

DOMESTIC VIOLENCE: EMOTIONAL BENEFITS TO
PROSECUTION

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Abstract

The present study sought to determine the emotional benefits of prosecution for female adult victims of domestic violence, as measured through the State Trait Anger Expression Index (STAXI) and the Symptom Checklist (SCL). However, due to the fact that this study was only able to yield 17 participants results cannot be considered significant. Even with incentives, victim participation was very difficult to obtain. Results suggest that victims who do prosecute experience similar levels of anger and anger expression as those who do not prosecute. However, results have also suggested that those who do prosecute seem to experience a wider and more pronounced range of symptoms, including depression, anxiety, hostility, interpersonal sensitivity, obsessive compulsive disorder as well as somatization, than those who chose not to prosecute.

A woman quietly prepares dinner. Her face grim and her body recovering from the bruises inflicted the night before. As her children laugh and play somewhere in the distance her mind wanders back to a time before the violence. Things did not begin this way. Sure, he seemed a little controlling and rough around the edges but in so many ways he was her prince charming. His attention, compassion, support and love had given her the courage she so badly needed to face life's challenges. Their marriage, she believed, would give stability to her and her small son. Grimacing as she turned on the burner she realized what a mistake she had made. Within weeks of their vows he had outlined what he expected from her as his 'wife'. He limited her access to family and friends. He took control of the finances chiding her and telling her that she could not be trusted with money. At first, she had welcomed the control. She saw him as big and strong and through it all she believed he was doing it because he wanted to protect her. She thought that the move to Texas from Florida would mean more freedom and fewer beatings because there would be fewer people of whom to be jealous. She was wrong. Now, three years later she flinched as she heard the front door open, indicating his arrival.

She didn't know what had set him off tonight; she just knew that she could not let her boys see what was happening between them. As she moved toward the door he knocked her to the floor and then began to kick her violently. Seeing their youngest son, he beckoned him over, never stopping the beating. As their son was walking toward them he explained that all women were whores and deserved to be beaten and abused. Too broken to stand, all she could do was listen in horror as he instructed their young son to kick her just as he had been doing. As her son pulled his small foot back to kick his

mother she decided at that moment that she had to fight back. Summoning her strength she decided to leave him. Somehow she made it to a phone. Somehow she called the police. Somehow, she and her sons got out alive.

Domestic/Family Violence is a pervasive problem in the United States. Domestic violence is the leading cause of injury to women in the United States at a cost of over “\$5.8 billion each year” (Concepcion and Ebbeck, 2005.) It is estimated that their intimate partners batter 2 to 3 million women each year. (Monahan and O’Leary. 1999) Although there is not one standard definition for domestic violence, this study used the definition outlined by the Peace at Home website. This website was created by victims of domestic violence for other victims of domestic violence.

“Domestic violence is the use of intentional emotional, psychological, sexual, or physical force by one family member or intimate partner to control another.

Violent acts include verbal, emotional, and physical intimidation; destruction of the victim's possessions; maiming or killing pets; threats; forced sex; and slapping, punching, kicking, choking, burning, stabbing, shooting, and killing victims.” (Peace at Home, 1995)

As our culture progresses our justice system has had a difficult time adjusting to defining the limits between the home and the public sphere. As this blurring of the distinction between the two spheres grows so does our failure to be able to reach across and help those most affected by this problem, the victims of domestic violence. However, more and more is being done to try and bridge the gap. Police officers are being trained differently in their responses to domestic violence. Prosecution styles have been created to specifically target offenders. Also, more has been done to open up resources to these

victims.

Many debates have surrounded the issue of just what is considered private and what is considered public. A prosecutor dealing with a domestic violence case in Anchorage reasoned, "When the police get called and a complaint is filed, it is no longer a private matter" (Hanna, 1996. p.19). Still there is a reluctance to process and proceed with these cases once they have been brought to the attention of the prosecutors. "Courts and prosecutors distinguish between public and private harm, label domestic violence as the latter, and then often refuse to push it through the legal system if the victim seems reluctant" (Robbins, 1999). This is often true when prosecutors are talking with victims. There are countless cases in which judges will throw out cases when women choose to side with their husbands or refuse to testify against him. Judges often reason that if she chooses to stay within the abusive relationship then it is not up to the criminal justice system to force her to change. (Hanna, 1996) However, the purpose of the criminal justice system is served through the handling and prosecuting of domestic violence cases. William F. McDonald explains, "The criminal justice system is not for (the crime's victim's) benefit but for the community's. Its purpose is to deter crime, rehabilitate criminals, punish criminals, and to do justice, but not to restore victims to their wholeness or to vindicate them" (Hanna, 1996. P.23). This can be interpreted to mean that the criminal justice system serves to punish the batterer in order to protect potential victims. It cannot be assumed that this victim, the victim of the immediate case of battery, is the only victim or will be the only victim in the future. It is assumed that by dealing with the problem immediately, and deterring the future actions of the defendant through penal actions, perhaps future victims would be protected.

