

Policing Domestic Violence

Police officers sometimes comment on the difficulties, frustration, and dread they have when called to a domestic violence incident. These incidents are viewed as particularly dangerous and can result in physical harm to the responding officer. Also, departments face harsh public criticism for a perceived, or perhaps real, reluctance to make an arrest. Wayne Welsh and Philip Harris identified three reasons for the “hands-off” response:

1. *Culture and training:* Police are crime fighters, not social workers.
2. *Disincentives:* Police performance is measured on arrest and clearance rates, not mediation skills.
3. *Perceived futility:* There is a perception that few arrests result in prosecution.

Many state laws changed after the deaths of women who had called the police and received no response. In addition, a widely cited research experiment showed mandatory arrest was the most effective means of deterring and stopping domestic violence. Mandatory arrest policies in domestic violence situations removed officers' discretion. One unintended consequence of the policy resulted in an increased number of women arrested for aggravated assault. When the primary aggressor was difficult to identify, officers discovered it was much easier to arrest both parties. Another result of the policy was the unexpected manipulation of the criminal justice system by aggressors who use the threat

of calling the police to further intimidate and control their partners. A devastating consequence is the removal of children from the home if the police have been called. As a result, victims may be less willing to call for help for fear of losing their children.

Think About It

Policing domestic violence raises multiple important questions.

1. **Did passing mandatory arrest laws in domestic violence cases cause more harm than good? Why or why not?**
2. **How would you design a police training program to change the hands-off attitude?**
3. **In what ways can responding officers identify the primary aggressor in domestic violence calls?**

Domestic violence cases often go unprosecuted because of the victim's refusal to testify. This raises additional questions to consider.

4. **What are the pros and cons of a “no-drop” prosecution policy? That is, what are the pros and cons of a policy that does not allow the dropping of charges by the prosecution in domestic violence cases?**
5. **What evidence could officers collect to support their arrest and case in court without the victim?**

Source: Welsh, W. N., & Harris, P. W. (2008). *Criminal justice policy and planning* (3rd ed.). Newark, NJ: Anderson; Mallicoat, S. L. (2015). *Women and crime: A text/reader* (2nd ed.). Thousand Oaks, CA: Sage.