The Changing Boundaries of the Criminal Justice System: Redefining the Problem and the Response in Domestic Violence

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ABSTRACT

Domestic violence, particularly male violence against female partners, has been the focus of tremendous public and policy attention over the past two decades. It is now conventional wisdom that traditional criminal justice responses reflected indifference and even resistance to defining such incidents as crime, but as society's values and beliefs about the acceptability of such violence have changed, expectations for criminal justice responses have evolved as well. This chapter examines what we have learned about boundary changes in criminal justice, across three domains: law, local criminal justice practices and policies, and the role of the Federal Government in promoting innovations. The conclusions suggest that while, in many respects, challenges to criminal justice boundaries on this topic reflect ongoing debates in other areas of crime policy, the outcomes of these debates have yet to be settled.

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By the mid-1980s, the traditional criminal justice response to domestic violence victims and offenders had been challenged in the context of emerging definitions of the problem and recommendations for workable solutions. Police officers less commonly tagged domestic violence incidents as "family beefs" and researchers no longer routinely referred to such cases as "disputes" or "disturbances." These subtle shifts in language reflected changes in social understandings of the causes of family violence, and changes in attitudes about when, and to what extent, society was responsible for intervening in it. However, it would be premature to state that these shifts in beliefs and attitudes have coalesced into a social consensus about what domestic violence is, what to do about it, and who should do it. Therefore, we will begin the new century in a climate of unsettled understandings and heightened expectations about society's response to domestic violence.

This essay will briefly document the scope and prevalence of domestic violence, and document the changes in society's definition of the problem that prompted people to challenge the utility of conventional criminal justice responses, as a backdrop to a more focused assessment of the ways in which criminal justice agents have reacted to these challenges, and with what effects. Estimates of the scope of domestic violence vary tremendously, in part due to differing definitions of the problem and different strategies for measuring incidence. Practitioners' and researchers' diagnoses of the cause of violence have shaped their recommendations for solutions, and on this topic interested constituencies have brought differing philosophies, experiences, problem definitions, and assumptions to the debate over what should change, and how.

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As a result, the boundaries of criminal justice have been challenged and redrawn along several dimensions, and over the next decade these boundaries will almost certainly be subject to continued renegotiation. The first of these dimensions involves issues of law and legal definitions—where shall society draw the lines between criminal and noncriminal behavior, and how will the criminal justice system adapt to relocations of those lines as we learn more about the causes of, and effective responses to, violence? As concern about victim safety is expressed through policies and practices, will these require changes in traditional notions of due process and defendant rights? To what extent will decisions made in criminal justice venues be judged relevant to other legal matters, such as divorce, child visitation, and custody decisions? States have experimented with new laws, sometimes establishing new offenses specifically applicable to domestic violence cases, sometimes constructing new

legal categories that can be utilized to control some domestic violence offenders, such as antistalking laws (Graham et al. 1996), sometimes revisiting common law conventions such as the marital rape exemption (Horney and Spohn 1991).

Second, the boundaries of criminal justice intervention are established by local agency practices and policies and, therefore, as policymakers, practitioners, and researchers recognize the limitations of conventional practices, they will continue to redefine goals and recommend innovations that will shift the traditional boundaries of criminal justice responsibility and jurisdiction at the community level. These changes involve offenders, victims, and communities themselves, and are occurring through more rigorous enforcement of the law as well as through creation of new responsibilities for criminal justice agents.

Criminal justice agencies have been challenged to overcome a long history of indifference to domestic violence through more aggressive and consistent use of such conventional crime-fighting activities as arrest, prosecution, sanctioning, and supervision. At the local agency level, for example, police departments have rewritten arrest policies, creating special provisions for family violence situations, and many police departments have integrated victim advocates into their training on the topic. Prosecutors likewise have experimented with "no drop" prosecution policies, and a few have experimented with innovative pretrial diversion programs for domestic violence cases. So far, criminal courts and correctional agencies have faced fewer expectations about redefining their responses to domestic violence, although some observers believe that the courts will be the next focus of research and also the most challenging institution to reform. The "criminalization of domestic violence" has both symbolic and instrumental justifications (Fagan 1996). Criminal processing of people who assault family members reaffirms social disapproval of violence, and it also, at least in theory, subjects violent people to interventions that might deter, incapacitate, or rehabilitate them.

