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## Is Domestic Violence a Widespread Problem

I believe that in today's justice system we look at the perpetrator as being the person who physically harms another person, but in reality we have to look at Domestic violence beyond just physical violence. Many times you have instances where an individual is controlling of another individual and using psychological threats to effect a person's self-esteem and self-worth of themselves, which could harm that individual mentally. Coercive Control is when a person is taking away the victim's liberty or freedom, and stripping away their sense of self. Ignoring the signs of coercion can lead to acts in which an individual tries to harm themselves and/or others around them. The justice system has to start looking at domestic violence cases as not just being physical but psychological as well.

The role of gender has no effect at all on a person being violent as women are just as likely to be displaying violence in an intimate relationship with family or loved ones. There are also instances where the roles of victim and offender can change. The scope of domestic violence isn't just at the physical stage, but also at a psychological stage as an individual goes through a lot of emotional trauma in an intimate relationship which may indeed cause a role reversal of victim and offender as the once victim has met their breaking point and wants the pain and suffering they endured to stop.

One article I looked at was "Psychoanalytic Psychology Woman subjected to domestic violence: The impossibility of Separation: " This article looks at how women who are in domestic violence relationships cannot simply leave the toxic relationship and the everlasting effects the relationship have on women. We find alarming statistics about domestic violence as it relates to women such as "In the United States, about one in four women will experience domestic violence in their lifetime (Metz, Calmet, & Thevenot, 2018, pg. 1). A study from the Center for Disease Control and Prevention, National Institute of Justice noted the following, "About 1,200 women every year are killed by intimate partners" (Metz, Calmet, & Thevenot, 2018, pg. 1). Many women are unable to free themselves from the control their partner has on them and the violence persists on. We often place the blame on these victims stating that they had a choice to leave and chose to stay when in reality simply leaving the toxic relationship doesn't shed light on the emotional trauma these victims endured. Metz, Calmet, & Thevenot stated the following: "Once separated from their partner, these women envisage a new life hoping that the nightmare is behind them and that the page has turned.

They become aware of the different issues involved such as the partner's responsibility in the violence, their desire for recognition, the infantile issues involved, they recognize that the separation has not resolved all their difficulties, memories of being controlled and especially of

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violence haunt them, the importance of therapists psychologists is highlighted here by their role in helping woman to rebuild their lives. (2018, pg. 2-3). Being in such a toxic relationship goes well beyond the physical realms of the relationship. The coercive control their partner put these woman through leaves a long term effect on these woman that they simply cannot escape. Many times individuals engaged in toxic relationships that of domestic violence seek help after the fact. This sheds light to how important it is to allocate resources for individuals who once were victims of domestic violence.

One article I looked at that shows the repose from the criminal justice system to issues of domestic violence is “Challenging the pursuit of criminalization in an era of mass incarceration: The limitations of social work response to domestic violence in the USA”. This article analyses the response the criminal justice system had to the growing concern of domestic violence, and the resources they allocate to not just the victims but also the perpetrator. With domestic violence becoming a huge problem throughout the nation there were two significant policies put in place to try and combat this widespread epidemic. One is mandatory arrest of at least one individual when police are called to a scene where domestic violence has taken place. “By the end of the 1980’s, mandatory arrest laws or state legislation making arrest of at least one party mandatory when police engage in a domestic violence situation swept the nation and is now a policy in at least half of the states (Kim, 2013, pg. 1280).

Another policy that has significantly impacted domestic violence throughout the nation was the “Violence Against Woman Act”. “The second occurred in 1994 with the passage of the violence against woman act (VAWA), the first federal act legislating criminal legal response to violence against woman” (Kim, 2013, pg. 1280). This policy provided protection to woman who had once suffered violent abuse through domestic violence, dating violence, and sexual assault. These policies made it possible for woman to seek protection throughout the nation as domestic violence is a crime in all 50 states. As you can see domestic violence is a huge problem nationwide that it led to the development of many professional positions in which individuals are trained to engage and treat victims and offenders in the prevention of such matters. The author Mimi E. Kim stated the following: The professional positions that became associated with the domestic violence field such as crisis line worker, shelter advocate, legal advocate, therapist and victim witness advocate became routinized into a set of professional skills, tasks and assumed relationships that conformed to the collaborative relationship between civil society and criminal justice system that had since been firmly established” (2013, pg. 1285).

