

Intimate partner violence response: Addressing victim needs as part of the prosecution process

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Intimate partner violence response: Addressing victim needs as part of the prosecution process

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Abstract

Criminal prosecutions often result in plea deals made by prosecutors. Research has indicated defendants who accept pleas are offered lighter sentences than what would be administered postconviction. The repeated battering of domestic violence victims is a serious public health issue that is likely to cause physical and mental harm to victims. Lack of victim empowerment following a domestic violence arrest lessens the likelihood domestic violence victims will participate in the prosecution process and increases the likelihood a plea deal will be offered. This paper will examine the existing research on domestic violence victimization and criminal prosecutions to highlight the need for victim empowerment throughout the prosecution process. Recommendations will be made for government responses toward victims following a domestic violence arrest.

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Introduction

Research has demonstrated that Intimate Partner Violence (IPV) is a serious women's health problem that impacts physical, mental, social, psychological, and reproductive health (Rahman, 2015). Over one-third of women and one in four men in the United States have been assaulted or stalked by an intimate partner (Black et al., 2011). According to the 2015 National Intimate Partner and Sexual Violence survey, 25.1% of women experienced sexual violence, physical violence, or stalking by an intimate partner in their lifetime (Smith et. al., 2018). Domestic violence has been linked to Post Traumatic Stress Disorder (PTSD), depression, and suicidal ideations (Pico-Alfonso et. al., 2006).

There is evidence that IPV victims' lack of voice in the criminal process has a significant cost for both victim safety and judicial proceedings (Zweig & Burt, 2007). In the 1980s, law enforcement agencies began implementing mandatory arrest policies that require police to arrest in cases of domestic violence when injuries are present regardless of victim consent. While mandatory arrest policies are an effective tool to prevent repeated domestic abuse immediately after a police response, the policies do nothing to protect victims from retaliatory abuse (Bridgett, 2020).

Researchers routinely apply criminological theory to explain victimization. Theories of victimization generally assume victims are exposed to crime because of their social position, geographic conditions, and actions (MacMillan, 2001). Lifestyle theory proposes that certain characteristics are associated with role expectations that result in behavior patterns. This paper will explore existing research on lifestyle theory to connect common victim traits with proposed solutions to create a victim-centered approach to prosecutions. Routine activities theory is also explored to establish that domestic violence victims often experience victimization because of

exposure to certain individuals. Theories are addressed to tie into the overall theme of the paper, which is largely centered around empowering domestic violence victims.

Statement of the Problem

Some have hypothesized that trauma created by IPV leads to learned helplessness, which suggests women in abusive relationships experience psychological paralysis that prevents them from engaging in help-seeking strategies (Walker, 1977). Current support systems are often nonprofit organizations relying on volunteer workers to meet the needs of victims. In their most recent census of domestic violence programs, the National Network to End Domestic Violence reported there were over 12,000 unmet requests for services in just one day (National Network to End Domestic Violence, 2016).

Crimes involving violence committed against a person require victim participation beyond the initial arrest to secure a conviction. Successful prosecution of domestic violence cases often requires participation from the victim including ongoing communication with prosecutors and appearances at hearings and trials. A lack of victim evidence makes it difficult for prosecutors to obtain a conviction (Bechtel, 2012). Without the victim's testimony, the prosecution must rely on circumstantial evidence to establish guilt beyond a reasonable doubt. In criminal cases, the strength of evidence is the strongest predictor of conviction (Devine, et al., 2001).

Victim assistance is significantly related to victim cooperation and case disposition (Bechtel et al., 2012). Advocates have indicated that victims are more likely to participate in prosecution when their individual needs are addressed. Research has indicated that survivor-defined advocacy compliments prosecutions by addressing the complex needs and concerns of

domestic violence victims (Nichols, 2014). Bennett et al. (1999) identified four main reasons why domestic violence victims retract from the prosecution process: misperceptions about the court process that are not remedied through follow-up with victims, frustrations with the complexity of the court process, fear about how to keep themselves and their children safe while the case is progressing, and disagreement with incarceration.

Understanding the negative effects of absent victims in the prosecution process is an important step toward creating a system of prosecution in which victims are empowered and engaged with law enforcement and prosecutors throughout a trial. Considering the benefits of victim participation in the prosecution process, primarily criminal convictions, prosecutors must ensure their offices are equipped to assist victims by addressing their individual needs and providing ways for victims to feel safe and confident participating in trials. To ensure successful prosecutions, victim assistance programs that address the individual needs of victims should be implemented.

Purpose of the Study

This research will examine existing research and data on criminal prosecutions in domestic violence cases to show that the current system is insufficient to secure domestic violence convictions. The long-term consequences of lack of domestic violence victim participation in the prosecution process will be examined from the context of low conviction rates and repeated battering of victims. Aspects of labeling theory and theory of reasoned action will be examined and incorporated to explain revictimization and repeated battering within domestic violence relationships. Response recommendations will be made partially based on the effects of general strain and lifestyle theories. The purpose of this research is to establish a connection between the lack of victim participation in the prosecution process and the

revictimization of domestic abuse victims to argue for the implementation of a revamped ideology for domestic violence victims in which the needs of victims are prioritized throughout the prosecution process to increase conviction rates.