By the 1920's all states had adopted laws that made beating one's spouse a criminal offense. (Hanna, 1996, p.10) With the criminalization of domestic violence one then had to figure out how best to prosecute this crime. Most offenses of domestic violence stay within the realm of remaining a misdemeanor. Misdemeanors are usually first and second offenses, sometimes more, of domestic violence. Each jurisdiction has its own way of prosecuting domestic violence. Hays County adopts a policy that is a conglomeration of mandatory participation as well as "victim's choice". If the abuse is deemed a felony, assault with a deadly weapon, then the case is prosecuted as mandatory participation or 'soft no-drop'. Prosecuting misdemeanors follows the "victim's choice" guidelines more so than the 'no-drop'. When dealing with a misdemeanor, battery or assault, prosecutors will drop a case if there is no evidence or if the defendant writes a letter of non-prosecution. Most misdemeanor cases are pled out and lead to anger management or in the most extreme cases 180 days in jail. First time offenders are given anger management while those that have a record of this sort of abuse begin to accumulate jail time. Most misdemeanor victims either write letters of non-prosecution or insist that the case be dropped and refuse to provide their testimony. Felonies, however, are pursued and a coordinator acquires the victim's testimony at the scene or verbally. It is harder to have these cases dropped. Prosecutors push these cases further and most often these types of cases end in jail time of some sort. However, some areas choose not to prosecute except in extreme cases or when the victim is adamant about pursuing the charges. In opposition to that line of thinking is the 'no-drop' policy of prosecution. The no drop policy is broken down into 'soft no-drop' and 'hard no-drop'. There are many areas that will drop the case, when the victim refuses to testify or

requests that the case be dropped. It is difficult to determine if the victim is dropping charges based on pressure from the abuser or if she simply does not want to endure the lengthy process of prosecution. This situation is usually compounded by the victim's belief that the abuse is somehow partly her fault and that the abuser should not be held solely responsible. A no-drop policy takes away the victim's choice of whether or not to press charges. Once charges are filed against the abuser prosecutors are bound to go forward with the case. "Further, it limits the prosecutor's discretion to drop a case unless he or she can demonstrate a clear lack of evidence, whereas previously 'victim non-cooperation' qualified as sufficient justification" (Robbins, 1999). Cheryl Hanna, former prosecutor, argues that the choice must be taken away from the victim in order to send a message that domestic violence is unacceptable in our society. (Hanna, 1996)

Within a 'hard no-drop' policy victims can be subpoenaed to appear in court to testify against their assailants. Victims can be jailed for not appearing as well as be arrested and personally delivered to court by an officer, although, this rarely happens. This policy is growing in favor among prosecutors as well as victims. Victims claim that they are appreciative of the policy because it takes the responsibility of punishment away from them. Knowing that they are not responsible for making the decision to testify, they know that their abusers cannot hold them accountable and are freer to be honest. "Victim no cooperation, reluctance, or outright refusal to proceed are often cited as the major reasons for this lack of criminal prosecution" (Hanna, 1996. p.13). With 'no-drop' policy the decision is taken away from the victim making it easier to prosecute. Some prosecutors choose to allow the victim to make that decision. "This creates a situation in which the victim must push the case forward with great effort for it

to be prosecuted, as though the attack were a tort (a wrongful act other than a breach of contract for which relief may be obtained in the form of damages or an injunction <http://m-w.com>) rather than a crime” (Robbins, 1999).

