

Victim-Initiated Criminal Complaints for Wife Battery:  
An Assessment of Motives

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## ABSTRACT

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Victims of conjugal violence initiate criminal charges against their mates for a variety of reasons. Some are motivated by revenge, some by a need for protection, some to proclaim their intolerance for further abuse, and some to empower themselves in asserting their interests in the relationship. Agents of criminal justice often misread, misunderstand, or even denigrate such reasons, and thereby create a potential for conflict with those they want to help. Yet what is apparent from qualitative reports of victim motives has not been documented using standardized measures for large samples of complainants.

This paper presents initial findings from the Indianapolis Domestic Violence Project, a research study designed to evaluate the deterrent impacts of alternative prosecution policies. Victims of misdemeanor batteries were interviewed immediately after filing their complaints to learn about the circumstances which motivated them to prosecute. Analysis of responses from 272 victim-complainants documents the incidence of different motives for prosecuting, describes how the motives covary with victim expectations for case outcomes, and discusses their impact on the likelihood of victims dropping charges.

## BACKGROUND

In American society today, we take for granted the possibility of a woman filing criminal charges against her conjugal partner. Yet it is an exceptional action to appeal to officials of criminal justice to help resolve conflict in an intimate relationship. That any women at all file charges tells of the seriousness of conjugal violence and the powerlessness of its victims. On the other hand, that only a small fraction of the millions of battered women file charges suggests that prosecution is indeed an extraordinary response to victimization by conjugal violence. What is it that motivates those women who file charges?

Previous research in Indianapolis found, through participant research and informal interviews, that battered women file charges for a variety of reasons. These were classified into five sets -- out of curiosity, for confirmation of their victim status, as a matter of principle, to demonstrate a genuine threat, and to get revenge (Ford, 1983). These motives were seen as interacting in combinations frequently misunderstood by deputy prosecutors:

... the totality of motives accounted for such seemingly irrational victim behavior as refiling charges when a man was not arrested within 6 months and then dropping charges when he was arrested. Many victims wanted "to show him he can't get away with it." They were convinced of the criminal justice system's claim that arrest and prosecution deter subsequent crime. By pushing for arrest, women demonstrated to both themselves and their men that the system would work on the victim's behalf. More important, they were able to demonstrate that, as victims, they had control over the situation--control that could be used as a deterrent to violence in future relations. Once the man was arrested, then the woman had proven her potency by showing him that she was in control and that it was only if she decided to drop charges that the process would cease. (Ford, 1983:471)

The early study found that in Indianapolis, as elsewhere, relatively few women filed charges with the intent of having batterers imprisoned.

What mattered was that he be arrested, jailed, and immediately released. They had low commitment to prosecuting, in part, because the system did nothing to foster commitment to an extended prosecution process. Agents of criminal justice were found to prejudge a victim's motives, to her detriment: "they were typically shortsighted in their understanding of battered women's needs, including their need for protection" (Ford, 1983:473). For their part, victims no doubt misunderstood the criminal justice process and the roles of the agents with whom they interacted in filing charges (Field and Field, 1973; Ford, 1983; Center for Women Policy Studies, 1979).

Although the situation has changed over the past few years, the potential for conflict persists. The failure of each party to comprehend the expectations and actions of the other results in each reinforcing a negative image of the other. Agents of criminal justice do not always understand victims' interests and motives for prosecuting (Fields, 1978; Ford, 1983). Nowhere is the negative consequence more apparent than in prosecutorial lore about the "dropped charge syndrome"--the pattern of criminal case attrition resulting from a victim first filing charges, then either requesting dismissal or failing to appear as a victim-witness at trial (Bard, 1980; Dobash & Dobash, 1979; Field & Field, 1973; Ford, 1983, 1985; Lerman, 1981; Straus, Gelles, & Steinmetz, 1980). Battered women are said to get beaten up, file charges in a rage, then cool off, fall back in love, and drop charges. To some criminal justice agents, such behavior signifies victim ignorance, culpability, or masochism (Langley and Levy, 1977:180).

There is no question that many battered women drop charges after filing. Reports from jurisdictions around the United States indicate that between 50 and 80 percent of battered women will "drop charges"

either by requesting dismissal or by failing to appear in court as a witness (Field & Field, 1973; Ford, 1983; Parnas, 1970; Bannon, 1975).