Significance or Implications of the Study

This research paper will argue that there should be a victim-centered approach to prosecutions that addresses the needs of individual victims throughout the post-arrest trial phase. The strategy that will be used to support the research is an analysis of existing literature on victim empowerment and criminal prosecutions to develop a recommendation based on evidence found for an ideal strategy for prosecutors to obtain victim cooperation by ensuring the needs of victims are met. A portion of the research will incorporate social exchange theory concepts as they relate to victim psychology and decision-making in the form of cost-benefit analysis. The research will demonstrate that participation in the prosecution process can outweigh the costs of participation. This research could be significant because a lack of victim cooperation in the prosecution process has been known to result in dropped charges, low-level plea deals, and not-guilty verdicts. Most existing resources for domestic violence victims are overrun and unable to meet the needs of all victims and as a result, there is currently a need for government-funded programs to address the needs of domestic violence victims during the prosecution process. Victims receiving assistance from private organizations and nonprofits do very little to build trust between prosecutors and victims, which is an important aspect of the prosecutor-victim relationship. Additionally, private organizations can arbitrarily exclude victims who seek help and as a result, some victims may not be receiving the resources they need to recover after an IPV incident. The information within this research can be used as part of a template for the creation of IPV victim assistance programs in various forms of government.

The research will include an analysis of the existing body of research on witness handling from a prosecution perspective. The paper will also examine the existing research related to IPV victim experiences to better understand victim needs. Recommendations will be given based upon an analysis of previous research on witness handling, victim participation in the judicial system, and addressing victim needs to create a method of criminal prosecution in which the needs of domestic violence victims are met to better enable them to participate in the prosecution process.

Methods of Approach

The research method that will be used in this research paper is a secondary analysis. An extensive literature review of the existing body of research regarding victim participation in the prosecution process, witness handling, and addressing victim needs will be used to gather evidence to support a framework that can be implemented to empower victims in the prosecution process by addressing needs. A combination of qualitative and quantitative research will be used to analyze the research problem and support recommendations. Sources will include peer-reviewed articles, government documents and websites, and program evaluations. There will be a comprehensive literature review of the existing research regarding victimization and criminal prosecutions to develop a program that is centered on addressing IPV victim needs in the judicial process.

Contributions to the Field

Recommendations for best practices related to an IPV victim program that addresses the need to empower victims throughout the prosecution process are the primary contribution of this research. A secondary contribution will be the likelihood that the suggested best practices in this paper can be applied to existing victim assistance programs within government agencies and

nonprofit organizations. Currently, limited research focuses on addressing victim needs to empower victims in the judicial process, so the program recommendations could be considered a significant contribution to the field. The demand for domestic violence victim assistance currently outweighs the amount of assistance that is available through government agencies and nonprofits. It's logical to believe there will be an increase in the number of programs available to victims in the future and the information in this paper can be useful for program implementation, recognizing needs, and understanding where the current system is falling short. Lastly, this research could potentially intrigue organizations to provide funding for future research regarding domestic violence victims and victim empowerment.

Literature Review

Police Response: Mandatory Arrest

In an effort to address the issue of domestic violence, which gained traction as part of the women's rights movement of the 1970s, the National Institute of Justice funded an experiment on police responses to domestic violence calls in Minneapolis, MN. The Minneapolis Domestic Violence Experiment was the first scientifically controlled test of the effects of police arrest on any criminal act. The experiment, which was conducted from 1981-1982, became a landmark study that led to drastic changes in the way police respond to domestic violence. An arrest was found to be the most effective response to minor domestic assaults in comparison to the other two responses, which were counseling and sending assailants away from the home (Sherman & Berk, 1984). This was in stark contrast to what had been the standard operating procedure in law enforcement, which was essentially doing as little as possible on the premise that offenders would not be punished by courts even if they were arrested (Buzawa, 2003).

The results of the Minneapolis study resulted in many United States police departments implementing mandatory-arrest policies (Elliott, 1989). While police are often guided by shall-arrest policies in cases of domestic violence, prosecutors are relatively unchecked in their decision to charge a defendant. In the United States, prosecutors generally have a significant amount of discretion when litigating a criminal case. The decision to file charges in a case is largely unchecked as prosecutorial power is vast and unrestrained. Discretionary issues extend beyond domestic violence cases. Mechanisms in place to hold prosecutors accountable are largely ineffective. At any point, a case can be dismissed by a prosecutor, even if the decision is lacking reason. Naturally, prosecutors have widely differing opinions on prosecuting domestic violence arrests made by police. Prosecutorial discretion in the United States legal system has been the subject of scrutiny by attorneys, legal scholars, and journalists.

Historically, police officers have been criticized for dismissing victims' needs (Leisenring, 2012). Since being recognized as a significant social problem in the 1970s, domestic violence incidents have been met with increasingly aggressive responses from police. A surge in civil action lawsuits based upon the failure to provide women with equal protection of the law along with feminist movements to prioritize violence against women has resulted in an aggressive pro-arrest police response to domestic violence calls (Strauss, 1992). Mandatory arrest policies have been a fundamental reform that has increased the arrest rate for offenders and the number of victims reporting domestic violence to police while repeat victimization has decreased (Felson et al., 2005).

