NYC 9/11 Public Portal Document

Abused Women Need a Say in State Response

By Linda G. Mills

NEW YORK'S mandatory-arrest law appears, at least superficially, to be the perfect solution to the problem of domestic violence.

Advocates of such laws, including politicians, argue that mandatory arrest — requiring that police officers arrest anyone suspected of domestic abuse, even if the battered woman protests — is the solution we need to this intractable problem.

The mandatory-arrest law, extended this summer for another year by the New York State Legislature, enjoys bipartisan political support in Albany, as it does in many states. The trouble is that since no politician wants to appear soft on abusers, no one is willing to talk about the problems engendered by a response that disregards the battered woman's desires.

After years of feminist advocacy, the legal system is finally taking domestic violence seriously. When police arrive at a home and domestic violence has been alleged, the batterer is arrested. A battered woman is supposedly rendered safe by the state's intervention.

But what if arresting the batterer actually increases the likelihood that the woman will experience new incidents of abuse? And what if her healing and the possibility of long-term clarity on leaving the batterer is undermined if she is disempowered by a state response that ignores her wishes?

Several empirical studies have analyzed the effectiveness of mandatory-arrest policies and suggest the shortcomings of such approaches. Although one early study found that mandatory arrest was the most effective police response in deterring future violence, later studies suggested that among certain groups of batterers — including men who were unemployed, unmarried, high school drop-outs or African-American — arrest increased the likelihood of future violence: These men were more likely to revictimize their partners if they were arrested than if they were warned. Overall, the arrest studies found that the positive deterrent effects of arrest diminished over time, and several studies concluded that an arrest can sometimes make the violence worse.

What we do know is that battered women can be engaged in strategies that help keep them safe. Several studies have detected an improvement in battered women's safety when they feel that the police were concerned and willing to listen. In one study, victims were found to experience repeat abuse after arrest in 26 percent of cases, but when they perceived that the police were willing to listen when batterers were arrested, the rate of recidivism decreased to 9 percent. One explanation for this outcome is that victims felt empowered when police listened to their concerns, and this empowerment in turn translated into a reduction in violence.

Empowerment is the cornerstone of recovery from abuse. Trauma experts have consistently found that healing from a violent relationship is possible when professionals assist battered women to articulate their specific needs and respond to them accordingly. Rejecting the survivor's point of view, an aspect that is endemic to mandatory arrest, only mimics the dynamics in the abusive relationship and therefore fails to contribute in a positive way to the battered woman's healing.

Mandatory-arrest laws pride themselves on taking the decision out of the battered woman's hands and on rejecting her assessment of how the violence should be handled. The argument assumes that battered women are terrified of their abusers and therefore unable to assert themselves in the criminal justice system. What we know about these women, however, is that they

See BATTERED on A38



Linda G. Mills, a professor at New York University's School of Social Work, is the author of the forthcoming book, "Killing Her Softly: Intimate Abuse and the Violence of State Interventions."

NEWSDAY, TUESDAY, DECEMBER 11, 2001

CITY_21MC100_01183409G

NYC-WTC_000415775

NYC 9/11 Public Portal Document

BATTERED from A37

are resilient and employ many strategies to counteract the violence. We also know that some battered women are deeply attached to their abusers, perhaps because they love them or because they have children together. That attachment is reinforced through cultural norms, such as religious tenets that support family values, or through pressures on some women not to contribute to racial or religious stereotypes by reporting incidents of violence.

Mandatory-arrest laws dismiss these aspects of intimate abuse by focusing all the state's resources on arresting the batterer. Instead, our priority should be developing long-term relationships with battered women — relationships that respect and honor their conflicts and help them move toward sustained resolution.

Mandatory-arrest laws are no better than a police response that ignores domestic violence: Both responses disregard what battered women want. Given the rejection, degradation and isolation that often accompany mandatory-arrest policies, battered women sometimes calculate that it is safer to choose the abuse with which they are most familiar. In one famous example, Monique Brown, wife of football player Jim Brown, later denied the abuse she had alleged earlier to protect her husband after he was charged with a crime. When pressed, she chose to support her husband rather than the state, whose mandatory response forced her to choose sides.

Batterers should be held accountable for the violence they inflict on women, but this cannot come at the price of ignoring what the battered woman desires. Infantalizing a battered woman in this way denies her autonomy and deprives her of the affirmation and support she needs to decide for herself how she wants to proceed.

Our task is not to mandate arrest and ignore the battered woman's wishes. Instead, we must develop a language for knowing when fear motivates a battered woman and when, as is so often the case, she genuinely understands, based on years of experience, that arrest is not the most effective response to abuse. Engaging a battered woman in strategies that she believes will keep her safe and strong is the most viable long-term effort for addressing intimate violence effectively.

CITY_21MC100_011834097

NYC-WTC_000415776