

The Effects of State and Local Domestic Violence Policy on Intimate Partner Homicide

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In the United States, rates of homicide involving “intimate partners”—spouses, ex-spouses, boyfriends, girlfriends—have declined substantially over the past 25 years. Public awareness of and policy responses to intimate partner violence have increased during the same period. The coincidence of the two trends leads naturally to the question of their relationship: To what extent has the social response to partner violence contributed to the decline in intimate partner homicide? Research evidence addressing that question is highly limited, but the few existing studies suggest that domestic violence resources such as hotlines, shelters, and legal advocacy programs may be associated with lower rates of intimate partner homicide, while controlling for other influences (Browne and Williams, 1989; Dugan, Nagin, and Rosenfeld, 1999).

The authors have assessed the relationship between intimate partner homicide and domestic violence resources for a larger number of places over a longer period of time and with a richer set of outcome and resource measures than used in previous research. That relationship is interpreted in terms of the *exposure-reducing* potential of domestic violence resources. Simply put, those policies, programs, and services that effectively reduce contact between intimate partners involved in a violent relationship reduce the opportunity for further abuse and violence. This perspective on intimate homicide assumes that any mechanism that reduces the barriers to exit from a violent relationship will lower the probability that one partner will kill the other. For example, the availability of welfare benefits, by hypothesis, reduces a woman’s exposure to violence by providing financial support for her and her children to leave an abusive partner.

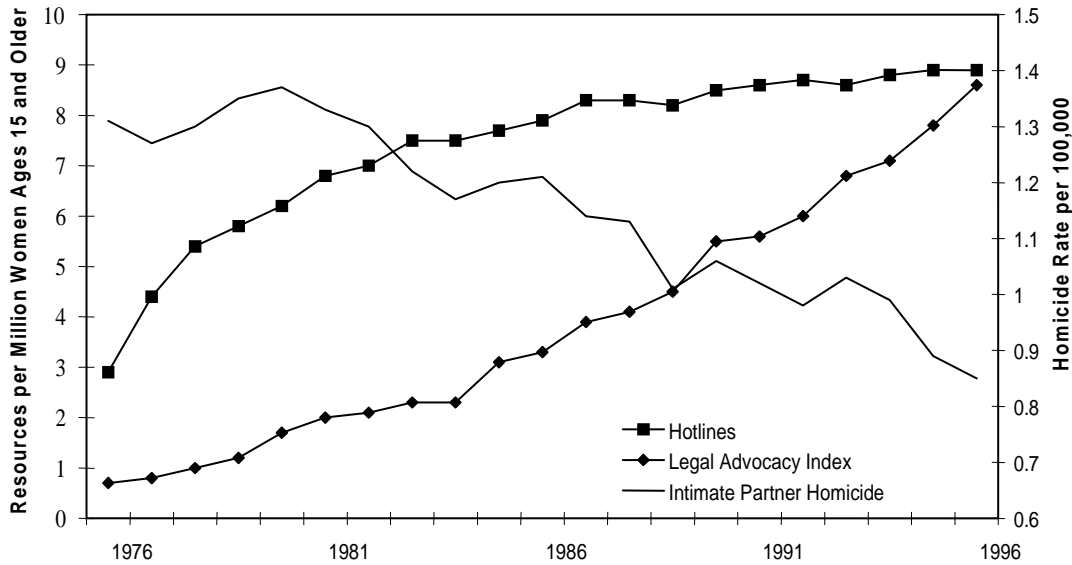
Although the idea of exposure reduction is relatively straightforward, its effects on violence need not be. Substantial evidence shows that the highest homicide risk is during the period when a battered victim leaves the relationship, suggesting a potential “retaliation effect” from exposure reduction associated with domestic violence interventions (Bernard and Bernard, 1983; Campbell, 1992). Such *retaliation effects* could occur if the intervention (e.g., restraining order, arrest, shelter protection) angers or threatens the abusive partner without effectively reducing contact with the victim. The authors evaluated the exposure-reducing and retaliation effects of a broad range of domestic violence resources on levels of heterosexual intimate homicide by victim gender, race, and marital relationship to the offender for 48 large U.S. cities between 1976 and 1996, controlling for changes in marriage and divorce rates, women’s status, and other time- and place-varying influences.