Victim Perception of Police Response

The level of satisfaction victims feel with how helpful police are in responding to a domestic violence incident is an important component of mandatory arrest and criminal

prosecution (Johnson, 2007). Literature examining the relationship between police and the public indicates that the level of trust people have in the police is largely based upon police action and public engagement (Tyler & Fagan, 2008). Prior to the implementation of mandatory arrest policies, victim satisfaction with police response to domestic abuse was relatively low (Dobash, 1979). Martin (1997) mailed questionnaires to victims who called police in a state that used mandatory arrest policies. Roughly half of the victims found the police to be helpful, fair, and respectful. Victims whose abusers were arrested without the preference of the victim were significantly more likely to call the police in the future. Victims whose abuser was arrested based on their expectations were more likely to view law enforcement officers as helpful in comparison to victims whose abuser was not arrested. Other research has indicated that mandatory arrest policies may create a negative relationship between law enforcement and victims when their desires are not followed. When victims' wishes are not followed, victims may be hesitant to call for police intervention in the future (Ford & Regoli, 1992).

Several factors influence victims' decisions to call for legal intervention. Lack of police help is cited by domestic violence victims as a reason for staying in abusive relationships (Anderson et al., 2003). Some victims do not call the police because of the potential for future abuse, hope that the abuse will stop, financial dependence, the welfare of their children, lack of familial support, and the desire to save their relationship (Davis & Smith, 1995). Some victims call the police because they believe a police presence allows them to control their situation (Ford, 1991). Victims also sometimes may be apprehensive to call the police because of their perception that the abuse may increase in severity and frequency if the abuser is arrested or if separation results (Felson et al, 2002).

Victim Participation: Addressing Distrust

Public trust and confidence in policing is considered the cornerstone for public cooperation and is the basis of legitimacy (Rosenbaum et al., 2005). Two constructs: trust and confidence in the police, and the obligation to obey police orders have been shown to comprise police legitimacy. When police are viewed as possessing legitimate authority the public is more likely to hold positive attitudes toward police officers, cooperate with law enforcement, and engage with police (Hinds & Murphy 2007). The Crime Control Act of 1990 provides crime victims with a bill of rights with certain guarantees throughout the prosecution process. The right to be reasonably protected from the accused, the right to be reasonably heard, and the right to confer with attorneys for the government are among the relevant highlights of the bill (Department of Justice, 2016). The bill is only effective if victims are willing participants in the criminal proceedings following an arrest. Distrust of police and prosecutors among victims has been the subject of several studies and is well documented. Research has indicated that trust in police predicts both compliance and cooperation. The issue of distrust is rooted within the framework of social issues in the United States that are broader than the criminal justice system.

The United States has a long history of racial gaps in satisfaction with local policing (Brown & Benedict, 2002). Police distrust is inevitably connected to a lack of involvement in the prosecution process. If the system does not work for all, it is flawed. Thomas and Hyman (1977) concluded that race is “the best predictor of evaluations of police performance”. Negative perceptions of police within minority groups can be harmful to the overall perception of police neutrality and ultimately erode public confidence in police (Goodman-Delahunty, 2010). Failure to address the lack of trust and confidence in the police by minority groups may encourage some minorities to hold negative and biased opinions toward the police. Many

minority groups may purposely avoid police engagement, thereby weakening the likelihood of cooperation throughout the prosecution process (Tyler, 1990). Sexuality-based minority groups like the lesbian, gay, bisexual, transgender, and questioning (LGBTQ+) have long histories of police mistrust based upon documented historical police harassment and brutality based upon aggressive enforcement of anti-LGBTQ+ laws in the 1960s and 1970s. Many LGBTQ+ people feel they will not receive neutral, trustworthy, and legitimate police service (Wolff & Cokely, 2007).

Prosecutorial Discretion: Authority to Bargain

Plea bargaining has been the subject of analysis, especially as it relates to the issue of racial bias in the justice system. The process of plea bargaining makes it more likely that historical racial bias that exists against African American male defendants has the potential to taint the negotiation outcomes. Prosecutorial discretion has been tied to other issues within the justice system like racial profiling by police and presumption of guilt on the part of African American defendants (Greenberg, 2021). A vast majority of criminal convictions in the United States are the result of plea bargains offered by prosecutors regardless of the crime. In 2020 guilty pleas accounted for 97.8% of convictions in United States District courts (US Sentencing Commission, 2020). Violent crimes against persons were significantly more likely to result in a trial as opposed to plea bargains. Immigration offenses resulted in a plea bargain in 99.6% of cases while just 69.7% of kidnapping cases resulted in plea bargains.

Historically, prosecution decisions in domestic violence cases depended largely on the preferences of victims. Cases in which domestic violence victims prefer prosecution have been found to be more likely to result in felony rather than misdemeanor charges (Worrall et al., 2006). More recently, prosecutors have adopted policies that are based upon the extent to which

societal interests would be served through prosecuting cases on an individual basis (Davis et al., 2008). Prioritizing societal interests over the preference of victims allows prosecutors in certain jurisdictions to take an aggressive approach while prosecutors in other jurisdictions are more likely to drop cases or accept plea deals. Prosecutorial discretion is closely related to the political environment of the jurisdiction which has created widespread differences between jurisdictions (Zata & Rodriguez, 2014). The political environment of prosecutorial discretion has recently resulted in prosecutors being recalled out of office, dropped by donors, and scrutinized by media outlets.

