



Breaking the Cycle of Intimate Partner Violence

Understanding Why Victims Don't Leave and Implications for Advocates and the Criminal Justice System

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Domestic violence has historically been viewed as a family matter that should be settled within the home. As research shows 1 in 3 women and 1 in 4 men have suffered from some type of physical violence from an intimate partner,¹ and new statutes and legislation have increasingly criminalized this behavior. Yet, few cases of domestic violence are processed within the criminal justice system. It may be that criminal justice personnel are reluctant to use vital resources on cases that have a high likelihood of being dismissed² and may be frustrated when victims of domestic violence choose to either stay with or return to their abuser.³

To gain a better understanding of why victims choose to stay with or return to their abuser, researchers have examined a number of factors that influence this decision. The purpose of this report is to provide criminal justice professionals with information about the factors that might inhibit a victim's ability to leave an abusive relationship or that influence the decision to return to a batterer. Understanding that domestic violence cases are unique, professionals within the criminal justice system have developed a specialized court model that is designed to address these factors and the complex issues that often arise in cases of domestic violence.⁴ This report also provides information on a coordinated community response to domestic violence and domestic violence courts, including the purpose, benefits, and effectiveness of such models. Finally, the report will conclude with considerations for victim advocates and criminal justice professionals.

Factors that Influence the Decision to Leave

There are generally two categories of factors that inhibit a victim's ability to leave an abuser: external factors and internal factors. While there are numerous external and internal factors that influence the decision to stay with or return to an abuser, victims of domestic violence commonly report the following.

External Factors

Victims often report that one of the most influential factors in the decision to leave or stay with their abuser is the criminal justice system's response. For example, victims might find the criminal justice system's process confusing and drawn out, which might trigger a heightened sense of fear due to the time lapse. In addition, the goals of the victim and the criminal justice system may

not align.⁵ For example, a successful goal of the criminal justice system might be the punishment of the offender. However, victims often report that they want the abuse to end, but not necessarily the relationship.⁶ Additionally, arresting and/or incarcerating the batterer may remove the only or largest source of financial support for the household.⁷

Police attitudes and behavior in responding to domestic violence cases also play a significant role in the decision making process. It can be difficult to distinguish offensive violence from defensive violence used by the victim, possibly resulting in both partners being arrested. Law enforcement officers may also express victim-blaming attitudes, perceive the violence as minor and police involvement as unnecessary, and require a higher standard of probable cause for domestic violence incidents.⁸ Police are more likely to respond or intervene with victims who are reporting for the first time, so victims who experience repeated abuse might be less likely to receive help from police.⁹ As a result of these various factors, victims disclose heightened levels of distrust towards the police and the justice system and may prefer not to involve police and the courts for fear of this type of secondary victimization and concern that their victimization will be criminalized.¹⁰

In addition to fears about the official response to their situations, victims frequently report that financial dependency on the abuser is a major factor in their decision to stay in an abusive relationship.¹¹ Research shows that victims of domestic violence are less likely to leave their abusive partner if they are not financially independent.¹² Victims of domestic violence are often unemployed or hold jobs that do not provide enough income to cover basic necessities, such as transportation and paying bills, without the assistance of their partner.¹³ Financial deprivations have also been linked to fewer housing options and an inability to pay for child care, which can result in a victim returning to their abusive partner.¹⁴

Domestic violence victims also frequently report having inadequate social support.¹⁵ During the span of the abusive relationship, batterers often isolate the victim from family and friends, which increases the likelihood of staying with the batterer since they have limited social support to rely on.¹⁶ Victims may also encounter family

or friends who discourage leaving the relationship, thus making it more difficult to be independent.¹⁷

Importantly, research has also demonstrated that leaving a batterer may actually lead to more, and more lethal, violence. Victims who leave their abusive partner are at increased risk for violence and injuries, including attempted femicide and completed femicide.¹⁸ The World Health Organization reported that more than 35% of female homicides were committed by an intimate partner.¹⁹ Estrangement, defined as either physically leaving a partner or starting the process of legal separation, is one of the most strongly supported risk factors for femicide.²⁰ However, it is important to note that the risk for injury or femicide is greatest in the first three months of the separation process and then declines.²¹

Internal Factors

Similar to external factors, research consistently identifies a number of internal factors that affect the decision to leave an abusive relationship, including fear, locus of control, and self-esteem.²²

There are various situations that might increase the level of fear a victim experiences during an abusive relationship. For example, victims may be fearful of more serious violence that might occur if they try to leave.²³ In addition, victims frequently report fearing that the abuser will harm children, family members, and animals in retaliation for leaving the relationship. Victims who have children may also fear that the batterer will receive full custody.²⁴

Negative emotions, such as guilt, shame, helplessness, and embarrassment, also influence the likelihood that a victim will leave an abusive relationship. For example, victims who feel helpless in stopping their own abuse are less likely to leave the batterer.²⁵ In addition, victims who blame themselves for the abuse that occurred are more likely to either stay with or return to the perpetrator.²⁶ Victims who had higher levels of self-esteem were more likely to successfully leave.²⁷

Finally, mental health issues, such as Post Traumatic Stress Disorder (PTSD) and depression are commonly reported among victims of domestic violence. In fact, research has demonstrated that victims of domestic violence disproportionately suffer from PTSD and depression.²⁸ Depression and PTSD have been linked to an inability to gain skills that benefit victims who are trying to leave an abusive relationship. Consequently, many victims who suffer from these disorders either stay with or return to their batterer.²⁹