Domestic abuse oftentimes includes psychological abuse through economic control and social isolation. “Emotional responses, that is, the feelings the women developed over the course experiencing the abuse that typified their mental states. They described feelings of being depressed, angry, fearful, embarrassed, confused, ashamed, hopeless, and humiliated or developing low self-esteem, self-blame, and uncertainty.” (Lutenbacher, Cohen, and Mitzel. 2002) The repetitive and long-term nature of abuse tends to define the emotional states of the women as well as create a cycle of violence that both the women and their abusers are a part of. Abuse is characterized by three stages: “tension building, acute battering, and loving contrition” (Robbins, 1999). It must be taken into account that prosecution generally occurs during the last stage and thus makes it more difficult for the victim to leave or to prosecute. It is during this time, within the abusive cycle, that the abuser has begun to apologize, give gifts and psychologically manipulate his partner into believing that not only will the abuse never happen again but that it was mostly her fault and that she “drove him” to be that way. “Many of these women feel personally responsible for the circumstances because they see it as their role to maintain a peaceful household.” (Robbins, 1999) A problem for many women is that outside of their home they have no other skills. Their financial dependence on the man increases especially if there are children involved. “Most women found themselves facing barriers at some point in their struggles to leave or change abusive relationships. This includes fear of the perpetrator, increased stress, and anxiety

upon disclosing the abuse, inadequate financial resources and low self-esteem.”

(Hamburger et.al. 1998) In the face of such opposition many women return to their abusers. Often times these women will begin the prosecution process while they are in the process of leaving the abuser but in the face of such emotional and financial opposition they often returned just as the process of prosecution was beginning.

“Leaving also evoked many emotions for the women, including relief, guilt, shame, fear, anger and loneliness. In the face of such emotional strife, many women quickly returned to their abusers after leaving especially if it was the first time they had tried to flee.”

(Lutenbacher, Cohen and Mitzel. 2003) Women will generally leave many times before finally making the decision to stay away. Rarely is it as simple as punishing the batterer because no matter what you do everyone suffers.

It is clear that prosecution has great potential for increasing psychological well being for victims of domestic violence. “Many women shared a general lack of awareness and knowledge of available resources or the consequences that would occur if they or others initiated seeking help. Women described ongoing uncertainty and fear about the results of asking for help.” (Lutenbacher et. Al. 2003) Prosecution may be able to provide victim’s closure as well as emotional support from outside parties, such as prosecuting attorneys, victim services and women’s shelters. These advocates may be able to provide victims not only with support but resources that they can use to support their families as well as to educate themselves so that they can later get a job and support themselves.

It was the purpose of this study to determine what the emotional benefits of prosecution were for victims of domestic violence. This study was designed to test the hypothesis that prosecution is beneficial to those who are victims of domestic violence by

providing them closure as well as providing them outlets for other emotions and stressors that were directly related to the abuse. Women participants were used because it has been shown that the vast majority of domestic violence victims are women. “Approximately 85 percent of the victims of domestic violence are women” (US Dept Justice, 2003) Through the Symptom Checklist, a test of psychopathology and maladjustment, as well the State Trait Anger Expression Index we sought to determine the levels of anger as well as how other symptoms interacted with the varying degrees of anger. We hypothesized that those participants who did prosecute would be lower in AX/In as well as have healthier levels of AX/Ex. A series of studies using the STAXI scales found that Ax/In is the most predictive of the STAXI scales for lower self esteem, higher codependence and higher depression. (Stimmel, Rayburg, Waring and Raffield. 2005.) It was also believed that those who prosecuted who exhibit fewer of the symptoms tested than those who did not prosecute.

Method

Participants

Participants were seventy-eight women of varying ages and ethnicities. However, only seventeen surveys were returned. All of the women were victims of domestic/family violence within the last 2 years. The degree of abuse varied from misdemeanor to felony. Participants were drawn from a sample of all domestic violence victims between the years of 2004-2006 from the Hays County District Attorney’s records of victims. Participants were given a small gift certificate of \$10.00 upon completion of the survey. The mean age of participants was 31.2 with a range of 18 to 57.

Measures and Procedures

Surveys were sent out in individual packets to participants' homes and surveys were then returned by mail. Within the surveys was a letter explaining the intent of the study as well as assurances of the voluntary and confidential nature of the study. Participants completed the surveys *ad libitum*. The researchers had no control over the environment, in which the work was completed or what other stimuli may have been acting upon them at the time the surveys were completed. Participants completed the STAXI (State Trait Anger Expression Inventory) as well as portions of the Symptom Check List 90-R. (SCL) The order of the presentation of scales was randomized within participants. A description of the scales follows.