The actions of responding officers immediately following a domestic violence incident affect the prosecutorial decision-making process. Research has indicated that listing more than one criminal charge in a police report increases the likelihood of prosecutors filing charges in a domestic violence case by 284%. Obtaining photographs (60%), arrest (94%), emergency protective orders (87%), and locating witnesses (68%) have also been correlated with increased prosecution approvals (Nelson, 2013). In addition to the actions of responding officers, characteristics of individual officers have been identified as a factor that potentially affects the outcome of a police response. El Sayed et al. (2022) found that increasing age and years of law enforcement experience are correlated with officers viewing victim-related factors as less important. The same study found female officers are less likely than male officers to believe victims may easily leave an abusive relationship and place less importance on the presence of physical evidence to be important in determining the best way to handle a domestic violence incident. Enhancing investigation capacity and promoting access to healthcare along with documentation of physical injuries through the care of a Sexual Assault Nurse Examiner have all

been linked to an increased likelihood of prosecution and conviction (National Institute of Justice, 2016).

Extralegal factors have also been studied in regard to prosecutorial decisions. Research has indicated that prosecutors are more likely to proceed with charges without the victim's cooperation if when the victim was female and that defendants are perceived as more aggressive if heterosexual males (Cox et al., 2021). There have also been studies that have indicated race is an important factor in prosecutorial decision-making. Gunderson (2022) found that Black prosecutors are associated with fewer felony convictions, Latinx prosecutors are associated with lower Latinx jail populations, and female prosecutors are associated with lower female and Black jail populations.

It is widely believed that a defendant who pleads guilty will likely receive a lighter sentence than if convicted at a jury or bench trial. The primary issue of plea bargaining is that offenders receive a lighter sentence than what they would have received if they had been convicted at trial. A plea bargain almost always involves a reduced time of incarceration, or avoiding incarceration altogether, leaving offenders on the street to potentially commit more crimes. The issue is especially relevant in cases of domestic violence, which is widely considered a violent crime involving emotion. A study conducted by Walby and Allen (2004) found that more than two-thirds of female victims of non-sexual domestic violence experienced revictimization within one year of the previous offense, committed by the same offender.

Prosecutorial misconduct occurs when a prosecutor acts in a way that causes a defendant to be wrongfully convicted or punished. Research has indicated there are weak informal and formal sanctions for the behavior of prosecutors (Schoenfeld, 2005). Schoenfeld (2005) summarized those opportunities for misconduct exist because of a lack of guidelines within

prosecutor offices, highly compartmentalized prosecutor offices, lack of internal or external review systems, and political pressure to win cases. Additionally, there is little recourse for prosecutorial misconduct, even when it is obvious because prosecutors enjoy almost complete immunity from civil and criminal liability within the scope of their work. Police misconduct is also often tied to prosecutorial misconduct as a result of the common working relationship between law enforcement personnel and prosecutors. As a result, prosecutors are often viewed as bad actors in the realm of police brutality or misconduct. Some have suggested that racial discrimination may be linked to prosecutorial misconduct based on disproportionate prison populations (Ulmer et al., 2007).

Consequences: Lack of Victim Participation and Revictimization

Victim withdrawal presents prosecutors with challenges in domestic violence cases. Lack of victim cooperation and participation in the prosecution process results in prosecutors losing the ability to introduce victim statements to police at the scene of the incident, photographs of victim injuries, and testimony related to the offender's demeanor and actions prior to police arrival. Although some states have amended their evidence codes to allow for hearsay evidence and propensity evidence, victimless prosecutions face challenges. Considering the broad level of discretion prosecutors exercise, it is reasonable to surmise that lack of victim participation in the trial process often results in some level of inadmissible evidence and ultimately, dropped cases against defendants or plea bargains. Prosecutors who do not have victim cooperation could potentially be less motivated to expend time and resources to take a case to trial, particularly if the victim recants or gives untruthful testimony regarding the actions of the defendant.

Repeat victimization is an issue that has been the focus of increased attention within victimology over the last several decades. Studies have indicated that offenders who have a prior domestic assault arrest are twice as likely to have a subsequent domestic assault arrest in comparison the general population (Collins et al., 2021). Repeat victimization refers to the observation that one victimization can be quickly followed by another at a much higher rate than random chance factors can explain (Skogan, 1999).

