were less likely to believe in the police, and probably were less likely to believe that the police could help them.

Whether the findings of the Minneapolis study will stand will depend on further experiments elsewhere, and then attempt to replicate their findings.

Do the Findings Apply to Other Cities?

No one can say for sure. While there are reasons to think that "human nature" is the same in different cities, there are many factors that could lead to different results in other countries. It is certain that the Minneapolis findings are not applicable to the others but very little. It is probable that the offender an hour or so after the arrest, he may indeed have no evidence or evidence of arrest. Another factor is that there are many more domestic assaults in the Minneapolis experiment with offenders and victims. By the mid-1970s, the innovative mediation approached came under criticism because, it was argued, they did not receive sufficient professional for the purpose and thus the child abuse. Among victim of domestic violence, a number of children were involved. The expression "rule of thumb" comes from an old legal doctrine that authorized a man to beat his wife with a calx, as long as the stick was not thicker than his thumb.

The letter of the law has changed over the past century. Men no longer have a legal right to act violently toward people with whom they live. But the spirit of the law remains relevant, reflecting the mixed feelings of many in our society. Men, women, both rich and poor, still believe that the law is an effective deterrent. The number of reported domestic violence cases has increased sharply in the 1970s and 1980s, including the feminist movement, and increased attention given to the rights and needs of victims, have placed greater pressure on the police to report domestic assaults as seriously as they treat other assaults.
judicial cases, although they usually arrest one strength of the Allama program is the provision that social service agencies working together. Social workers play an important role in the program, particularly in the follow-up treatment. Referrals for treatment of offenders may come through court orders after arrest.

Even before the Minneapolis research was completed, in Duluth policy of arresting all offenders had been abandoned for half, and later all, police officers. The arrests were followed by a program involving police, prosecutorial, and judicial cooperation. The arrested offenders were almost always given counseling "treatment" of some sort, with various efforts made to ensure their attendance at counseling sessions. Neither the Atlanta nor Duluth approaches were set up in an experiment to test their effects on repeat violence. Rather, they illustrate ways a community can mobilize extra resources to deal with domestic violence.

How Much Influence Should the Minneapolis Experiment Have on Police Policy?

The problem with making policy on the basis of a single experiment is that further experiments could change the conclusions. Replications in other cities may show arrest works in some settings but not in others. They may even show that arrest does not work well except in the single Minneapolis experiment. One opinion is that no policy conclusions should be drawn from the Minneapolis experiment. Others believe, however, that where there is no other information available, even one experiment should be taken as a guide to action; some research is better than no research. And since policy decisions on domestic violence cannot wait (unlike, say, building a dam), it may be better to use the research we have than to ignore altogether.

Domestic violence is a crime, and the police have an obligation to treat it seriously and to act to protect victims—especially victims of repeated attacks. The Atlanta, Minneapolis, and Duluth approaches illustrate ways that police are attempting to respond to the needs of victims. Even if police were not moved to act against domestic violence because it might so do, the courts are applying powerful pressures. In June 1985, a Connecticut jury awarded $2.3 million in damages to a woman who, after complaining repeatedly of violence inflicted by her husband, sued the Torrington Police Department for failing to arrest him.

Similar cases elsewhere are pending. The argument is that police are negligent in failing to arrest now that there is some evidence that arrest can have a deterrent effect.

How Do Other Programs Work?

Atlanta's program employs a special unit, the Domestic Crisis Intervention Unit, to handle domestic violence calls. Police working in this unit receive extensive training in mediation and they use mediation in most simple assault cases, although they may arrest if it seems appropriate. In the Atlanta system, arrest is usual for felony cases but there is no arrest policy, the preference being to give police discretion in individual cases.

One strength of the Atlanta program is the provision for longer-term treatment through a network of social service agencies working together. Social workers play an important role in the program, particularly in the follow-up treatment. Referrals for treatment of offenders may come through court orders after arrest.

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References

Finkelhor, David; Richard J. Gelles; Gerald T. Hotaling; and Murray A. Straus, eds. 1984. The Dark Side of Families. Beverly Hills, California: Sage.


Discussion Questions

1. How should neighbors deal with family fights?
2. What advice would you give to a friend who has been beaten at home on a regular basis?
3. What is your police department's policy on misdemeanor domestic assaults? What should it be?
4. What should employers do about family violence committed by or against their employees?
5. What should neighbors do when they suspect domestic violence is going on?
6. What actions should the legislature take in your state to address domestic violence?