STAXI Inventory. The scale comprises 44 items. Participants rate their responses on a 4-point scale ranging from "almost never" to "almost always". Seven scales are derived from the STAXI: State anger - 10 questions, Trait anger - 10 items, AX/In - 8 questions, AX/Out - 10 questions, AX/Con (Anger Control) - 8 questions and AX/EX - (Anger expression) which is gathered by summing AX/In and AX/Out - AX/Con + 16. AX/Ex is the total measure of Anger Expression allowing for Anger Control.

Symptom Checklist-90-R. The SCL-90-R has a total of 10 sections but only 6 sections were used for this research. Participants were asked to rate how much they were distressed on a five-point scale of 'not at all' to 'extremely'. The 6 subscales used were Somatization - 12 questions, Obsessive-Compulsive Dimension - 10 questions, Interpersonal Sensitivity - 9 questions, Depression - 13 questions, Anxiety - 10 questions and Hostility - 6 items. General Symptom Index (GSI) was the sum of the scores of the previous items. Derogatis, 1994, had shown that GSI was the best indicator of overall

pathology. (Derogatis, 1994)

Results

The hypothesis of the researcher that participants that prosecuted would exhibit lower levels of AX/In and high levels of Ax/Ex was not confirmed. As seen in figure 1 while the levels did vary, the mean difference between the groups that variance was not significant. However, it was discovered that between the two groups those that prosecuted had a higher score each (see figure 2) for symptoms exhibited. None of these differences reached statistical significance. It was found that $t=.59$, $df=17$, $p>.05$ for the GSI or General Symptom Index which shows that there was no significant difference in overall psychopathology between our groups.

Discussion

This research found that, although there is difference between the means of those who prosecuted and those who did not, the difference in emotional stability is not great enough to reach statistical significance. However, it does appear that those who did prosecute are more likely to experience higher levels of anxiety, depression, somatization, interpersonal sensitivity, obsessive compulsive disorder as well as hostility. With a larger sample size, the differences may have attained statistical significance.

There are many other mitigating factors that may explain why those that prosecute exhibit these symptoms more so than those that have chosen not to prosecute. Participants' medical history should be considered in future research. Perhaps, those that prosecuted and are now free from the abuse and able to experience all the emotional stressors that comes from dealing not only with the end of a relationship but also in dealing with the emotional fallout from escaping an abusive relationship. There are many

new things to get used to when one is free from the abuse, “the post stress associated with hiding and life changes” (Lutenbacher et. Al. 2003) is something to consider. Due to the fact that we had no indication of the severity of the abuse it could be that women who prosecuted may have been more severely abused. This may have led to higher anxiety, hostility and stress. This is why the researchers feel that better record keeping or a system in which to classify the abuse should be established. Their own stress in regard to rebuilding their lives as well as custody battles could also be a factor, for those that have children.

Due to the fact that this study was only able to obtain 17 participants these results cannot be considered more than suggestive. While doing this research the researchers found it difficult to encourage participation as well as to have surveys returned even with the incentive of a \$10.00 gift card. Seventy-eight surveys were sent out with 80 participants chosen, 2 were unable to be reached by mail. However, only 21.25% of surveys sent out were returned. It is often been found that there are many barriers to disclosure such as the “intimidation that many victims experience when perpetrators are present.” (Lutenbacher et. al. 2003) Researchers in the future should have participants fill out surveys in a space provided by the researchers. This should be done to ensure that the perpetrator is not present to influence the results of the study. It is the belief of the researcher that more work should be done in this area. Further research would insure a larger sample size that would allow for more conclusive findings. Previous studies have shown that, most women have a driving desire to help others. These women claim that their desire is to prevent the cycle of abuse from repeating itself. (Lutenbacher et. al. 2003) Within this research several focus groups were set up in order to allow the women

a chance not only to air their grievances but also to answer a few questions on how we could more efficiently process cases of this nature. Two focus groups were scheduled and prepared for. On both occasions participants failed to show up. Focus groups are an excellent tool for finding answers to difficult questions that a survey may not be able to provide. However, participation is difficult to obtain. It is impossible to know why the women did not show up for the focus groups. In the future I suggest that researchers should include focus groups but should conduct them in an area where women stay, such as a shelter, instead of relying on voluntary participation and attendance.