Consequences: Offender Recidivism and Sentencing

The effects of case dispositions on domestic violence offender recidivism have been the topic of academic studies. More severe sentences, which include jail followed by probation as opposed to probation or jail, have corresponded with lower levels of recidivism (Thistle et al., 1998). Studies have shown that offenders with a prior domestic violence arrest were twice as likely to have a subsequent domestic violence arrest (Collins et al., 2021). A report completed by the United States Sentencing Commission found that federal offenders who received sentences of 60 months or more were less likely to recidivate compared to offenders receiving shorter sentences (Cotter, 2022). The report concluded that the odds of recidivism were approximately 29 percent lower for offenders who were sentenced to more than 120 months of incarceration and 18 percent lower for offenders sentenced to more than 60 months up to 120 months of incarceration. Roach et al. (2015) found that increased sentence length was associated with a decrease in the recidivism rate among felony offenders in Seattle. Research has indicated that incarceration of less than one year was associated with increased recidivism that plateaued after one-year post-release while lengths of incarceration of six years or more were associated with a steady decline in recidivism (Mears et al., 2016).

Theoretical Framework

Theory of Reasoned Action

The social stigma associated with being a domestic violence victim may prevent reporting or seeking help. The legal system in the United States is inherent with bias in which the burden of proof is often placed on victims (Dobash & Dobash, 1992). The criminal justice system has historically been less responsive to domestic violence victims by failing to protect victims from repeat victimization. A lack of reporting and inability to access victim services may result from inherent bias within the justice system.

A primary assumption of many models of human behavior is that intention to initiate a behavior is highly predictive of actual behavior. The theory of reasoned action applies a personal attitude variable and a group social norms variable to predict behavioral intentions (Ajzen & Fishbein, 1980). Behavioral intentions have been shown to project the execution of behavior such that if one has the intention to act, one is more likely to perform a subsequent behavior (Vallerand et al., 1992). In cases of domestic violence, behavioral intentions may help predict actual reporting behavior.

Sulak et al. (2014) examined the relationship between beliefs about domestic violence, and hypothetical outcomes using the theory of reasoned action. Beliefs, attitudes, and hypothetical actions regarding domestic violence were gathered from various surveys. The study found that social norms were more predictive of intention to report domestic violence than individual attitudes. Endorsed social norms were found to be the most robust measure for predicting intention. This is significant in the realm of domestic violence victim handling as many programs are aimed at addressing individual attitudes of domestic violence victims as opposed to normalizing reporting behavior.

Programs that exist to serve domestic violence victims may be able to apply the theory of reasoned action as a tool to screen domestic violence victims for potential needs. Addressing the individual needs of domestic violence victims, especially those who struggle to report victimization, from a social norms standpoint can be beneficial to the prosecution process. Previously discussed research indicated that domestic violence victims are often fearful of providing testimony in court and addressing the issue of social norms may be a crucial part of domestic violence victim handling.

Labeling Theory

As opposed to focusing on the behavior itself, labeling theorists focus on society and the ways deviant and criminal labels are assigned to a particular behavior (Kubrin et al., 2009). Labeling theory provides an outline for which the possible consequences of misconceptions about domestic violence victimization can be understood. While labeling theory has been traditionally applied to the criminal, some studies have extended the effects of the “victim” label (Dunn, 2010). Most research focuses on the extent to which the dynamics of victimization are misunderstood, which often results in victim blaming. Blameworthy victim implies that individuals view the actions of certain victims as deviant. Research has also indicated that victim blaming is associated with a belief that women can leave their abuser and that victims who refuse to leave are responsible because they are perceived as consenting to the abuse (Carlson & Worden, 2005).

Policastro and Payne (2013) examined whether individuals’ levels of myth acceptance lead them to reassign the identity of victims to that of deviant or criminal. Factors influencing support for domestic violence myths, the relationship between domestic violence myths and punishment of victims, and whether or not myth acceptance considers results in a criminal view

of victims were researched. Policastro and Payne (2013) found that half of the sample believed women decide on their own to stay in abusive relationships and half indicated they found it difficult to understand why women would stay in an abusive relationship. Nearly a third of the sample believed women stay in abusive relationships because they liked the attention they received from their abuser. Approximately 40% believed children should be taken away from mothers involved in abusive relationships and 20% believed in criminal prosecutions for women who are abused in front of their children and some even indicated there should be a delayed police response for women who stay in ongoing abusive relationships (Policastro & Payne, 2013).

A primary component of labeling theory is that the assignment of a criminal label promotes subsequent offending by offenders. A criminal label for domestic violence victims is likely to promote continued victimization. In essence, domestic violence myths promote criminal labels for victims and thus, victims are likely to experience continued battering.

Information regarding labeling theory as it relates to domestic violence victims is relevant to victim handling in the criminal justice system. Stakeholders in the prosecution process should consider the social stigma and effects of victim blaming and labeling in regards to handling victims as witnesses in criminal trials. The information from Policastro and Payne (2013) can also be used to explain why trial convictions can be hard to obtain.

Methods

Data was collected and analyzed from government publications and peer-reviewed academic research to investigate the connection between inadequate domestic violence prosecution and repeated victim battering. This research was achieved by collecting and

analyzing secondary research and statistics on domestic violence response, prosecutions, and repeated battering. A theoretical framework regarding domestic violence victimization was researched and discussed by examining previous work on the theory of reasoned action and labeling theory.

