

Arrest and intimate partner violence: Toward a more complete application of deterrence theory[☆]

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Abstract

Two decades of research have failed to produce consistent and compelling results that arrest deters intimate partner violence. This tradition of research is reviewed, concluding that little can be learned about the deterrent efficacy of arrest (or other sanctions) for this type of violence until a more complete framework of deterrence theory is specified to guide further research. The framework should delineate mediating influences besides deterrence, linking arrest to the prevention, reduction, or cessation of intimate partner violence, and factors that moderate those influences. Such factors bear on the differential sensitivity to sanctions on the part of actual or potential perpetrators of intimate partner violence. Recommendations for future research are offered, including suggestions for data needed to draw defensible causal inferences about these mediating and moderating influences.

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Whether arrest policies promote the prevention, cessation, or reduction of intimate partner violence remains an open question, despite decades of research on the deterrent efficacy of arrest (Berk, Campbell, Klap, & Western, 1992; Carmody & Williams, 1988; Dugan, 2003; Dunford, Huizinga, & Elliott, 1990a, 1990b; Dutton, Hart, Kennedy, & Williams, 1992; Garner, Fagan, & Maxwell, 1995; Hirschel & Hutchison, 1992; Lackey & Williams, 1995; Maxwell, Garner, & Fagan, 2001, 2002; Pate & Hamilton, 1992; Sherman & Berk, 1984; Sherman, Smith, Schmidt, & Rogan, 1992; Williams, 1992; Williams & Hawkins, 1989a, 1989b, 1992). This paper reviews research on arrest and intimate partner violence, documenting mixed findings and contending that it suffers from an insufficiently developed theoretical foundation. This line of research has been conducted in the absence of systematic theorizing about deterrence processes and other mediating linkages between sanctions and intimate partner violence. Conceptually clarifying and empirically distinguishing those linkages is important for delimiting the scope of deterrence theory and yielding a more complete understanding of the preventive potential of sanctions.

Moreover, previous arrest research on intimate partner violence has shown that the influence of sanctions varies across perpetrators of violence, suggesting that some perpetrators may be more sensitive to sanction threats and experiences than others (see Garner et al., 1995; Garner & Maxwell, 2000; Schmidt & Sherman, 1993; Sherman, 1992a for reviews). Accounting for differential sensitivity to sanctions is important for elaborating deterrence theory, targeting arrest policies and practices to the most appropriate perpetrators of violence, and avoiding potential iatrogenic effects of arrest. Such effects have been reported in research on arrest and intimate partner violence (Dunford et al., 1990b; Hirschel & Hutchison, 1992; Sherman et al., 1992), as well as other forms of crime (Pogarsky & Piquero, 2003). Several studies have recently sought to account for variation in the effects of sanction experiences, estimating the influence of factors such as the presence of criminal opportunities, moral impropriety, emotionality, self-control, and impulsivity (Grasmick, Tittle, Burski, &

Arneklev, 1993; Lowenstein, Nagin, & Paternoster, 1997; Makkai & Braithwaite, 1994; Nagin & Paternoster, 1993; Nagin & Pogarsky, 2001, 2003; Paternoster & Simpson, 1996; Piquero & Pogarsky, 2002; Pogarsky & Piquero, 2003; Piquero & Tibbetts, 1996). Building on these studies, an approach to account for differential sensitivity to sanctions is proposed, drawing from recent research on intimate partner violence risk assessment (see Campbell, 1995, 2000; Dutton & Kropp, 2000; Gondolf, 2002; Roehl & Guertin, 1998; Saunders & Hamill, 2002; Williams & Houghton, 2004).

Reviews of this research tradition have been conducted, clarifying some conceptual issues, summarizing findings, and distilling implications for prevention policy and practice (Chalk & King, 1998; Fagan & Browne, 1994; Kruttschnitt et al., 2003), while other reviews, in addition, have assessed the quality of empirical studies, especially those bearing on recidivism among perpetrators actually arrested for intimate partner violence (Garner et al., 1995; Garner & Maxwell, 2000; Maxwell et al., 2002; Sherman, 1992b). However, these previous reviews have not incorporated more recent research on both specific and general deterrence (as defined below) as well as the differential sensitivity to sanctions, nor have they theoretically specified the mediating or moderating influences of arrest that must be addressed to advance scientific knowledge about the deterrent efficacy of this legal sanction, a central objective of this paper.

Specifically, an analytical framework is presented that integrates deterrence theory, other theoretical perspectives on the preventive effects of sanctions, and factors that may moderate those effects. Data requirements for estimating mediating and moderating effects are suggested. The ultimate goal of the discussion is to stimulate further research that tests deterrence and alternative theories of violence prevention, thus enhancing an understanding of how sanctions influence intimate partner violence. Future research in this area must recognize that the intended influence of arrest policies is violence prevention, but as previous research has shown, the unintended consequence can be the escalation of such destructive behavior. Distinguishing these contending influences is vital if the goal is to prevent violence without doing harm to adults in intimate relationships (Sherman, 1993).