These positions of trained induvial are vital to the safeguard of individuals of domestic violence. Without these trained professionals one could not seek the help they need from the trauma they endured in their toxic relationship. Statistically looking at domestic violence throughout the U. S I looked at the article “Nonfatal Domestic Violence, 2003-2012”. This article analyzed data presented to the Bureau of justice statistics, national crime victimization survey from the years

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1993-2012. Domestic violence can be categorized into different categories such as instances of rape, sexual assault, robbery, and aggravated and simple assault which all can be committed by the individual's intimate partner, immediate family members, or their relatives.

When police approach a situation where domestic violence has taken place you would think that the male is the offender and the woman is the victim due to the fact that males are generally more physically stronger than females, but in reality both partners can play the role of victim and offender. According to the Bureau of Justice Statistics, National Crime Victimization Survey from the years 1993-2012 "In 2003-12, the rate of intimate partner violence (3.9 per 1,000) was greater than the rate of violence by immediate family members (1.1 per 1,000) and other relatives (0.6 per 1,000) (Truman, & Morgan, pg. 541). What these statistics state is that individuals who are in intimate relationships engage in domestic violence acts at a higher rate than that of immediate family members, and immediate family members engage in domestic violence acts at a higher rate than other relatives. Intimate relationship can be categorized into three different categories as well, spouses, boyfriend or girlfriend, and ex-spouses. The data presented in this article shows that "The rate of intimate partner violence by boyfriends or girlfriends (2.1 per 1,000) was greater than violence perpetrated by spouses (1.3 per 1,000) and ex-spouses (0.5 per 1,000)" (Truman, & Morgan, pg. 541).

Women are more subjected to be victims of domestic violence than males as stated, "A larger percentage of females (37%) were victims of serious domestic violence than males (10%) (Truman, & Morgan, pg. 543). When analyzing this article we see that the data reported is limited. According to the Bureau of Statistics, National Crime Victimization Survey through the years 2003-2012 we see that there are instances where a little under half of domestic violence cases go unreported. "In 2003-12 about 55% of domestic violence was reported to police" (Truman, & Morgan, pg. 548). This means that many times the police and statistics of domestic violence are going unreported. What is also alarming is the fact that many times these individuals do not seek the assistance available to them that could help prevent future domestic violence from occurring. "In 2003-12, a greater percentage of victims of intimate partner violence (24%) received assistance from a victim service agency than victims of violence by immediate family members (18%), other relatives (9%), acquaintances (9%), or strangers (9%) (Truman, & Morgan, pg. 550).

Many times offenders of domestic violence try to indirectly try to regain control of their victims through the legal system. When individuals of past relationships have children involved the custody process is one way the abusive relationship can continue. One article I looked at that shows how offenders try to keep their control over their former partner is "How domestic violence batterers use custody proceedings in family courts to abuse victims, and how courts can put a stop to it". "Domestic Violence is defined as "a pattern of behavior in a relationship by which the batterer attempts to control his victim through a variety of tactics" (Cambell,

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Emmaline, pg. 41). Some tactics batterers try to use is their children. Just because the relationship ends doesn't mean the children go away. Many batterers use their children to remain in contact with their partner. They try to manipulate judges by remaining calm and presenting themselves professionally so judges grant them custody of the children "Many batterers can be abusive at home in private, but to the outside world they appear to be caring and devoted family men" Cambell, Emmaline, pg. 43). This can be very misleading as when these batterers present themselves in court, it could lead judges to give more favorable outcomes towards the offenders instead of that towards the victims. In terms of custody rulings when children are involved judges may grant the parent custody due to the fact they were more open to sharing the children with the other parent. "According to the American Bar Association, as of 2008, 32 states included "Friendly-parent" presumptions as a factor in the analysis of the best interest of the child" (Cambell, Emmaline, pg. 46). The article defines "Friendly-Parent" presumptions as the parent who is the most generous in sharing the child with the other parent have a greater ability to provide for that child.