More research should be done to determine what the levels of emotional stress are for the women victims of domestic violence and what adds to that emotional stress. Participants psychological pathologies should be regarded when calculating and evaluating results of the STAXI and SCL. “State anger was defined as an emotional state or condition that consists of subjective feelings of tension, annoyance, irritation or fury.” (Spielberger, 1991) It was shown through this research that those who prosecuted were higher in state anger than those who didn’t. “Trait anger is defined as the disposition to perceive a wide range of situations as annoying or frustrating.” (Spielberger, 1991) This research has shown that victims of domestic violence appear to hold lower means of trait anger than the norms. “Anger control or AX/Con, was determined by an 8-item scales which measured the frequency with which an individual attempts to control the expression of anger.” (Spielberger, 1991) My findings suggest that victims of domestic violence had higher means for anger control than the normal means. It may be that those who prosecuted were those who presented psychopathologies more often prior to prosecution, which may have had an influence on their decision to prosecute. The findings, though

limited, show that those who prosecute exhibit higher levels of anxiety and depression than those who chose not to prosecute. It has been shown in previous studies that Ax/In is also the best predictor of psychopathology as measured by the General Symptom Index of the Symptom Checklist or SCL (Stimmel, et.al. 2005) but figure one shows that there was no difference in Ax/In between those that prosecuted and those that did not.

A quantitative system would also be recommended for those doing further research and work with victims of domestic violence. A scale from 1-4 should be designed that takes into account the severity of the assault. In addition, the number of previous assaults that the victim has endured should be part of the record. Two scales should be used, one for misdemeanor offenses and one for felony assaults. Due to the fact that the severity of assault differs between the two classes it is imperative that two separate quantitative scales be used. Through this method of quantification one would be able to grasp more fully the situation of the victim. It is also encouraged that more information be obtained about the victims at the crime scene. While it is important to find out information about the perpetrator, it is also important to find out as much information as possible about the victim. In cases such as domestic violence victims, more often than not, are financially dependant on the perpetrator and often have children with this person. Through this information, officials and researchers would be able to make a decision that may benefit more people. With this data advocates would be able to make contact already having an idea of what kind of aid would need to be rendered to this family. This would expedite the process of locating the victim and then ascertaining this information and perhaps encourage cooperation of victims with officials. Although the criminal justice system is in business to rehabilitate criminals, it cannot forget about

the people whose lives they have affected. Through caring for the victim and their family directly we may be able to help prevent that family from having to turn to crime themselves.

Through understanding the emotional processes of those women dealing with domestic violence we may be able to determine how to best help them. “Indeed we do more harm than good by trying to protect women from the criminal justice system. Domestic violence reflects not only a psychology problem in individual men or women, but also a deeper problem of state condoned violence. Shielding women who do not want to proceed through the criminal system reinforces the idea that domestic violence is a private crime without social consequence and ultimately marginalizes and isolates women who are not expected to respond to the violence on a broader scale” (Hanna, 1996. P.50). Through understanding their levels of anger and how those levels interact with symptoms presented we may be able to design a program of victim advocacy that would be the most beneficial to them. It seems that more work needs to be done within this area.