1. Arrest, deterrence, and intimate partner violence

Deterrence theory has informed empirical studies of arrest and intimate partner violence. Multiple versions of deterrence theory have evolved since the writings of Bentham and Beccaria in the late 18th century (Cullen & Agnew, 2003; Paternoster & Bachman, 2000), but the application of deterrence theory to the study of intimate partner violence has a common theme: People will avoid violent behavior because they fear sanctions. Personal and/or vicarious sanction experiences presumably promote the prevention, reduction, or cessation of violent behavior (Piquero & Pogarsky, 2002; Stafford & Warr, 1993). This theme implies the traditional distinction between *general* and *specific* deterrence. General deterrence refers to the impact of sanctions, imposed or avoided, on someone known to a potential perpetrator of violence, that is, to the sanction experiences of others. Specific deterrence refers to the impact of sanctions, imposed or avoided, on an actual perpetrator of violence, that is, to personal sanction experiences (Gibbs, 1975; Piquero & Pogarsky, 2002; Stafford & Warr, 1993;

Williams & Hawkins, 1986). The fundamental argument is that would-be or actual perpetrators will be less likely to engage in violence if they perceive sanctions as certain (likely to occur) and severe (costly to their lives). Some previous studies of general deterrence and intimate partner violence have addressed the underlying perceptual assumptions of deterrence theory, but these assumptions have not been directly tested in previous research on specific deterrence.

2. General deterrence

Initial research on general deterrence and intimate partner violence involved a panel survey that built on the National Family Violence Re-Survey (Straus & Gelles, 1990). Data were collected from a national representative sample of households on perceptions of arrest certainty and severity for wife assault as well as the perceived costs of this sanction (for conceptual distinctions between “objective” and “perceptual” properties of sanctions and their relevance for testing deterrence theory see Gibbs, 1975; Williams & Hawkins, 1986). Analyses showed that net of other determinants, high perceptions of arrest certainty were associated with low participation in wife assault (Carmody & Williams, 1988; Lackey & Williams, 1995; Williams & Hawkins, 1989a). Moreover, perceptions of overall arrest severity were more strongly associated with the perceived social and personal costs of arrest, such as disapproval of family and friends, loss of partner, loss of job, and disapproval of self, than perceived legal costs, such as jail time (Williams & Hawkins, 1989b, 1992). Besides their apparent deterrent effects, perceived costs were empirically determined by other theoretically relevant factors, such as gender, race, socioeconomic status, normative approval of violence, power imbalances in heterosexual intimate relationships, and isolation from community resources of social control (Williams, 1992). These reported findings are largely consistent with general deterrence theory, with the primary conclusion being that arrest may deter would-be perpetrators of wife assault, yet this conclusion must be tempered by other considerations in this line of research.

First, hypothetical scenarios provided the basis for the perceptual data used in this research. Respondents were asked to “imagine” they hit their partner and then to estimate (perceive) the certainty and severity of arrest. They were also asked to “imagine” an arrest for such violence and then to estimate (perceive) the likelihood of other outcomes, such as loss of partner or other personal, social, or legal costs. Whether perceptions measured through hypothetical scenarios are similar to those from actual sanction experiences is an empirical question, one that has been recently addressed by Heckert and Gondolf (2000). They found prior contact with the criminal justice system and treatment agencies was a strong predictor of the perceived likelihood of jail time for batterer program dropout or partner re-assault. Additionally, voluntary program participants (compared to court referred participants) were less likely to perceive jail time as likely for dropping out of a batterer program. No estimated effects were found between the perceived likelihood of jail time and subsequent behavior. Nonetheless, these findings at least suggest that hypothetical scenarios may produce findings similar to those based on actual sanction experiences, at least concerning their influence on the perceived certainty and severity of sanctions.

Second, the studies of general deterrence represent only a preliminary examination of the relation between arrest and its social costs, and that relation should be thoroughly examined to understand the connections between arrest and behavioral outcomes. For example, detached from meaningful life circumstances, arrest is not likely to prevent or reduce intimate partner violence. Deterrence may be achieved only when potential perpetrators see arrest as having damaging consequences for their relationships with others. People connected to intimate social networks, strong friendship ties, work, financial gain, and other markers of “conventional” living have much to lose by their violence being dramatized publicly through arrest. This life-disrupting event can significantly alter their social world. However, people on the margins of “conventional” life may have less to lose and perceive arrest for intimate partner violence (or any other law violation) as an inevitable event, meaning little stigma is attached to the sanctioning experience. Worse yet, those lacking significant social bonds may find arrest infuriating and provocative, resulting in escalated violence. More research is needed on the factors that account for the variable influences of sanctions.

The research summarized above suggests that characteristics of individuals and their social contexts influence perceptions of arrest. For example, respondents attached to their communities, situated in relationships having a balance-of-power, and disapproving of abusive behavior were significantly more likely to perceive arrest as certain and its social costs as severe. That perception also held for men compared to women, persons of higher socioeconomic status, and Non-Hispanic Whites compared to African-Americans (Williams, 1992). Others have called for more research on the determinants of perceptions to clarify how they are formed and operate to influence human actions (Miller & Iovanni, 1994; Nagin, 1998; Piquero & Pogarsky, 2002). The findings reported above suggest that people having much to lose from arrest are more likely to perceive it as threatening (certain and severe). This relation should be addressed by future research efforts, including the implications it has for behavioral outcomes. Such research could yield guidelines for identifying persons more or less sensitive to sanctions, an issue addressed in more detail below.