The traditional concern over victims dropping charges emanates from apparently resentful criminal justice agents with little sympathy for victims of domestic violence. It is said that victims do not appreciate the efforts made on their behalf to prosecute. What is worse, victims sometimes lie to stimulate the process into action. Prohibiting dropping sorts "serious" complainants from others by either discouraging prosecution at the outset or forcing the system to work through to adjudication. Ironically, the policy serving the interests of those unsympathetic agents is now championed by victim advocates.

In recent years, as demands for fair treatment of battered wives have reached Prosecutors' Offices, many different programs have been implemented around the U.S. to improve services to these victims. Based on the experiences of five LEAA Family Violence Projects, Lerman (1981) recommended a set of structural and policy changes which "may reduce the likelihood of victim noncooperation in spouse-abuse cases and increase the likelihood that a disposition will be reached" (p. 19). These changes include denying victims' requests to drop charges, avoiding use of extra-legal criteria in decisions to file charges, plea bargaining cases where the victim might be traumatized by a trial, sending warning letters to suspected abusers who are not charged, and diverting qualified abusers to treatment programs.

While these policies are reported to be effective at least in reducing case attrition, they have not been rigorously evaluated to test their effectiveness in controlling batterers and protecting battered women (CWPS, 1979; Lerman, 1981). One project, the Santa Barbara Family Violence Program, implemented some of these recommendations (though,

notably, not a no-drop policy) in an effort to facilitate prosecution for victims and to make more batterers accountable through criminal justice processing. Evaluation initially showed that the number of abusers held accountable increased with the introduction of a special unit for domestic cases in the District Attorney's Office (Berk et al., 1980). A later evaluation found that with changes in the organization and personnel of the special unit, the earlier gains were lost (Berk et al., 1982).

One can only speculate as to how the problems in maintaining success in Santa Barbara might generalize to other jurisdictions. As advocacy for victims of domestic violence insists on more punishing treatment of abusive men, a debate has emerged over whether the consequences are truly in the interest of individual victims or if the policy serves battered wives in general, while even punishing complaining witnesses (Ford, 1984; Elliott, et al., 1985). The most cynical view argues that policies such as mandatory arrest and not allowing victims to drop charges serves the interests of prosecutors more than victims (Elliott, et al., 1985).

Given problems emanating from misperceptions of victim interests and the persistence of prosecutorial lore antithetical to victim assistance, it may be that the mismatch of victim and system interests ultimately works against the former. Recent changes in other jurisdictions have resulted in suggestive problems. Indianapolis, for one, has implemented each of Lerman's recommendations but still has problems centering on the acceptability of victim motives for prosecuting. Unfortunately, the debate is ill-informed for lack of information on victim interests.

## CURRENT RESEARCH

The Indianapolis Domestic Violence Project is a research program designed to evaluate the effectiveness of alternative prosecution policies for handling cases of wife battery. Part of the project involves conducting interviews with victims who have filed charges against their conjugal partners at the Marion County Prosecutor's Citizen Complaint Office. This paper draws upon the responses of 272 victim-complainants to the Prosecutor's Intake Questionnaire and to relevant interview items in order to assess some of their reasons for deciding to file charges.

The criminal justice system of Marion County, Indiana, typifies many systems throughout the country in its treatment of battered women. Figure 1 shows the steps a victim normally follows in prosecuting her abuser under misdemeanor battery or recklessness charges. If the man is not arrested on the scene of a violent incident, the woman must go to the Prosecutor's Office to fill out a probable cause affidavit describing the crime. She is interviewed by an intake worker to determine the nature of the criminal charge and to assess her commitment to prosecuting. After the intake interview, the woman completes and signs her affidavit and other legal and information forms. She will be admonished that she cannot drop charges after she leaves, that "the case is now in the hands of the state."

< Figure 1 about here >

Before the woman is interviewed by an intake worker, she is asked to read a brochure on the prosecution process and to fill out a "Citizen Complaint Questionnaire." One question asks, "What would you like to see



happen as a result of this charge?" The question suggests examples: "Repayment for damages. Alcohol or drug treatment." Not surprisingly, many women respond that they would like repayment for some sort of damage (including the hurt he caused) or for him to get alcohol treatment.