Contrasting Trends

The coincidence of the contrasting trends for decreasing intimate homicide and increasing social response is especially notable because the overall rate of homicide is trendless during the same period. The general decline in intimate homicide varies substantially by victim gender, race, and marital relationship to the offender. Larger decreases have occurred for males, blacks, and married victims (including ex-spouses) than for females, whites, and unmarried intimates (Greenfield et al., 1998; Rosenfeld, 1997, 2000). The differing time trends by victim type highlight the importance of assessing the separate effects of domestic violence resources by victim gender, race, and marital status.

Domestic violence policies and programs in the United States have expanded dramatically since the early 1970s, when the battered women’s movement began pressing for a social response to the needs of women abused by their spouses (Schechter, 1982). Policymakers responded with enhanced criminal justice sanctions, specialized procedures, and targeted services to accommodate the special needs of victims who are intimately involved with their abusers. Exhibit 1 displays the pronounced growth in domestic violence hotlines and legal advocacy programs in 49 large U.S. cities between 1976 and 1996. The intimate-partner homicide rate, by contrast, dropped to roughly 0.9 from 1.3 victims per 100,000, or by about 30 percent.

Exhibit 1. U.S. Intimate Partner Homicide Rates and Domestic Violence Services, 1976–1996



Source: FBI Supplementary Homicide Reports, 1976–1996, and the authors

Domestic Violence Resources

Exposure reduction can come in many forms. This research focuses on State laws governing protection orders and associated local implementation and enforcement policies. It considers whether States allow the courts to order *no contact* with the victim, whether *eligibility* is expanded to cover victims who do not live with the abuser, and whether the court is authorized to award temporary *custody* of children to the victim. Further, it considers whether the State statutes allow for a *warrantless arrest* when a protection order is violated and if the State *mandates* arrest. Finally, once an arrest is made, the study documents whether violators may be charged with *contempt* (either civil or criminal), a *misdemeanor*, or a *felony*.

Local policy reinforces State law by affirming its importance to local police and prosecutors, by providing specific implementation procedures, or by augmenting statutory requirements where such discretion is permitted. *Proarrest* and *mandatory arrest policies* encourage or require officers to arrest an individual who violates a protection order. Police departments may have specialized *domestic violence units* and *training*. The effectiveness of the criminal justice response to domestic violence also depends on local prosecutorial policy, including the

willingness to prosecute domestic violence cases, written policies for these cases, specialized domestic violence units, legal advocates on staff, and a “no-drop” policy. Community-based legal advocacy programs for victims of domestic violence may facilitate access to police and prosecutorial resources, especially if they have *dedicated funding* for personnel and employ *lawyers on staff*. One additional type of domestic violence resource is included in this analysis—the prevalence of *hotlines* for abuse victims. Finally, previous research has documented higher levels of violence in the lives of women on welfare (Allard et al., 1997; Browne and Bassuk, 1997; Tolman and Rosen, 2001). The authors, therefore, incorporate in their analysis benefit levels for Aid to Families with Dependent Children (AFDC).

Hypotheses

The researchers expect that State laws with provisions for no contact between victims and abusers and for warrantless and mandatory arrest of abusers will be associated with lower rates of intimate partner homicide. The exposure-reduction effects of State statutes should be strengthened, in turn, by aggressive and specialized local enforcement and strong legal advocacy services. However, the researchers do not expect that each of these factors will have similar effects for all victim types, for at least five reasons. First, discrepancies in implementation of policy or services can limit exposure reduction. Second, not all victims of domestic violence have equal access to the types of protection mandated by law and policy. For example, protection orders were originally restricted to women who were married to their abuser. Third, victims may perceive barriers preventing access to legal protection. This may be more common for women of color and low economic status (Peterson, 1999). Fourth, violent relationships between unmarried partners may be more sensitive to outside intervention because the partners typically have fewer legal and financial dependencies than spouses, and therefore are freer to leave. Finally, some interventions may increase the risk of lethal violence for intimate partners if they increase strain in the relationship or anger batterers without reducing contact, and the increased risk of retaliation may vary by marital status, race, and gender.