The Importance of Victim Services

Domestic violence victims often experience lasting physical and psychological effects from abuse, including depression, anxiety, and Post Traumatic Stress Disorder.³⁰ Additionally, low rates of self-esteem and hopelessness are commonly reported by victims, as well as higher rates of alcohol and substance abuse.³¹ As previously mentioned, while victims encounter many barriers that effect their decision to leave an abusive relationship, services

have been established through different agencies to provide victim assistance. Some of these services include advocacy centers, hotlines, shelters, crisis centers, and counseling centers. Victims who utilize services often report experiencing less violence over time, fewer psychological effects from abuse, improved perceptions of decision making, skills to assess safety and to implement of safety planning, as well as better coping skills.³² Furthermore, victims who receive services report being able to access available social and community resources more easily, are more likely to follow through with legal action, and experience a higher quality of life.³³

Coordinated Community Response and Domestic Violence Courts

Victim advocates and criminal justice personnel agree that the violence in a victim's life should end. However, the strategies for reaching that goal may differ. Advocates have a responsibility to respect the rights and dignity of victims, including identifying the victim's goals and working with them towards accomplishing those goals.³⁴ Police, prosecutors, and the courts are often focused on offender accountability and successful prosecution of the case, which can sometimes conflict with the wishes and goals of the victim and the advocate and what they see as the victim's best interests.³⁵ One response has been to develop models that address the needs of a victim, including factors that affect whether a victim is successful in leaving an abusive partner, as well as the needs of the court and criminal justice system. Early efforts tried to build a coordinated community response (CCR) to domestic violence. As a variation on the CCR model, domestic violence courts are specialized courts designed to hold the perpetrator of abuse accountable, while striving to meet the individualized needs of the victim.³⁶

Coordinated Community Response

The philosophy behind a Coordinated Community Response (CCR) to domestic violence is to provide wraparound assistance to victims by involving agencies across the community, including victim services, medical and mental health agencies, other community agencies, along with criminal justice agencies. While there is no standard protocol for a CCR model, this type of multi-agency collaboration is designed to identify and address any gaps in providing the services that victims need, as well as providing assistance in dealing with the criminal justice process.³⁷ Little research has addressed CCR in its entirety, but various pieces of the model are effective.³⁸ Without a standardized model or protocol, it is difficult to fully assess how well a CCR might address victim needs, criminal justice system goals, and offender accountability and treatment at the same time.

Components of Domestic Violence Courts

Following efforts at establishing a Coordinated Community Response, specialized domestic violence courts were established that systematized many of the CCR elements. These specialized courts are unique because they offer centralized intake processes, separate calendars for civil protection order petitions and domestic violence cases, as well as housing qualified domestic violence units.³⁹ While there are many models of domestic violence courts, there are some common

characteristics that are found throughout the established courts, and research has shown that effective domestic violence courts support an integrated systems model.

This model has several components:

- *Interagency collaboration:* Agencies within the community should meet and establish system successes, system failures, and gaps in service. Furthermore, agencies should establish procedures specific to domestic violence cases.⁴⁰
- *Comprehensive victim advocacy:* Domestic violence victims often experience a variety of negative consequences from abuse, which can have long lasting effects, and a variety of services should be available. For example, victims of domestic violence should have access to advocates who can help with the criminal justice process, safety planning, and social services.⁴¹
- *Effective pre-arrest procedures:* Police play a vital role in cases of domestic violence because they are often first responders. One of the best ways to ensure effective police response is to have agency policies and procedures established, such as in-service training for all officers.⁴² Furthermore, police should work closely with victim service agencies and the prosecutor's office throughout each case.⁴³
- *Effective post-arrest procedures:* If a defendant has been arrested, the suspect should be booked, and the victim should be notified before the defendant is released from custody so that steps can be taken to ensure victim safety.⁴⁴
- *Multi-agency intake:* Victims often report that the processing of cases is very confusing.⁴⁵ Multi-agency intake can provide a centralized location that allows victims to file protection orders, child support papers, complaints, and motions for contempt at one place and time, which can reduce confusion and overlapping efforts.⁴⁶
- *Effective prosecution, defense, and judicial review:* Judges and prosecutors play a critical role in cases of domestic violence. Effective domestic violence courts will have prosecutors and judges who only work on domestic violence cases and who have appropriate training and experience, thus allowing for effective decision making throughout each case.⁴⁷ Defense counsel has a responsibility to inform the defendant of available services and treatment, which can provide the offender with the resources and skills to help end the violence.⁴⁸
- *Effective treatment programs:* Effective domestic violence court models implement various forms of treatment for offenders, such as batterer intervention programs and substance abuse treatment programs.⁴⁹
- *Integrated data collection and distribution:* Domestic violence courts should track cases, collecting information that can be used to evaluate the effectiveness of the courts. In addition, case information can be used to identify trends and apply any changes that might need to be made in the system.⁵⁰

It might be difficult to achieve all of these components, however, courts and agencies should strive to accomplish these components for a more effective approach to fighting domestic violence. Furthermore, research suggests that it is critical for communities to evaluate the appropriate resources and the needs of each agency and court to ensure success within the justice system and the community.

NOTES

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Resources

The Duluth Model (CCR)

<http://www.theduluthmodel.org/change/community-response.html>

Power and Control Wheel

<http://www.theduluthmodel.org/pdf/PowerandControl.pdf>

Texas Council on Family Violence

<http://www.tcfv.org/>

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