Other research has also been conducted on general deterrence using population surveys. For example, Dugan (2003) analyzed the relations between statutes in the 50 states concerning protection orders and domestic violence within 529,829 households across the United States. Three separate household level measures of violent victimization were calculated using revised National Crime Victimization Survey (NCVS) data between 1992 and 1998: Family violence in which at least one household member was victimized by a “non-intimate” family member, spousal violence indicating households where at least one respondent was victimized by a spouse or ex-spouse, and boy/girlfriend violence reflecting households in which at least one respondent was victimized by a boy/girlfriend or ex-boy/girlfriend. The state statutes included statutory provisions for a protection order for victims not living with the perpetrator, legislative authorization for courts to award temporary custody of children to the victim once a protection order has been issued, statutory prescriptions for penalties available to judges in cases of protection order violations, legislative reclassification of protection order violations as felonies, statutes stipulating mandatory arrest for protection order violations, and legislative mandates for firearm confiscation once a protection order is served.

Given the focus here on intimate partner violence, the most relevant findings are those bearing on spousal and boy/girlfriend violent victimization. Dugan (2003) found that mandatory arrest was associated with a significant reduction in household level spousal victimization but not boy/girlfriend victimization. However, extending protection orders to non-cohabiting victims, re-classifying protection order violations as felonies, and firearm confiscations were significantly associated with reductions in violent victimization involving boy/girlfriends but not spouses. This study also reported findings of intimate partner violence escalation. Specifically, households in states having statutory provisions for awarding temporary custody of children to victims once a protection order is issued had significantly greater spousal violent victimization.

The research by Dugan (2003) represents a creative use of the NCVS data, and the findings demonstrate some empirical relations that are consistent with general deterrence theory. However, they are compatible with other theoretical interpretations as well. To illustrate, states taking a more punitive posture on protection orders may consist of populations having greater moral intolerance of intimate partner violence than less punitive states (those not enacting the statutes examined in the study). Moral intolerance could be both the source of the legislation (elected officials acting in concert with their more punitive constituencies) and the source of the reduced violent victimization involving spouses or boy/girlfriends (the greater the moral intolerance of partner violence, the lower the level of victimization). Other interpretations could be offered as well, such as the effects of enacting statutes about intimate partner violence that symbolically declare the moral impropriety of such behavior, with such normative declarations promoting the prevention, reduction, or cessation of violence. The point is that the reported statistical relations could be spurious, as in the moral intolerance illustration, or a function of other mediating influences that have been identified in the literature on sanction threats, as in the normative declaration illustration (Andenaes, 1974; Gibbs, 1975; Williams & Hawkins, 1986).

Dugan incorporated two mediating influences, police notification and police arrest, on the assumption that legislative prescriptions would increase such behavior that, in turn, would reduce intimate partner violent victimization. However, none of the statutory provisions was significantly associated with an increase in reported arrests, and while re-classifying protection order violations as felonies was significantly associated with an increase in reports to the police, mandatory arrest for such violations was significantly associated with an unexpected decrease in such reporting. In short, the mediating influences linking state legislation regarding protection orders and intimate partner violent victimization at the household level remain disputable. Moreover, why such legislation may prevent such victimization in some cases but escalate it in others is unclear. An analytical framework is needed to guide further analysis that accounts for these issues.

3. Specific deterrence

The Minneapolis Domestic Violence Experiment, MDVE (Sherman & Berk, 1984), and the follow-up studies in the Spouse Assault Replication Program (SARP) were pitched as

competitive tests of specific deterrence and labeling theories of crime. Specific deterrence theory in this application would anticipate a reduction in post-arrest partner violence, and labeling theory would anticipate an escalation of such behavior. However, none of the intervening mechanisms differentiating these opposing outcomes was conceptualized and measured. Hence, these research efforts constitute an evaluation of arrest effectiveness rather than tests of well-formulated contending theories.

Few studies have affected violence prevention and control policies as the MDVE (Sherman & Cohn, 1989). It utilized an experimental design, with random assignment of police responses to incidents of misdemeanor domestic violence. Using police records and victim interviews, the investigators found that arrested suspects were significantly less likely to repeat their assaults in the 6-month follow-up period, compared to those asked to leave the residence or offered advice. The rigor of the design and the nature of the findings certainly caught the attention of researchers and practitioners alike, but the impact of this study was not confined to its scientific merit. The social and political climate was ripe for receiving these results, fueled further by active promotion of the findings (Binder & Meeker, 1992a, 1992b; Garner et al., 1995; Garner & Maxwell, 2000). The MDVE was undoubtedly part of the catalyst behind movements demanding greater sensitivity and responsiveness by criminal justice system to the pressing problem of partner violence (Lutze & Symons, 2003; Miller, 2003).