Results

Victim Participation

Victim participation is generally considered an important factor in the outcome of criminal trials. A lack of victim participation in the prosecution process is likely to result in light sentencing, which often includes avoiding incarceration for the offender. Research indicates many domestic violence cases are dropped or pled down prior to trial (Black et al, 2011). As a result, offenders avoid incarceration and victims are at risk of repeated battering. Domestic violence continues to be a significant issue in which more than 10 million adults experience victimization annually (Black et al., 2011). Domestic violence is an issue that is widely considered part of the women's rights movement as the rate of lifetime victimization is significantly higher for women (25%) than men (10%) in cases of sexual violence, physical violence, and stalking by an intimate partner (Smith et al., 2018). Domestic violence incidents are reported to police at a lower rate than non-domestic violence-related assaults. According to the National Crime Victimization Survey (2021), the rate of domestic violence reported to police is 2.2 per 1,000 persons while the rate of domestic violence not reported to police is 1.9 per 1,000 persons. The NCVS reported that 41.1 percent of domestic violence victimizations were reported to police compared to 43.9 percent of stranger violence incidents and 57 percent of non-domestic violence-related aggravated assaults.

Statistics related to criminal trial outcomes are collected and reported by local, state, and federal agencies. The US Department of Justice Bureau of Justice Statistics (BJS), a federal government entity, tracks case processing periodically through publications on case processing. The National Judicial Reporting Program (NJRP) and the State Court Processing Statistics (SCPS) are the most recent publications that track national and state court dispositions on criminal cases. The BJS stores and maintains full sets of raw data of government publications on the National Archive of Criminal Justice Data (NAJCD). Several publications stored on the NACJD are related to prosecutions and plea bargaining. The National Crime Victimization Survey (NCVS), which is administered by the US Census Bureau, collects annual data on victimization related to domestic violence among various other crimes.

Issues connected to historical trauma between police and citizens is a significant factor in domestic violence victim participation with prosecutors. Studies have indicated that white victims have contact with prosecutors in 70 percent of domestic violence cases while nonwhite victims have contact with prosecutors in 59.5 percent of domestic violence cases (Cerulli et. al., 2014). The same study found that age, alcohol/drug use, and pregnancy were significantly less associated with whether or not victims had contact with prosecutors. Victims aged less than 25 had contact with prosecutors at a rate of 65.1 percent while ages 25-30, 31-40, and over 40 had percentages of 64.9, 67.3, and 63.1 respectively. Victims who used drugs or alcohol at the time of the incident participated at a rate of 60.8 while sober victims participated with prosecutors at a rate of 66.6. Pregnant victims participated at a rate of 63.9 while nonpregnant victims participated with prosecutors at a rate of 65.5 percent. Cerulli et al. (2014) found that 38.5 percent of white victims with prosecutorial contact eventually wished to drop the charges while 46.5 percent of nonwhite victims eventually wished to drop the charges against a defendant.

Prosecutors across the United States have adopted no-drop prosecution policies aimed at vigorously prosecuting domestic violence cases. A special report on state court processing of domestic violence cases by the BJS (2008) indicated that domestic violence cases were more likely to be prosecuted than non-domestic violence cases. Domestic sexual assault defendants were prosecuted at a rate of 89 percent while non-domestic related sexual assault defendants were prosecuted at a rate of 73 percent. Domestic aggravated assault defendants were prosecuted at 66 percent while non-domestic related aggravated assault defendants were prosecuted at 67 percent. The same report indicated that 78 percent of domestic violence cases dropped by prosecutors were dismissed due to a lack of victim participation. The rate of acquittal was higher for domestic-related sexual assault and aggravated in comparison to non-domestic related. Domestic sexual assault defendants were acquitted at a rate of 1.3 percent while non-domestic related acquittals were 0 percent while 1.5 percent of domestic related aggravated assault defendants were acquitted and 1.3 percent of non-domestic related aggravated assault defendants were acquitted.

Plea bargaining in the United States' court systems is a common practice that often results in shorter sentences of incarceration or probation in comparison to criminal convictions. Lack of victim participation in the prosecution process results in less evidence being available to prosecutors, and ultimately, an increased likelihood of plea bargaining. Prosecutorial discretion in plea bargaining has been linked to discrepancies in sentencing outcomes. Trial convictions generally lead to a higher probability of harsher sentences (Devers, 2011). Nationwide, approximately 90-95 percent of all cases result in plea bargaining. A 2018 study looking at nearly 76,000 arrests in Delaware uncovered that pretrial detention increased a defendant's likelihood of pleading guilty by 46 percent (Donnelly & MacDonald, 2018). A similar study in

Philadelphia found a 4.7 percent increase in plea bargaining for defendants who served pretrial detention (Stevenson, 2016). Black defendants were 10 percent less likely to enter guilty pleas, which researchers have surmised is related to less favorable pleas being offered to Black defendants and general distrust between Black defendants and prosecutors. In a survey of 166 prosecutors in three southern states, 82 percent of respondents indicated they would reduce the harshness of the plea if the evidence was weak and 38 percent indicated they would increase harshness if the evidence was strong (Champion, 1989).

Repeated Battering

Victims who leave their offenders have been found to be as likely to be re-abused as those who remain with them (Klein et al., 2005). A significant proportion of domestic violence victims suffer from trauma related to abuse. Research has indicated up to 88 percent of battered women in shelters suffer from post-traumatic stress disorder (PTSD) (Arias & Pape, 1999). Additionally, studies have found that 72 percent of domestic abuse victims experience depression and 75 percent experience severe anxiety (Gleason, 1993).