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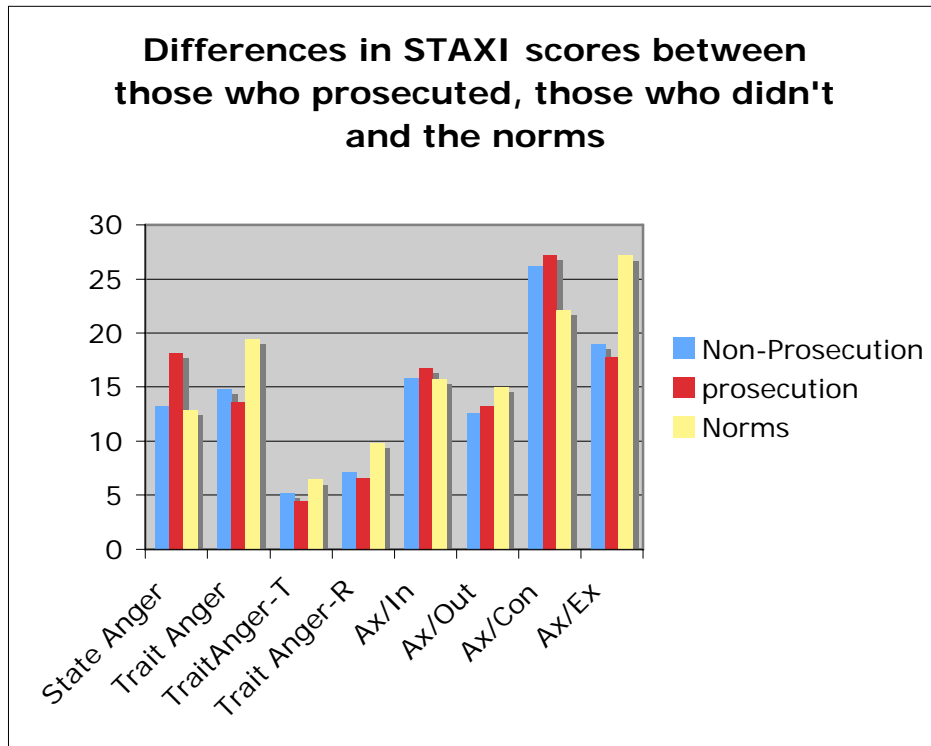


Figure 1: Comparison of STAXI Scores between subjects that did and did not prosecute

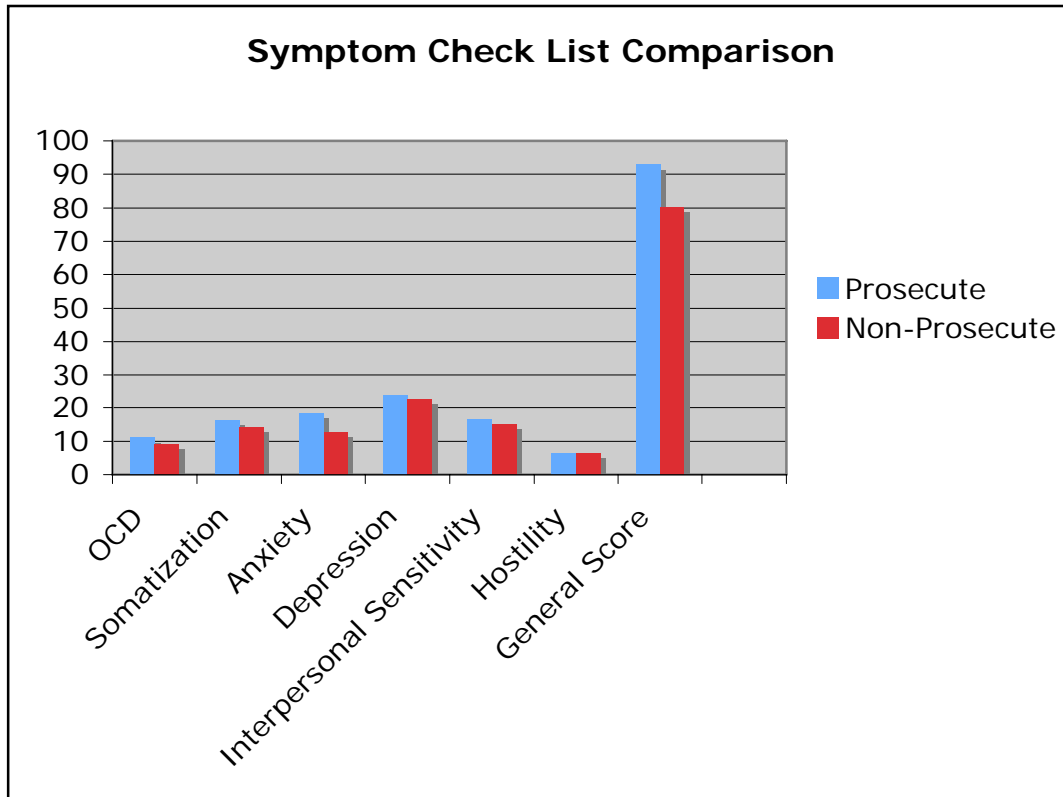


Figure 2 – Comparison of Symptom Checklist Scores between Prosecuting and Non-Prosecuting Subjects