The need to replicate this research across multiple sites was met by the National Institute of Justice (NIJ), which funded the SARP experiments in five locations. Two studies reported evidence consistent with the MDVE, Dade County and Colorado Springs (Berk et al., 1992; Pate & Hamilton, 1992), although suspects in another site (Omaha) who left the scene, with a warrant subsequently issued, had lower prevalence and frequency rates of “repeated conflict” (Dunford et al., 1990a). The other studies reported evidence of violence escalation, with the sites being Milwaukee, Omaha, and Charlotte (Dunford et al., 1990b; Hirschel & Hutchison, 1992; Sherman et al., 1992). Some studies found that the “social bonding” of suspects moderated estimated effects: Arrest was associated with a decrease in repeated violence for married and employed perpetrators but an increase in repeated violence for those who were unmarried and unemployed (Schmidt & Sherman, 1993; Sherman, 1992a).

Subsequent reviews of these studies claimed the SARP replications were not comparable because of differences in research design, analysis, and implementation. Any of these differences could contribute to inconsistencies in reported findings, rendering interpretations of the mixed results problematic (Garner et al., 1995; Garner & Maxwell, 2000). The most recent research pooled the SARP data across all five sites to standardize the intervention, outcome measures, and statistical models estimated, with the goal of providing “a more consistent, more precise, and less ambiguous estimation of the impact of arrest on intimate partner violence” (Maxwell et al., 2001: 2). Using victim interviews as outcome measures, this re-analysis found that independent of site, length of time between initial and follow-up interviews, and suspect characteristics, offenders in the arrested group were significantly less likely to repeat their “aggression” (subsequent assaults, verbal threats of assault, and property damage) than those in the non-arrest group (Maxwell et al., 2001, 2002). Additionally, frequency of re-offending was significantly lower in the arrest than the non-arrest group.

However, no statistically significant effects of arrest were found when prevalence and frequency measures were based on officially recorded aggression. Even with victim interviews, estimated effect sizes were modest, especially compared to suspect characteristics, such as prior arrests and age, and a general trend of cessation over time held for both the arrested and non-arrested groups.

This pooled replication systematically addressed many of the inconsistencies plaguing the SARP experiments, yielding more promising findings concerning the efficacy of arrest in the reduction of intimate partner violence. In fact, the investigators interpreted the results of the SARP re-analysis as evidence of specific deterrence (Maxwell et al., 2002: 66). However, this interpretation is debatable without considering the multiple mediating influences between arrest and intimate partner violence, in addition to a research design having the potential of yielding data to estimate the nature and strength of those influences.

4. An expanded specification of deterrence theory

Two key issues surface from this review of research on arrest and intimate partner violence. First, previous studies failed to specify the mediating influences through which arrest might prevent intimate partner violence, and thus, the theoretical interpretation of reported findings remains debatable. Specifying those influences requires investigators to heed an admonition offered more than 25 years ago (Andenaes, 1974; Gibbs, 1975): The relation between sanctions and behavior is complex and subject to multiple mediating influences, only one of which is deterrence. Unless those influences are conceptually and empirically differentiated, the impact of sanctions is likely to be misunderstood, yielding misguided legal interventions. The failure to heed this admonition is surprising, given its longstanding history, but future research should differentiate mediating influences involving the relation between arrest and intimate partner violence.

Second, previous research found that estimated effects of arrest vary across perpetrators of intimate partner violence, with reported evidence ranging from violence escalation, to some form of prevention, to no effect at all. Such variation suggests that perpetrators differ in their sensitivity to sanctions. This issue provided the impetus for Sherman (1993) to propose a theory of criminal sanctions based on the notions of “defiance” (escalation of behavior), “deterrence” (prevention of behavior), and “irrelevance” (no effect on behavior). Although not a specific test of his theory, subsequent research has addressed the differential sensitivity to sanctions, but such research has not been extended to the relation between arrest and intimate partner violence.

Although mediating influences and the sensitivity to sanctions are not new or unique issues for deterrence theory and research, they must be addressed to advance knowledge and thus to inform public policy on the prevention, reduction, or cessation of intimate partner violence. As noted above, some previous studies of general and specific deterrence reported evidence that arrest escalates intimate partner violence. “If our first duty is to do no harm” (Sherman, 1993: 446), then arrest research must identify the conditions under which this occurs, in addition to the conditions fostering violence prevention.

5. Mediating influences of arrest

Arrest has the potential of preventing the onset of intimate partner violence or reducing such behavior once it starts through different mediating influences besides deterrence. Two are highlighted here to illustrate the general point: normative declarations and procedural justice. No claim is made that these mediating influences exhaust all possible connections between sanctions and violent behavior. They are emphasized primarily because of their relevance to previous studies of arrest and intimate partner violence.

5.1. Normative declarations

Legal scholars have long recognized the salutary impact of infusing law with the sentiments of society or at least its subgroups. The law essentially carves normative boundaries, distinguishing tolerated behaviors from those that are not. The shaping and reaffirming of normative boundaries between men and women in intimate relationships may prevent violence from erupting, which captures the declarative effects of sanctions, such as arrest. Prescribing and imposing sanctions for intimate partner violence reminds the larger community of its shared moral commitments and reinforces the sentiments embodied in law. Such processes may prevent or reduce intimate partner violence, not through deterrence, but through normative declarations. For example, the proliferation of domestic violence legislation, such as that examined by [Dugan \(2003\)](#) may re-define the moral meaning of violence between intimate partners and thus have preventive effects through this mediating influence. For example, [Lutze and Symons \(2003: 324\)](#) offer the following interpretation of the findings reported by [Dugan \(2003\)](#):

“states with more aggressive [domestic violence] legislation have lower rates of [domestic violence] victimization than do other states. This may be an indication that public acknowledgment in opposition to [domestic violence] sets a cultural tone that interpersonal violence is unacceptable. Formal recognition by governments may help to prevent their agents from tacitly accepting [domestic violence] and failing to act”.

