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The legal consequences of intimate partner violence for men and women

Richard B. Felson *

Department of Sociology, 1012 Oswald Tower, Pennsylvania State University, University Park, PA, 16802, United States

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Abstract

Activists claim that assaults on women by their intimate partners tend to go unreported, and that, when they are reported, offenders are treated leniently while victims are mistreated. I review a research program consisting of seven studies that examines whether assaults involving intimate partners have different consequences than other assaults, and whether these consequences depend on the gender of offenders and victims. The consequences examined include: whether the assault was reported to the police; the reasons the victim gave for reporting or not reporting; whether the victim signed a complaint; whether the offender was punished; and whether the victim was satisfied with the way the case was handled. The evidence does not support the idea that assaults by male partners are particularly likely to be underreported or treated leniently. Rather, the results suggest that offenders who assault women are *more* likely to suffer legal consequences than those who assault men, whether their victim is their partner or someone else.

Keywords: Intimate partner violence; Gender; Police

1. Introduction

Activists who study violence against women and wives typically study it in isolation. They treat it as sexism, arguing that misogynist men assault women in order to maintain their dominance (e.g., Belknap, 2001; Dobash & Dobash, 1998). They believe that misogynist societies tolerate violence against women, leading offenders to think they can "get away with it." The result is an epidemic of violence against women, most of it hidden because it does not get reported to the police.

A major claim of the activists is that men hit their female partners in part because they think that they will not suffer any legal consequences (e.g., Belknap, 2001; Dobash & Dobash, 1979). The victim does not report the incident to the police because of her dependence on her husband, her fear of reprisal, or her emotional vulnerability to her husband's "sweet-talking" (e.g., Browne & Williams, 1993; Walker, 1979). If she does report the incident, her husband only gets a "slap on the wrist." The criminal justice system is ineffective in its prosecution of violent husbands and its ability to protect the victim from future attack (e.g., Buzawa & Buzawa, 2003; Koss, 2000). In addition, her experience with the criminal justice system is likely to be extremely negative. For example, Erez and Belknap (1998) claim that the

* Tel.: +1 814 865 8797.
E-mail address: Rbf7@psu.edu.

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attitudes and behavior of agents of the criminal justice system are often "harmful and demoralizing to victims" and "may cause battered women a deeper despair than the abuse itself" (p. 263). In sum, the victim gets blamed and the offender gets off.

In this paper, I discuss a series of studies my colleagues and I conducted that address the question of whether the criminal justice response to intimate partner violence and violence against women is unique. In these studies, we compare the response to assaults involving intimate partners and female victims to the response to other assaults. I cite some studies done by others but I do not review the literature that studies violence against wives in isolation. Only by comparing different types of violence can we determine whether a particular type is underreported or treated leniently. This comparative method is also useful for understanding the causes of violence against women and intimate partner violence (see Felson, 2002, 2006 for reviews).

The research reviewed examines the following outcomes: whether victims and third parties report incidents to the police; whether victims sign complaints; whether the police make an arrest; whether the offender is convicted and incarcerated; and whether the victim is satisfied with the way the police and the court handled the case. I also review evidence concerning the victim's reasons for reporting or not reporting the incident and the specific complaints that victims make about the police. Finally, I discuss an experimental study that examines how the gender and marital status of the offender and victim affect attitudes toward reporting assaults.

In most of the studies of victimization data, my colleagues and I estimate equations that include as independent variables: the gender of the offender; the gender of the victim; and a set of dummy variables reflecting whether the offender was an intimate partner, a family member, someone else known, or a stranger. Using these equations, we attempt to disentangle the effects of gender and victim–offender relationship. It may be that the response to intimate partner violence is different from the response to violence against strangers but similar to the response to other forms of domestic violence or violence involving friends and acquaintances. It may also be that the response to male and female offenders and victims does not depend on how they are related to each other. In our equations, we always include controls for whether the victim was injured, other characteristics of the assault, and the social-demographic characteristics of the victim. Finally, we look for statistical interactions between gender and partner relationship. From the activists' perspective, the response to men's violence against their female partners is unique (e.g., Belknap, 2001; Dobash & Dobash, 1998; Koss et al., 1994).

2. Reporting to the police

The evidence as to whether intimate violence is less likely to be reported to the police than other types of violence between strangers is mixed. For example, Felson (2000) examined police notification using data from a violence survey collected in 1980 in Albany, NY. Respondents were asked about disputes that involved slapping or hitting with a fist. The evidence suggested that violent disputes between people who knew each other, particularly couples, were less likely than disputes involving strangers to be reported to the police (see also Block, 1974; Gartner & Macmillan, 1995). Note that these incidents are more likely to involve slaps than hitting with a fist. Self-reports of violence or crime from the general population are always dominated by minor incidents because minor incidents are so much more frequent. Note also that there was no clear victim in this study, and no information on *who* called the police. However, there was information about whether there were witnesses present. Analyses showed that witnesses were much less likely to be present during incidents involving couples and that this was one reason why these incidents were less likely to be reported to the police.

The evidence from victimization studies, which tend to focus on more serious forms of violence with clear victims, suggests a slightly different picture (Felson, Messner, & Hoskin, 1999; Felson & Paré, 2005). Our analyses were based on the National Crime Victimization Survey (NCVS) and the National Violence against Women Survey (NVAW). The NCVS collects information on victimizations from a nationally representative sample of households in the United States. The data we use were collected between 1992 and 1998. Respondents are asked about specific behaviors, but they are aware that they are participating in a crime survey. The NVAW involves data collected between 1994 and 1996, from a nationally representative sample of 8000 women and 8005 men (see Tjaden & Thoennes, 2000). It was presented to respondents as a study of personal safety, as opposed to a crime survey, or a violence survey. It is important to note that the context of the survey can affect the types of behaviors reported to interviewers.

In our analyses of both data sets, we examined third party reporting separately from victim reporting. The analyses show that third parties are less likely to report assaults involving intimates than assaults involving people in other