

Domestic Violence Programs are Often Ineffective, Sometimes Harmful

Most domestic violence programs are not effective in reducing partner abuse. Worse, aggressive law enforcement strategies are sometimes placing victims at greater risk of future violence. That conclusion is based on a report researched by RADAR—Respecting Accuracy in Domestic Abuse Reporting.

The report, *Why Have Domestic Violence Programs Failed to Stop Partner Abuse?*, is the most comprehensive review ever undertaken of the domestic violence research. The full report can be viewed at:

www.radarsvcs.org/docs/RADARreport-Why-DV-Programs-Fail-to-Stop-Abuse.pdf .

The report summarizes the research that evaluates the effectiveness of four major strategies promoted by domestic violence laws:

1. Treatment services
2. Restraining orders
3. Mandatory arrest
4. No-drop prosecution

Treatment Services

Domestic violence courts often mandate abusers to participate in treatment programs. But researchers have concluded that:

- Current treatment programs are generally ineffective for male abusers
- Gender-specific services are generally unavailable for female abusers.

The reason that treatment programs for men are ineffective is they are based on ideologically-driven assumptions that are not consistent with good psychological practice.

“In many ways, we turned a blind eye to many women’s use of violence, their drug use and alcoholism, and their often harsh and violent treatment of their own children.” -- Ellen Pence, founder of the Duluth Domestic Abuse Intervention Project

Restraining Orders

Two to three million civil restraining orders are issued each year in the United States. In half of these orders, physical violence is not even alleged.

Many researchers doubt usefulness of protection orders. According to studies:

- Restraining orders may reduce psychological abuse.
- Restraining orders are generally *ineffective* in preventing future physical violence.
- Among unmarried partners, such orders may actually *increase* future violence.

The Independent Women’s Forum has concluded that at best, restraining orders only “lull women into a false sense of security.”

“The adoption of certain types of protection order statutes is associated with ... increases in the number of black women killed by their unmarried partners.” – Researcher Lora Dugan

Mandatory Arrest

Domestic violence laws have encouraged the implementation of mandatory arrest laws for assault and violation of restraining orders. But are these aggressive law enforcement measures helping or hurting?

Mandatory Arrest for Partner Assault

Many states have enacted laws that require arrest for partner assault. But victims who summon the police often want the situation to be stabilized, but they don’t want their partner to be arrested.

A recent Harvard University study concluded that in 15 states, mandatory arrest laws actually *increased* subsequent partner homicides by 60%, probably because these laws discourage victims from reporting subsequent abuse.

“Mandatory arrest laws are responsible for an additional 0.8 murders per 100,000 people.” -- Harvard economist Radha Iyengar

Mandatory Arrest for Violation of Restraining Orders

In 33 states, violation of a restraining order is cause for mandatory arrest. One Department of Justice-funded study found that such policies actually place victims at greater risk: “Increases in the willingness of prosecutors’ offices to take cases of protection order violation were associated with *increases in the homicide* of White married intimates, Black unmarried intimates, and White unmarried females.”

Civil Rights Concerns

Mandatory arrest laws have also given rise to a number of civil rights concerns, including disregard of the innocent-until-proven-guilty principle and gender-profiling in the name of primary aggressor assessment. Effective approaches to stopping partner violence need to respect the civil liberties of the accused.

“Everyone knows that restraining orders and orders to vacate are granted to virtually all who apply...In many cases, allegations of abuse are now used for tactical advantage.” -- Elaine Epstein, former president of the Massachusetts Bar Association

No-Drop Prosecution

Two-thirds of prosecutors’ offices have implemented “no-drop” prosecution policies. One study found that only one factor reduced abuser recidivism—allowing the victim to select whether the prosecutor would pursue the case. Obviously a no-drop prosecution policy eliminates the ability for the victim to make that choice.

One analysis reached this sobering conclusion: “We do not know whether no-drop increases victim safety or places the victims in greater jeopardy.”

“Many women of color are reluctant to seek intervention from the police, fearing that contact with law enforcement will exacerbate the system’s assault on their public and personal lives.” -- Law professor Kimberle Crenshaw

Many are Unhappy with Our Current Approach to Stopping DV

Others have reached a similar conclusion as the RADAR report. New York University vice provost Linda Mills wrote: “At worst, the criminal justice

system increases violence against women. At best, it has little or no effect.”

Leading family violence researcher Richard Gelles has stated, “Policy and practice based on these factoids and theory might actually be harmful to women, men, children, and the institution of the family.”

And several women’s groups have criticized our approach to curbing partner abuse:

- *Ms. Foundation for Women*: “Criminalization of social problems has led to mass incarceration of men, especially young men of color, decimating marginalized communities.”
- *True Equality Network*: Our domestic violence laws have “spawned an abuse industry that continually expands the definition of domestic violence and condones the filing of false allegations, while ignoring the needs of true victims.”
- *Independent Women’s Forum*: “Men may become alienated from and hostile to the system in the conviction that it is stacked against them.”

DV Victims Deserve Better

Domestic violence is a national tragedy and all victims, women and men, need our help. But they deserve programs that actually work, that emphasize substance over symbols.

Following the 1994 passage of the Violence Against Women Act, RADAR now calls on the Congress to listen to the voices of victims, to take heed of the research, and to insist that domestic violence programs be held accountable for results.



Respecting Accuracy in Domestic Abuse Reporting

A coalition of over 75 organizations around the country has come together to educate the public about the need to develop effective domestic violence programs:
www.mediaradar.org/docs/VAWA-Resolution.pdf

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