Reoffending and revictimization remain significant issues within the realm of domestic violence. Reduced sentences that result from plea bargaining often enabled offenders to reoffend. Buzawa et al. (2000) found that 48 percent of persons arrested for domestic violence were either arrested for a new crime or had a new restraining order taken out on them within a year following arraignment. The study found that 24.6 percent of defendants were arrested for a new domestic violence incident and 17.3 percent were the subject of new restraining orders taken out against them by a victim while 9.1 percent were arrested for a new domestic violence incident and had a restraining order taken out against them. Revictimization statistics published by the National Crime Justice Reference Service reported that female victims of domestic

violence were previously victimized by the same offender at a rate of 77 percent for women ages 18-24, 76 percent for ages 25-34, and 81 percent for female victims ages 35-49 (Catalano, 2012).

Research indicates domestic violence offenders often abuse multiple victims. A study on Rhode Island probationers found that in a one-year period, more than 28 percent of probationers who were rearrested for domestic violence abused a different victim (Kyriacou et al, 1999). A study on Massachusetts probationers found that of those arrested for violation of restraining orders, 43 percent had two or more victims over a period of six years (Bocko et al., 2004). Other research has indicated that 25 percent of individuals who had protective orders taken out against them had multiple new protective orders taken out against them over the next six years (Adams, 1999). A study on domestic abuse defendants in Chicago found that no-show defendants had a significantly higher number of subsequent arrests (78 percent) than those who showed (46 percent) (Hartley & Frohman, 2008). Research has also indicated that domestic violence suspects who flee the scene prior to police arrival are significantly more likely to commit additional abuse than suspects who remain on the scene (Buzawa et al., 1999).

Recommendations

Witness and victim handling in criminal prosecutions often involve programs, policies, and training provided by prosecutor offices, local law enforcement agencies, and nonprofit organizations. Victim programs exist to aid and empower victims through the trial process, which often includes victim testimony and impact statements. Policies related to victim handling are designed to establish procedures for victim handling, which are often related to privacy law, communication guidelines, professional relationships with victims, and providing resources. Victim handling programs and policies can be instituted through prosecutor's offices, law enforcement agencies, nonprofits, and other state and privately funded victim assistance organizations. Training related to victim handling involves in-person presentations and online

training provided to prosecutors, victim witness coordinators, and law enforcement professionals. Policies and programs are established by individual organizations while training is often mandated and implemented by higher levels of government to include state and federal guidelines. This research will make a recommendation for a victim witness assistance approach that involves a victim-centered program guided by policies and supplemented by training to empower victims throughout the prosecution process with a goal of victim participation in the prosecution process and ultimately, criminal convictions for domestic abusers.

Domestic Victim Assistance Policy

In the United States, domestic violence remains a dynamic criminal and public health issue that requires government intervention that is specific enough to guarantee health and safety, yet dynamic enough to accommodate victims from every race, ethnicity, culture, and gender. Government officials and private sector professionals often have competing interests and ideas related to assisting victims of crime. While government offices generally operate on a convoluted set of guidelines and funding options, private sector organizations often advocate for specific strategies. Ultimately, government and private sector organizations exist to achieve shared outcomes in domestic violence responses.

The advocacy coalition framework suggests that people engage in advocacy to turn their beliefs into the policy (Sabatier, 1987). According to the advocacy coalition framework, the best way to understand complex issues within the policy is to focus on how policy actors themselves simplify it enough to act individually and as part of coalitions (Cairney, 2019). Individuals often hold strong beliefs and are motivated to turn their beliefs into actual policy before their opponents can do the same (Sabatier & Weible, 2007). Advocacy coalitions are formed between people and organizations that share beliefs to compete with coalitions of people with different

beliefs. Actions resulting from advocacy coalitions often occur in subsystems surrounded by a wider political system. While minor policy changes can result from routine learning, major change is often the result of aggressive policy advocacy that creates discontent within organizations and coalitions (Cairney, 2019).

Considering the politically charged nature of government interventions, policy related to domestic violence victim assistance is certain to involve competing interests. Individuals and organizations with a vested interest in victim assistance policy would benefit from associating with like-minded groups to achieve policy-related goals. Through collaboration, policy ideas can be presented and compared with one another to determine best practices.

Communication is generally considered an important component of successful policy-making (Fielding, 2006). Through utilizing the basic principles of the advocacy coalition framework, information can be shared and advocated for quickly and effectively to decision-makers who are tasked with creating policy. Advocacy has the potential to create dialogue, which can lead to change.