Table 1 summarizes comments on the intake questionnaire for what victim-complainants expect to happen after filing charges. Notice, first, that the top-ranked desired outcome involves getting repayment for damages -- one suggested in the questionnaire. What they do not know is that if during the intake interview they say "repayment for damages" without other reasons, the complaint will most likely be rejected. Intake policy calls for instructing victims "that municipal court is not an alternative to collect restitution and that they shouldn't file the charge if they don't think probation, jail, or a fine are appropriate resolutions" (MCPO, undated). If a victim has no other acceptable reason for filing, she is directed to Small Claims Court.

< Table 1 about here >

Other desired outcomes reflect victim uncertainty or her hope to gain protection. To the extent that these are sincere expectations, each can lead to problems for the victim in interaction with prosecutor's personnel. Uncertainty is likely to be interpreted as low commitment with the result that the victim will be pressured to articulate interests consistent with staff expectations. For example, an interest in violence counseling will be heartily reinforced.

Alternatively, expecting immediate protection is unrealistic, as victims are told. This is a major source of irritation between victims and intake workers. Some victims cannot understand why simply filing

charges will not bring them immediate security, as if it carried some mystical power. Intake workers, in turn, express intolerance for what they sense as victim hostility for not protecting them.

The one outcome the prosecutor's program is most suited to provide is counseling for violence -- the lowest ranked of victim desires. Along with punishing the man, it most nearly reflects the interests of intake workers.

A victim is expected to have appropriate desired outcomes from prosecution. That is, she is expected to have a good reason for prosecuting. Although the intake question on outcomes is different than asking "Why are you here?" it presumes some form of instrumental motive within the scope of available prosecutorial assistance. Victims understand that to get attention, one should request what is possible or expected. Unfortunately, this is a poor indicator of interests which may motivate her to prosecute.

In short, the victim is expected to give a reason to justify filing charges. If her reason is unacceptable, her complaint is rejected. In effect, the state will only recognize the crime if the victim has acceptable reasons for reporting it. This is ironic in light of proclamations justifying a no-drop policy -- "this is a crime against the state."

When women file charges, they feel compelled to give reasons consistent with perceived acceptability to the prosecutor's intake workers. Intake workers and advocates are constrained by the system -- they cannot do for a victim all that she might need. They can offer hope that some outcomes within the scope of assistance (e.g., counseling) might be forthcoming, but they cannot promise it. In fact, intake workers are instructed "never promise anything and avoid building up

expectation" (MCPO, undated). Thus, they convey a sense of uncertainty which is not reassuring to victims wanting either protection or empowerment through criminal justice.

The research interview attempts to get at a victim's motives first by asking, "Why file?" and then by asking how important each of several presumed reasons might be in her decision to file. More often than not, a woman has other reasons in mind for filing charges; but she has difficulty articulating them. Her difficulty may be a genuine inability to express her expectations because she does not understand the system and what it can do. She may not want to express her true interests for fear they will be inappropriate or preclude her ability to file. Also, she may have ulterior motives which she knows to be unacceptable. A woman's inability to articulate her interests leads to misunderstandings of what she expects from criminal justice.

Table 2 lists "main reasons" for filing given by victims in response to the open-ended question, "Women who have been abused by men file charges against them for many different reasons. Why did you decide to file charges against [MAN] this time? What were your reasons for coming to the prosecutor to file?"

The single most important reason for filing charges reported by these victims is that they are simply tired of the abuse. This is a significant response for not reflecting an expectation that something in particular must happen as a result of filing. It suggests that regardless of what victims may tell prosecutors, their resolve to prosecute is not premised on a strong expectation for a particular outcome. Even "to secure protection" is not a main reason.

Table 3 lists specific reasons presented to the respondents. For each item, a victim was asked first, whether or not she had considered

it and, if so, how important it was in her decision to file charges. The table ranks the items by the numbers of respondents who "considered" each. Three items stand out as important concerns to most of these women -- to get protection, to show him she means business, and to make him realize he was wrong. Apart from needing information, items which might show a victim's motivation to act (but with indefinite expectations for outcomes) were not included among those shown in Table 3. We simply did not anticipate such a dominant expression of these motives as found in Table 2. Still, 70% considered "getting information" in deciding to file, and over half of those reported it as very important in their decision.

< Table 3 about here >

As for fulfilling other interests, over half of the respondents considered prosecuting to get the man help for mental problems or to keep him from hitting others. At least half of those considered the reasons very important in their decision. A variety of more specific instrumental motives are ranked at the bottom of the list. No more than 57% considered such reasons, and fewer than 30% considered any one to be very important.