Data and Methods

Homicide Data

The homicide data were extracted from the Supplementary Homicide Reports (SHR) of the FBI’s Uniform Crime Reporting program (UCR) (Federal Bureau of Investigation, 1998). The authors aggregated to the city level for each year the number of homicides by the victim’s gender, race, and marital relationship to the offender. Married persons include ex-spouses and common-law; unmarried persons include the SHR categories of “boyfriend” and “girlfriend.” The small number of intimate partner homicides involving a victim and offender of the same sex were excluded from the analysis.

Domestic Violence Resources

The crux of the data collection strategy was to seek out informants within the local agencies of the 50 largest cities and ask them to complete a survey inventorying policies or activities by type and year of implementation. All resource data were collected by legal experts and practitioners. Even though repeated callbacks were required in some cases, response rates were impressively

high, especially given the long timespan for which detailed information was requested. The researchers received completed surveys with no missing data on prosecutor policies for all but two of the cities, yielding a final sample of 48 cities. (The survey instruments for the local agencies and the coding protocol for the State statutes are available from the authors by request.)

The authors formulated 11 indicators of domestic violence resources. Four are measures of State statutes, including provisions for warrantless and/or mandatory arrest, an index of the legal consequences for violating a protection order (contempt, misdemeanor, or felony), and an exposure reduction index that increases in value with provisions for no-contact orders and custody relief. Five of the indicators measure components of local policy, including police arrest policies, the presence of domestic violence units and training in police agencies, the willingness of prosecutors' offices to take domestic violence cases and the use of written policies for prosecuting them, the presence of domestic violence units and legal advocates in prosecutors' offices, and whether the prosecutor's office has a "no-drop" policy. Two final indicators measure the strength of legal advocacy programs and the prevalence of hotlines in the city.

Control Variables

The authors followed conventional practice in welfare analysis of measuring AFDC benefit levels in constant dollars based on the benefit received by a family of four persons (House Ways and Means Committee, 1996). Also included were race-specific marriage and divorce rates for each city and year and the ratio of the proportion of women to the proportion of men age 25 or older with at least 4 years of postsecondary education. Other controls are the overall change in adult homicide (not including adults killed by their intimate partner), a variable to capture any bias introduced by the adjustment procedure for underreporting of SHR data, and, to measure potential risk for homicide, the natural logarithm of the number of persons in the relevant demographic subgroups (e.g., married white males, married black males). See Dugan, Nagin, and Rosenfeld (2000) for explanations for the choices of control variables.

Methods

Because the dependent variable is a count of homicide victims within a discrete period, and rare events such as these likely conform to a Poisson process, the authors use the Poisson likelihood function to estimate models, with each observation weighted by the 3-year average of the city's population. Additional methodology was also used to address issues common to longitudinal analysis and to assure robustness. For a detailed methodological discussion, see Dugan, Nagin, and Rosenfeld (2000).

Findings

Consistent with previous research, the authors found that much of the decline in intimate-partner homicide over the past 25 years is associated with declining marital domesticity (defined as decreasing rates of marriage and increasing rates of divorce). A full description of the results is in Dugan, Nagin, and Rosenfeld (2000). In this paper, researchers focus on the more policy-relevant results. A summary of the robust findings for the domestic violence resources and

AFDC is displayed in exhibit 2. Each column represents a victim type while each row represents a type of resource. Listed in each cell is an indicator of whether the finding supports the hypothesis of exposure reduction (ER), or suggests retaliation (RET). Blank cells indicate no association that passed the researchers' several robustness tests.

Exhibit 2. Findings Supportive of Exposure Reduction (ER) or Retaliation (RET)

	Married				Unmarried			
	Male		Female		Male		Female	
	Black	White	Black	White	Black	White	Black	White
Warrantless Arrest				ER	ER			ER
Mandatory Arrest		ER		RET				RET
Violation Index			ER				RET	
Exposure Reduction			ER		RET		RET	
Legal Advocacy				ER			RET	
Hotlines							RET	
Police Arrest Index		RET			ER		ER	
Police Commitment							RET	
DA Willingness		RET		RET	RET		RET	RET
DA Specialization						RET		
No-Drop Policy								
AFDC	ER				ER	ER	ER	

In total, there are 28 robust policy-related findings. Of those, 13, or 46 percent, support the predictions of the exposure reduction theory. These results suggest that increases in alternatives to living with, or depending upon, an abusive partner contribute to the decreasing homicide rates of intimate partners. The remaining findings support the retaliation hypothesis: Resources that are intended to reduce exposure to violence are associated with higher levels of intimate homicide. One interpretation of this result is that batterers increase their violence once their partners try to leave.