Research has indicated that prosecutorial and correctional responses to domestic violence vary greatly in reducing recidivism (Gross et al., 2000). A one-size fits all approach is not an appropriate way to sentence offenders, and likewise, a one-size fits all approach to domestic violence victim empowerment through the prosecution process is not an effective approach. Instead, an all-encompassing approach should be utilized to create policy. Victim assistance policy within prosecutor offices and law enforcement agencies should be guided by a combination of individual experiences, current research, trends within the criminal justice system, and information gathered from professionals in the field. Policy related to the social welfare of victims following a domestic violence incident should be guided by professionals in

the field of social work, while policy related to the mental health of victims should be influenced by professionals with a psychology background. Law enforcement personnel often have access to information systems that can provide data related to repeat calls for service and involvements between individuals which can benefit policies related to various aspects of victim assistance. Data within these law enforcement information systems can be used to determine when interventions are necessary, in particular when victims are associating with known domestic abusers, drug users, or emotionally disturbed persons. This information can be used to create policy related to what types of interventions are appropriate and what personnel should be involved in taking action.

Domestic Violence Programs

Victim assistance programs within prosecutor offices should be victim-centered with a common goal of empowering victims through the prosecution process to achieve results that allow victims to recover and move on from battering. The research discussed in this work indicates that a wide array of services are needed to create a victim-centered approach. Crisis intervention, counseling, emergency shelter, advocacy, and emergency transportation are among the important aspects of a program. Professionals with education, training, and experience within the various program services should be consulted to ensure up-to-date and effective strategies are being utilized.

MOVERS

In order to implement and maintain successful domestic violence assistance programs, ongoing evaluation is necessary. The measure of Victim Empowerment Related to Safety Scale (MOVERS) is a 13-item scale that measures survivor empowerment within the domain of safety (Goodman et al., 2014). MOVERS is composed of three scales that assess distinct domains of

safety-related empowerment. Internal tools assess the extent to which a victim has developed survivor-related goals and a belief in their ability to accomplish them. The expectation of support assesses the degree to which a survivor perceives that they have the support to move forward safely. Trade-offs assess the extent to which a survivor feels their efforts to achieve safety will trigger new problems.

The MOVERS approach to program evaluation is an effective strategy to both evaluate the effectiveness of a program and demonstrate the impact to secure support and funding. Government funding for programs is typically scarce and competitive in nature. In order to secure funding, organizations need to demonstrate positive outcomes that result from programs.

In addition to program evaluation, information gathered from MOVERS can be used to guide policy decisions by identifying the best strategies for victim empowerment. Effective policy is dynamic and should be impacted by program evaluation. Likewise, program evaluation should be informed by and compared to existing policies to determine whether the current policy is sufficient to help the organization achieve its goals. Shortcomings identified through MOVERS evaluations should be corrected by policy to prevent similar shortcomings from taking place in the future.

Spousal Assault Replication Programs

During the OJP's Spousal Assault Replication Program in the late 1980s, the City of Charlotte, North Carolina was identified as a jurisdiction where arrest did not deter misdemeanor domestic violence (Hirschel, 2006). In response, the Charlotte-Mecklenberg Police Department developed a domestic violence unit to combat IPV. The purpose of the unit was to reduce future offending through intense investigation and victim assistance. Exum et al. (2014) studied the impact of the Charlotte Domestic Violence Unit versus standard patrol on offender recidivism.

Controlling for offender demographics, criminal history, case severity, and criminal justice system responses, suspects arrested and managed through the domestic violence unit had significantly lower rates of reoffending in an 18–30-month follow-up period (Exum et al., 2014).

Specialization within law enforcement is common and applied to several other criminal problems like drug abuse and gun crime. Personnel is trained to become subject matter experts in different types of investigative tactics and proactive strategies to combat specific crimes. The same strategy can be applied to domestic violence through programs like MOVERS. The scope of specializations should also be extended to prosecutor offices, especially in large jurisdictions. Through specializations, law enforcement officers and prosecutors can work together to develop an individualized response to domestic violence that is tailored to the needs of victims.

Conclusion

Research has indicated that IPV impacts physical, mental, social, psychological, and reproductive health (Rahman, 2015). Furthermore, IPV victims' lack of voice in the criminal process has a significant cost for both victim safety and judicial proceedings (Zwieg & Burt, 2007). Some have reasoned that leads to learned helplessness, which suggests women in abusive relationships experience psychological paralysis that prevents them from engaging in help-seeking strategies (Walker, 1977).

A victim-centered approach to domestic violence is necessary to empower victims through the prosecution process. Victims often experience the negative effects of trauma following a domestic violence incident. Additionally, social and economic factors commonly create strains that make it more difficult for victims to take action against their abuser in the form of providing testimony and victim impact statements (Zwieg & Burt, 2007). Therefore, prosecutor offices should establish victim assistance policies and programs to address issues

victims face following a domestic violence arrest. Victims whose needs are met are more likely to participate in the prosecution process. Prosecutions involving victim participation are more likely to result in criminal convictions (Worrall, 2006). Sentencing following a conviction is more likely to involve incarceration in comparison to plea deals, which often involve reduced sentences and probation (U.S. Sentencing Commission, 2021). Research indicates domestic abusers often re-offend and are likely to abuse additional victims even after an arrest (Thistle, 1998; Walby & Allen, 2004). Periods of incarceration allow domestic violence victims time to recover and move on from their abusers. In order to meet the needs of victims, policies and programs within the realm of victim assistance should be victim-centered. Ongoing evaluations should be completed to ensure policies and programs are guided by recent research and developments within the justice system.

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