Others have referred to this mediating influence as “normative education,” but creating and enforcing laws entails sending messages or signaling, not “education” in some formal sense. Therefore, the term normative declaration more accurately conveys the meaning of this mediating influence than normative education ([Andenaes, 1974](#); [Gibbs, 1975, 1986](#); [Williams & Hawkins, 1986](#); [Zimring & Hawkins, 1973](#)).

5.2. Procedural justice

[Paternoster, Brame, Bachman, and Sherman \(1997\)](#) have argued that previous research on intimate partner violence has been preoccupied with the inherent nature of sanctions (outcomes of arrest) rather than sanctioning procedure or the manner in which sanctions are imposed. Drawing from a tradition of theory and research in social psychology on procedural

justice, especially Tyler (1990), Paternoster et al. (1997: 165) contend, “adhering to fair procedures will cement persons’ ties to the social order because it treats them with dignity and worth and certifies their full and valued membership in the group.” They (1997: 166) describe the behavioral implication of this contention as follows: “compliance may depend as much or more on the procedural fairness of sanction delivery as it does on the characteristics of the sanction imposed (i.e., its certainty and severity).”

Paternoster et al. (1997: 167–168) delineated six conceptual domains of procedural justice: representation, consistency, impartiality, accuracy, correctability, and ethicality. The meaning and role of these domains in promoting compliance is captured in the following summary statement:

“In interactions with legal authorities, persons are more likely to feel that they are valued group members when they are allowed to have their say, perceive that their views are taken seriously, believe that authorities have not prejudged either them or their case, know that erroneous decisions can at some later time be reviewed and corrected, and are treated with politeness. As much as what legal authorities do, then, how they do it communicates to citizens their status within the group. As such, the use of fair procedures facilitates the development of perceptions that authorities are both legitimate and moral. Once the perception that legal authorities are legitimate has been shaped, compliance with the laws is enhanced, even when it conflicts with one’s immediate self-interest” (Paternoster et al., 1997: 169).

The MDVE data were re-analyzed by these investigators. The analysis showed two different measures of perceived procedural justice were consistently associated with a subsequent reduction in wife assault, net of other determinants of such violence and sanctioning conditions (warned versus arrested, short-term versus long-term detention). This research marks the first attempt to assess procedural justice empirically with data on arrest and partner assault. The investigators’ findings support the procedural justice argument and thus warrant its separate treatment as another mediating influence. Moreover, perceived procedural justice may be a function of either vicarious experiences or personal experiences of sanctioning procedure, and thus, it is relevant for research on both the general and the specific preventive effects of sanctions.

5.3. Data requirements for estimating mediating influences

Estimating the mediating influences, including deterrence, will require either surveys of the general population or surveys of arrested perpetrators. Those surveys must include measurements of the central analytical properties of each mediating influence. For example, deterrence would be addressed through measures of perceived certainty, severity, and costs of arrest. Such measures can be found in the studies cited above on general deterrence. Normative declarations would require measures of moral disapproval or the perceived harmfulness of intimate partner violence. Such measures typically involve asking persons to respond to a rating scale reflecting the degree to which they disapprove of specific acts of violence or the harm that could be inflicted by those acts.

Examples of such measures can also be found in the studies of general deterrence summarized above. Conversely, measures of moral minimization (e.g., normative approval or trivialization of harm done), legitimization, or justification of intimate partner violence would also be relevant for addressing the declarative effects of sanctions; that is, whether such effects are mitigated by normative orientations favorable to violence against intimate partners. Measures indicating how sanctions are imposed, as perceived by potential or actual perpetrators would be appropriate for addressing the mediating influence of procedural justice. Indicators of perceived procedural justice that are relevant to partner violence have been developed and utilized by [Paternoster et al. \(1997\)](#), and they could provide guidelines for measurement in future research on this mediating influence.

The empirical objective of research on mediating influences of sanctions would be to estimate their independent or joint impact on intimate partner violence. Those influences may be independent, or they may operate in conjunction with each other, suggesting some form of interaction effect. Such matters are ultimately an empirical question, one that cannot be addressed until different mediators are clearly conceptualized, measured, and included in behavioral models.

A prospective longitudinal research design would be required to measure the relevant properties of each mediator and to estimate the effects of those measured properties on subsequent violent behavior. The frequency and seriousness of such behavior could be measured through official records (arrest and/or conviction data), self-reported involvement on the part of perpetrators, victim reports of intimate partner violence, or case manager reports for perpetrators under criminal justice supervision. These four methods of collecting behavioral data have their own respective sources of error, and each raises delicate human subjects concerns for research on intimate partner violence that must be carefully addressed to avoid having the research violate civil rights and/or contribute to the violence problem (disclosure leading to escalated violence). Assuming an effective resolution to the protection of human subjects, research ideally should use all available methods of collecting behavioral data to minimize measurement error and its influence on estimation. Moreover, estimation techniques should address the issue of whether the alternative mediating influences operate independently or in combination with one another.