This is very misleading as many batterers try to manipulate judges by using their very own kids to remain in contact with the victims they abused. In the past an officer had to witness a misdemeanor before making a warrantless arrest. This posed the problem that if the act was not performed in front of an officer, no arrest was made. Just because an officer didn't see the incident happen in front of them doesn't mean that their wasn't an instance of domestic violence. By the mid 1980's a statutory enactment eliminated restrictions on being present during the incident and by 1992 47 states and the District of Columbia authorized warrantless arrest in domestic violence cases. One article I analyzed was "Drawing the Necessary Line: A review of dating domestic violence statutes around the United States". This article looks at how states can vary from one another in laws put out to prevent domestic violence by who has the right to orders of protection from their partners in domestic violence cases. Courts impose the right to grant a person a restraining order, protective order, injunctive decrees, and court orders. Courts use these orders sparingly due to the fact that it forces the offender to vacate the home even if that person owns the home, mandates the offender attend counseling, limiting visitation rights to children, and allows the victim the exclusive rights to certain personal properties, such as cars regardless of title. These are used in cases where there is proof that the respondent posed a threat to a persons, often to the degree of reasonable doubt "A study from the Department of Justice noted that assaults between couples happen in shared residences 58. 1% of the time, but in situations where the victim and abuser reside separately only 25. 3% of the time" (Greenlees, 2012 pg. 679). All 50 states and the District of Columbia grant protective orders from the courts to victims of domestic violence. Judges require past serious domestic violence incidents to occur prior to issuing a protective order due to the fact that they deprive a person of their constitutional rights. For an individual to receive access to orders of protection individuals must be engaged or previously engaged in a dating relationship.

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A dating relationship is hard to define as it varies from state to state. Statutes across the U. S in terms of a dating relationship generally fall into four categories States which provide protection but lack a true definition of what a dating relationship is, states which provide protection and have a definition of what a dating relationship is, states that utilize a hybrid model, which incorporate a definition of dating violence through a list of factors to help guide a judge to decide whether a dating relationship is present or not; and states that do not allow orders of protection. States that lack a definition of dating relationships; “These states have statutory language which provides that “adults or minors who are dating or who have dated” are able to receive orders of protection against an abuser or those “persons currently or formally involved in a romantic relationship” (Greenlees, 2012, pg. 681). When individual judges are not given a definition, it then becomes problematic in determining who the statute is supposed to protect and/or punish, and the judge may engage in their very own bias resulting in inconsistencies in justice.

The definitional approach to dating relationships: “The minority of states that utilize a definitional approach define what a dating relationship is, but do not provide any factors to apply to their broad definition” (Greenlees, 2012, pg. 683). States with the hybrid factor-based approach provide a definition for what constitutes a dating relationship, while also including a list of factors that allows judges to make a determination of whether a dating relationship is present. “The factors are quite typical, varying very little from state to state, with the most frequently used consisting of the “the length of the relationship; the type of the relationship; and the frequency of interaction between the two individuals involved with the relationship” (Greenlees, pg. 683). States lacking protection or inadequately providing protection: these states continue to deny orders of protection to individuals who are engaged or previously engaged in a dating relationship. As you can see from all the articles Domestic violence is a widespread problem throughout the country.

Although the way states handle it vary from state to state one thing is for certain, it is illegal to engage in domestic violence acts throughout the nation. With statistical analyses we see that it not only effect females, but males as well, and even if the relationship comes to an end that doesn't mean that the psychological control ends there. In conclusion we have to find better ways to help victims of domestic violence receive help. An indication of this is the fact that instances of domestic violence was only reported 55% of the time. Many times victims do not speak up in fear of retaliation of their partner. Missing the warning signs of these individuals' cries for help could result in it being too late and ultimately result in death.

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