We noted earlier that previous research found few victims motivated to prosecute by a desire to have a man sentenced to jail. Only one out of five respondents in this study indicated that having the man go to jail was at all important as a motive for filing. Indeed, none of the reasons suggesting the importance of punishment or revenge elicited more than 20% concurring responses.

## DISCUSSION

The typical battered woman filing charges against her conjugal partner does so as a declaration that she will not be silent over her abuse. Her trip downtown seems as much an expression of intolerance as a search for help. Over half these women report some expressive motivation to act on their own behalf, but without particular expectations for what the criminal justice system can do. One out of 5 report their main reason for filing as simply being "tired of his abuse."

A victim filing charges today finds a prosecutor's office staffed with advocates eager to support her throughout the prosecution process. However, as in "the old days" she is likely to find her interests at odds with the interests of those who want to help. This is apparent in two areas -- at intake, victims may have unreal expectations and misunderstandings over what can be done for her. She may resent the fact that police will not immediately arrest the man because she just filed. She makes demands that an intake worker or advocate simply cannot fulfill. For one, they cannot make the man stop!

The "no-drop" policy also leads to conflict. Previous research indicates that a battered woman is likely to drop charges after filing when she is successful in exercising power in her relationship through prosecution (given a previous threat) or when she becomes discouraged with the prosecution process (given multiple continuances). Only occasionally do they drop because of having fallen back in love. Criminal justice workers who fail to appreciate the significance of filing charges as an overall strategy for finding security from violence are likely to deny victims opportunities to use prosecution as a power resource to be manipulated along with extra legal efforts (Ford, 1984; Maidment, 1978).

When a victim goes to the prosecutor she finds herself having to formulate a reason for being there and what she wants to happen as a result of prosecution. We found little correspondence between her expressed reasons for prosecuting and what she wants to happen. They are in a situation where they must express a reason for their being there. They clearly pick up on the cues offered at intake, as on the intake questionnaire and brochure (before they even encounter the intake worker). They are primed to portray themselves in a manner defined by those materials. Thus they are prepared to fit an image expected by intake workers. However, their commitment to their stated course of action is low. It is inconsistent with the reasons for prosecuting expressed in confidential research interviews. The expectations that intake workers formulate for victim action are based on limited, sometimes erroneous information. They are bound to be violated.

Battered women in Marion County today have much more support and encouragement to prosecute than ever before. But mere assistance does not translate automatically into victim satisfaction. Conflict still arises in the interaction of victims and advocates. As structural changes are implemented to facilitate prosecution of wife batterers, they need to consider the range of victim interests motivating their request for help through criminal justice. In particular, system changes can be counterproductive when they do not commit victims to the prosecution process on terms other than those defined by the vested interests of criminal justice agents.