6. Differential sensitivity to sanctions

Future research should also address the previously reported finding that people vary in their sensitivity to sanctions for intimate partner violence. This recommendation is also not new. Others have noted the influence of sanctions will vary across members of a population. For example, [Andenaes \(1974\)](#) proposed a three-category scheme including the law-abiding person not needing sanction threats to avoid criminal conduct, the potential criminal who may well be dissuaded from crime by sanction threats, and the more committed criminal who offends despite sanction threats. [Zimring and Hawkins \(1973\)](#) conceptualized the issue in

terms of a hypothetical continuum ranging from those committed to conformity to those committed to criminality. Neither extreme group is viewed as sensitive to sanctions. Rather, sanctions are most likely to influence “marginal offenders.” More recently, Pogarsky (2002) has reported empirical evidence supporting another three-category scheme, including the acute conformist, the deterrable, and the incorrigible.

Addressing the sensitivity to sanctions will move research beyond the fixation on whether they prevent violence to how this is done. Sherman (1993: 445) succinctly summarizes the point:

“Does punishment deter crime? This question provokes fierce debates in criminology and public policy. Yet there is ample evidence that this is the wrong question. Widely varying results across a range of sanction studies suggest a far more useful question: under what conditions does each type of criminal sanction reduce, increase, or have no effect on future crimes?”

Answering this question requires investigators to specify a defensible method of estimating the differential sensitivity to sanctions. The approach proposed here relies on risk assessment, meaning estimating the likelihood that intimate partner violence or specific outcomes of that violence will occur in the future. Risk assessments can apply to onset, persistence, or escalation of such behavior. Further, one can assess the risk of serious injury or lethality once intimate partner violence begins. Choosing the most appropriate type of risk assessment will depend on the research question. For example, determining whether sanction threats prevent intimate partner violence from ever happening, what Gibbs (1975) defined as absolute deterrence, would require a differential sensitivity estimate based on the risk of onset. Determining whether sanction experiences promote the reduction or cessation of this violent behavior, what Gibbs (1975) defined as restrictive deterrence, would require assessing the risk of persistence, escalation, and/or the injurious or lethal outcomes of such violence.

No claim is made that risk assessment is the only strategy of estimating differential sensitivity to sanctions. Others have empirically identified factors that moderate the relation between sanctions and behavior, including emotions (Lowenstein et al., 1997; Makkai & Braithwaite, 1994), self-control and the presence of criminal opportunity (Grasmick et al., 1993; Nagin & Paternoster, 1993; Piquero & Tibbetts, 1996), morality (Paternoster & Simpson, 1996; Pogarsky, 2002), and impulsivity (Nagin & Pogarsky, 2001, 2003; Piquero & Pogarsky, 2002; Pogarsky, 2002). However, research by Pogarsky and Piquero (2003) is particularly relevant for the strategy proposed here. They cite previous research that found individuals having personal punishment experiences tended to continue their offending behavior and lower their perceptions of sanction certainty. Those findings are contrary to deterrence theory, so they proposed and tested alternative explanations for these empirical patterns.

One explanation they explored is central to this paper. Specifically, the “selection” hypothesis suggests that “already-committed offenders” are more likely to be sanctioned because they possess a high criminal propensity and a perceived sense of immunity to sanctions: Greater involvement in crime leads to greater exposure and thus a greater

likelihood of detection and sanctioning. Pogarsky and Piquero (2003) delineated two testable implications of the selection hypothesis:

1. “punished individuals should evidence a more committed offending disposition than should their less punished or unpunished counterparts. . . [thus] punished individuals should possess more ‘offending risk factors’ than their less punished or unpunished counterparts” (Pogarsky & Piquero, 2003: 99).
2. “risk status, and not punishment experience, should correspond with lower sanction-certainty estimates. . . Put simply, in an analysis simultaneously controlling for punishment experience and risk status, punishment experience should no longer correlate negatively with sanction-certainty” (Pogarsky & Piquero, 2003: 99).

In short, enduring criminal propensity is indicated by a preponderance of risk factors, and high risk status accounts for the disregard of legal consequences which are temporally distant from the moment of offending, meaning the perceived likelihood of experiencing those consequences is discounted in the immediate situational context of offending (Nagin & Pogarsky, 2001, 2003). Such discounting increases the likelihood of continued offending and attendant personal punishment experiences. The implication is that the relations between personal punishment experience and lowered perceptions of sanction certainty as well as personal punishment experience and continued offending are spurious, owing to the enduring propensity to engage in crime, as indicated by high risk status (Nagin & Paternoster, 1993).