Two findings consistently support the exposure reduction hypothesis: those for AFDC benefit levels and warrantless arrest law. As AFDC benefits decline, more men, particularly black men, are killed by their girlfriends. An interpretation of this result is that reductions in AFDC limit financial opportunities for unmarried women with children to live independently of their abusers,

thereby increasing the likelihood of unmarried women killing their abusers or, in the case of black women, being killed by them. However, white women are unaffected, suggesting that African-Americans are more sensitive to variations in AFDC (see also the results for married men). That interpretation is consistent with the higher rates of AFDC participation of blacks compared with whites (House Ways and Means Committee, 1996).

The findings for warrantless arrest law are consistent with exposure reduction for white women in both marital and nonmarital intimate relationships. A warrantless arrest law gives officers more discretion to arrest immediately after a protection order is violated. This reduces the period that the victim is exposed to the offender by the amount of time that it would take the officer to obtain a warrant. This period is also the most dangerous, because the batterer is likely to be antagonistic after police intervention.

Two findings consistently support retaliation predictions—those for prosecutor willingness and specialization. As the willingness of prosecutors to take cases increases, so does homicide for married white and unmarried black partners. Prosecutor willingness to take cases is also associated with higher levels of victimization among unmarried white women, and the measure of prosecution specialization is associated with greater victimization of unmarried white men. These results imply that the willingness and capacity to prosecute cases of protection order violation may aggravate already tumultuous relationships.

The remaining robust findings are less consistent across victim type. Increased strength of legal advocacy, for example, is associated with fewer killings of white wives but more deaths of black unmarried females. The most pronounced contrast in the remaining results is between married and unmarried homicide victimization. With few exceptions, these results show retaliatory effects for unmarried partners resulting from access to domestic violence resources—especially for black women.

Discussion

The goal of this project was to identify factors that have contributed to the 25-year decline in intimate partner homicide in the United States. The researchers hope that the conclusions drawn from this work will assist policymakers and service providers in designing more effective prevention strategies. The research was premised on a theory of exposure reduction, predicting that any factor that shortens the time that violent intimates are exposed to one another will reduce the probability that the relationship ends in homicide. Investigation produced mixed support for the theory. Clearly, domestic violence prevention resources are not uniformly associated with reductions in intimate-partner homicides, and some may result in increased victimization. Support for the latter interpretation is most evident in the findings for unmarried partners.

Implications for Researchers

More research is needed to better understand the dynamics of successful exposure reduction compared to unsuccessful cases, so policymakers and practitioners can reduce prevention failures. Much research has already been conducted on failed efforts to leave abusers. Homicide case reports and interviews often provide rich details of the events leading to the homicide. Yet,

that is only half the story. For comparison, researchers need to understand how severely violent relationships avoid lethal consequences.

Progress is being made with longitudinal research on battered women by Campbell and colleagues that examines how women who differ in individual and relationship attributes respond to partner abuse and compares battered women, including homicide victims, to other women in several cities (Campbell et al., 1998; Campbell and Soeken, 1999; see, also, Block, 2000). It is only with more research documenting successful and unsuccessful cases of relief from partner violence for a heterogeneous group of women that we will be able to design policy customized to meet their safety needs.

Implications for Practitioners

The findings suggesting a retaliatory effect do not mean that designing prevention strategies based on exposure reduction is a bad idea, but rather that prevention should be tailored to the particular needs and situations of different groups. The results also imply that a little exposure reduction, or unmet promises of exposure reduction, can be worse than the status quo for severely violent relationships. Absolute reduction of exposure in such relationships is an important policy objective. Without any contact, neither partner has the opportunity to kill the other. But achieving this type of protection is not easy. A starting point suggested by the research is case-by-case review of local prosecution policy and practice, with special attention to the needs of victims who are not married to their batterers.

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