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Figure 1

Processing a Victim's Complaint

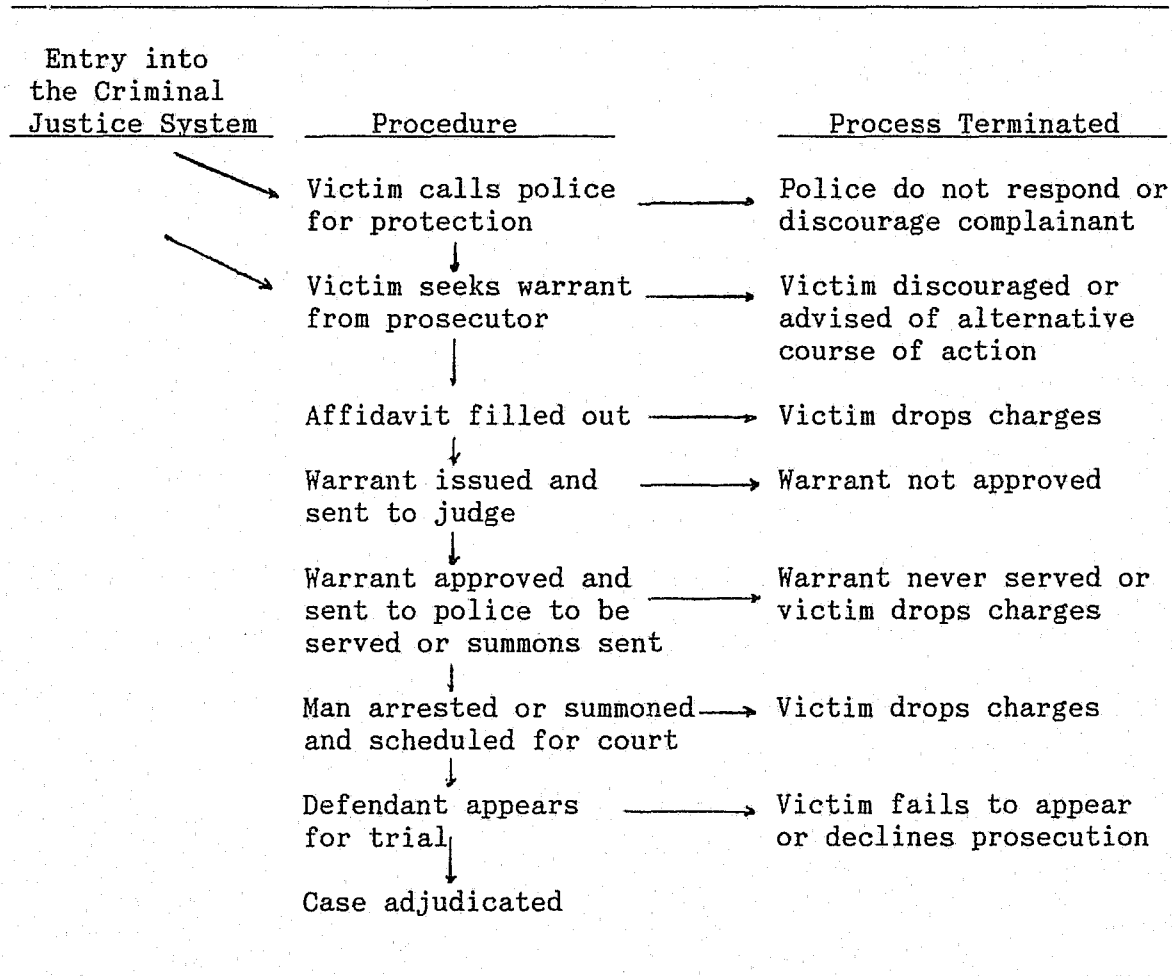




Table 1

What Victims Would Like to Happen as a Result of Filing Charges

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To force him to make repayment for damages	21.3%
Uncertain or indefinite expectations or blank	20.6
To secure protection	15.8
To get him help for alcohol problem	14.7
To have the man punished	12.9
To force fulfillment of other victim interests	8.8
To get him help for mental problem or violence	5.9
	(272)

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Table 2

Main Reason for Filing Charges

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Motivated to act, but indefinite expectations for outcomes	53.3%
To force fulfillment of victim interests other than direct protection	16.9
To demonstrate commitment to altering relationship	10.7
To secure protection	9.9
To punish him or give him his "just deserts"	5.9
Advised to prosecute by someone	1.5
Other reasons	1.8
	(272)

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Table 3

Relative Importance of Reasons for Filing Charges  
(In Percent)

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	Not Important	Very Important	
To show him I mean business . .	8	12	81 (251)
I decided to file charges because I wanted protection from him . .	8	10	82 (249)
I wanted to jolt him into realizing that his violence is wrong . . .	10	10	80 (247)
I wanted him to get help for mental problems . . . . .	27	12	61 (205)
To keep him from hitting others .	27	14	59 (205)
To get information on what else to do . . . . .	31	13	56 (191)
I wanted to scare him into leaving me alone . . . . .	34	21	45 (185)
To teach him a lesson . . . . .	45	19	36 (156)
I wanted him to go to jail . . .	49	21	30 (151)
I wanted him to get help for his alcohol problem . . . . .	48	8	43 (147)
I wanted him locked up so he can't bother me for a while . . . . .	49	18	33 (145)
To punish him . . . . .	55	17	28 (133)
To build a case against him . .	55	18	26 (131)
I wanted to divorce him . . . .	67	7	25 (103)
To keep him from my children . .	69	6	25 ( 96)
To make him move out . . . . .	73	2	25 ( 86)
To recover property from residence	81	5	14 ( 61)
I wanted to use the charges to force him to do what I want . .	90	4	6 ( 46)
To get support payments . . . .	88	4	8 ( 44)

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