Pogarsky and Piquero (2003) found inconsistent supportive for this hypothesis; regardless, their work provides at least a theoretical justification for addressing differential sensitivity to sanctions by focusing on intimate partner risk assessment—specifically the identification of high-risk status when it comes to this form of violence. Further, although the strategy proposed here is an initial attempt to address differential sensitivity of sanctions, previous research on arrest and intimate partner violence illustrates the tenability of this proposed strategy. For example, employed and married men had a greater reduction in recidivistic violence as a result of arrest because they posed a lower behavioral risk to their female partners. Unemployed and unmarried men had no reduction or escalated violence as a result of arrest because their female partners were exposed to a much greater behavioral risk. Men in the high-risk category tended to have histories of severe violence, to have less to lose from being sanctioned, and to continue with their destructive behavior, thus being less sensitive to sanction experiences. They are similar to those “committed to criminality” (Andenaes, 1974; Zimring & Hawkins, 1973) or the “incorrigible” offender (Pogarsky, 2002). Employment and marital status have been interpreted as reflecting strong social bonds, and these ties to conventional society and its agents have been central in theorizing about the variable effects of sanctions (Braithwaite, 1989; Scheff & Retzinger, 1991; Sherman, 1993).

The most promising research bearing on the proposed strategy addresses the validation of instruments to assess the risk of intimate partner violence. Several instruments have been developed and utilized in the field (Campbell, 2000; Dutton & Kropp, 2000; Gondolf, 2002; Roehl & Guertin, 1998; Saunders & Hamill, 2002), and many of these instruments have been or currently are being validated, including the Dangerousness Guide (Campbell, 1995, 2000;

Campbell et al., 2003), the Spousal Assault Risk Assessment Guide, SARA (Kropp & Hart, 2000; Kropp, Hart, Webster, & Eaves, 1995), the Domestic Violence Screening Instrument, DVSI (Williams & Houghton, 2004), the Propensity for Abusiveness Scale, PAS (Dutton, 1995), the MOSAIC 20 (De Becker, 1997), the Kingston Screening Instrument for Domestic Violence, K-SID (Gelles, 1998), “survivors’ predictions” (Heckert & Gondolf, 2001; Weisz, Tolman, & Saunders, 2000), and the Ontario Domestic Assault Risk Assessment, ODARA (Hilton et al., 2004). These instruments consolidate into a single measure numerous risk factors identified through empirical research as escalating the risk of violence. They are constructed by collecting information from official records, perpetrators, victims, and/or case managers. Thus, risk assessment inventories provide an efficient and comprehensive method of calculating measures of risk. Such measures can be used in future research designed to estimate the moderating effects of sanctions on intimate partner violence.

7. Summary

The expanded specification of deterrence theory, incorporating mediating and moderating influences of sanctions, is summarized in Fig. 1. It diagrams the relations among the key constructs and implies three fundamental propositions. First, the delineated relations suggest that the prescription (threats) or imposition (experiences) of sanctions for intimate partner violence is directly related to multiple mediating influences, including deterrence, normative declarations, and procedural justice.

Second, each of these mediating influences, in turn, is inversely related to the incidence and seriousness of intimate partner violence, suggesting that sanctions (e.g., arrest) should have preventive effects on this violent behavior, but those effects are realized through potentially different mediating causal pathways. Specifying and estimating those mediating

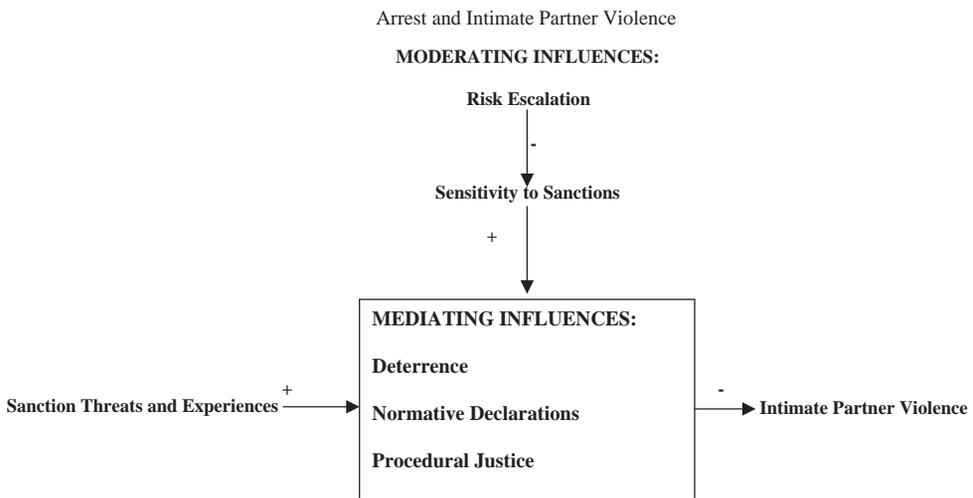


Fig. 1. Moderating and mediating influences of sanction threats and experiences on intimate partner violence.

pathways will build a more empirically grounded and comprehensive theoretical understanding of the complex relations between sanctions and intimate partner violence. Moreover, findings from research testing this specification of deterrence theory should have important implications for prevention policy and practice. For example, suppose research shows no evidence of deterrence or normative declarations but finds strong evidence that perceptions of procedural justice reduce the incidence and seriousness of intimate partner violence. These findings would suggest that strengthening the bond between perpetrators and the sanctioning agents of “conventional” society through impartial, personally affirmative, and honorable treatment may promote violence prevention or cessation. The point is that specifying and estimating these alternative causal pathways has great potential for directing and enhancing the effectiveness of prevention and intervention efforts.

Third, drawing from previous theorizing on deterrence (Andenaes, 1974; Pogarsky, 2002; Zimring & Hawkins, 1973) and the variable outcomes of sanctioning processes (Braithwaite, 1989; Scheff & Retzinger, 1991; Sherman, 1993), the relations between sanctions and intimate partner violence, as mediated by the influences identified in Fig. 1, will be moderated by differential sensitivity to sanctions, as determined by behavioral risk. The greater the risk of intimate partner violence, the lower the sensitivity to sanction threats and experiences, with extremely high levels of risk being associated with escalation as a consequence of prescribing and/or imposing sanctions for intimate partner violence. The research reviewed above reported findings of escalated violence under conditions of high-risk. Empirically identifying those conditions is critical to avoid subjecting victims to further or more serious forms of violence, especially at the hands of perpetrators whose behavior could be exacerbated by sanction threats or experiences.

8. An important caveat

This specification of deterrence theory focuses on the mediating and moderating influences of sanctions on the behavioral decisions of potential or actual perpetrators of intimate partner violence. Future research must also account for the possible influence of sanctioning policies on the victims of partner violence, not just perpetrators. Besides preventing violence through deterrence, normative declarations, or procedural justice, such policies can empower victims of violence. Mobilizing against perpetrators through sanctions and the integration of sanctioning processes in a larger community network gives voice to those previously silent and affirms their dignity, thus empowering victims (Davies, Lyon, & Monti-Catania, 1998). Such empowerment may reduce the incidence of intimate partner violence.

Sanctions are important for building and reinforcing an alliance between victims and the legal system, institutionalizing a support network in their struggle with abusive partners. For example, Dutton et al. (1992) found that arrested male offenders were significantly more likely to perceive power shifting from themselves to their partners, along with a greater likelihood of social disclosure on the part of women concerning any further violence. These changing dynamics have been identified as effective for women in ending male violence (Bowker, 1983). Thus, sanctions can produce violence reduction by empowering victims, that

is, strengthening their position vis-à-vis their partners. Additional illustrative evidence comes from research on prosecution (Ford, 1991; Ford & Regoli, 1992), which found that women had a significantly lower chance of being battered again in a 6-month follow-up period if they were given the power to drop charges but chose to continue with prosecution. The investigators speculated that women were empowered by their ability to drop charges and by the developed alliance with criminal justice agencies.

Further, sanctions may be central in mobilizing community resources to support and protect victims, such as hotlines, shelters, legal advocacy, counseling, etc. For example, Lutze and Symons (2003: 324) claim: “Recognition of [domestic violence] at the legislative level also allows the opportunity to provide resources to agencies actively working to reduce [domestic violence].” Those resources are critical for building “collaborative empowerment,” involving a network of agencies working in unison and preferably with equal resources and commitment to address the problem of intimate partner violence (Lutze & Symons, 2003). Such a network may provide the opportunity for victims to re-think their situation, acquire outside information and consultation, prepare for a new life situation, and perhaps escape a dangerous situation (Lerman, 1992; Shepard & Pence, 1999). These actions may reduce intimate partner violence, not because perpetrators are deterred or restrained by a new moral vision, but because the opportunity to perpetrate the violence is now closed. The empowered victim supported by community collaboration has escaped the immediate danger, and thus, the target of violence is gone.

Victim empowerment would require data from victims to determine whether support services ranging from informal networks to legal protections are available in their communities and whether those services are accessible and appropriate to the needs of victims for ensuring their safety. To the extent services are available, accessible, and appropriate, they may reduce victims exposure to violent perpetrators and emboldened them to establish a life independent of abusive partners (Browne & Williams, 1989, 1993; Browne, Williams, & Dutton, 1999; Dugan, Nagin, & Rosenfeld, 1999, 2003). Victim empowering effects could reduce intimate partner violence independent of other mediators that have a direct impact on perpetrators of violence. Thus, including victim reports on their experiences with support services in their communities is critical for understanding how sanctions influence behavioral outcomes, which could be as much a response on the part of victims as behavioral change on the part of perpetrators (Frisch, 1992; Lerman, 1992). Such reports are also important for understanding how victims can be effectively supported and empowered to overcome the damaging consequences of violence in their lives. Goodman et al. (2003) have recently developed the Intimate Partner Violence Strategies Index that could be used as a promising measurement approach in estimating victim empowerment effects.

9. Conclusion

This review of previous research suggests that sanctions have a complex connection to human behavior, particularly violent behavior in intimate relationships. Unraveling this complexity is the challenge for future theory and research. Seeking to meet this challenge,

an expanded specification of deterrence theory has been proposed that builds on previous empirical studies, distinguishes alternative mediating influences of sanctions, and integrates risk assessment as a strategy to estimate the moderating influences on sanction threats and experiences. The hope is that research guided by this theory will produce a more complete and scientifically defensible understanding of whether and how sanctions influence people engaged in intimate relationships and whether that influence brings less violence to their daily lives.

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