Criminal processing also potentially provides a measure of safety to a category of victims who are particularly vulnerable and accessible to offenders. Victim advocates, policymakers, and some criminal justice officials have expanded their objectives beyond recidivism reduction to include improving supportive responses to victims and constructing more comprehensive strategies for improving victim safety. These innovations call for collaboration between traditional criminal justice agencies and other agencies whose primary focus is victim advocacy and service provision. This sort of collaboration creates new channels for communication, accountability, and sometimes compromise of traditional priorities or practices. These expectations have produced many partnerships, task forces, and coalitions, some of which are almost universally lauded as models, most of which remain unevaluated, and many of which probably emerged, flourished

briefly, and then faded quietly into local history. However, despite a decade of enthusiasm for coordinated community-level interventions focused on domestic violence, we still know little about the conditions that favor true coordination of activities, the goals and objectives most amenable to such efforts, and the effectiveness of such activities in the short, medium, and long runs (Chalk and King 1998).

In addition, criminal justice agents frequently are invited to participate in efforts aimed at changing community attitudes toward violence—objectives that are outside the scope of traditional criminal justice operations, but that nonetheless require the participation and cooperation of criminal justice for realization. Examples include attempts to incorporate domestic violence responses into community policing efforts and involvement in public education campaigns (Davis, Smith, and Nickles 1998). As expectations rise about the comprehensiveness of interventions, criminal justice agents have been faced with new constituencies, partnerships, resource requests, and evaluation standards.

Finally, the boundaries of criminal justice agencies have been redrawn, at least in a preliminary way, through the leadership of policymakers at the State and Federal levels. Through the Violence Against Women Act and subsequent legislation and appropriations, congressional and Justice Department leadership prioritized domestic violence, rapidly establishing programmatic support for particular State and local innovations, and investing significantly in research on the topic. Over the past few years, the National Institute of Justice has realigned its own boundaries to some extent, through partnering with other Federal agencies (such as the Centers for Disease Control and Prevention and the U.S. Department of Health and Human Services) and creation of special organizational units (such as the Violence Against Women Grants Office) in recognizing the importance of multidisciplinary strategies for innovation as well as research. It remains to be seen whether this leadership will have a lasting effect on local criminal justice practices and policies, but there are probably few other domains of criminal justice policy that have been subject to such rapid and extensive Federal attention.

In summary, the social imperative to respond to domestic violence has called into question the traditional boundaries of criminal justice across dimensions of law, local practice and policy, and federalism. Many reforms and innovations have been adopted in a piecemeal, experimental fashion as local agencies have cautiously stepped over familiar lines to implement more ambitious objectives. Increasingly, State and Federal leaders exhort criminal justice agencies to integrate themselves into community networks. Mapping the scope and diversity of these changes would be a challenging task; predicting their durability and efficacy would be impossible. However, a tremendous amount of research has been

conducted—some descriptive, some theoretical—on this broad topic, and so, drawing on this research, this chapter aims at somewhat more modest and related objectives:

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- Documenting the state of our knowledge about the prevalence and character of domestic violence.
- Examining the evolution of problem definitions in the domains of political climate, public opinion, law, and institutions.
- Evaluating the standard paradigm of criminal justice practice—what one might think of as the "starting boundaries" for this essay—against these evolving definitions of the problem, and examining the adaptations and changes that police, prosecutors, and the courts have undertaken to better suit practices to new understandings of problems.
- Focusing specifically on the emerging "new paradigm" of criminal justice intervention in domestic violence, which requires integration into community networks and activities that historically have had limited or no relevance to professional criminal justice.

The Prevalence and Character of Domestic Violence

Statistics on the frequency and character of domestic violence are easy to find but difficult to interpret. No matter who reports the numbers, they are shocking and, ultimately, numbing: The National Crime Victimization Survey reported that, in 1996, women experienced more than 800,000 physical assault victimizations at the hands of an intimate (Greenfeld et al. 1998); two out of three of the more than 1 million women who reported being stalked during a 12-month period were stalked by partners or former partners (U.S. Department of Justice [DOJ], Violence Against Women Grants Office [VAWGO] 1998); the National Family Violence Surveys reported an annual rate of 116 violent acts by intimate partners per 1,000 women, with one-third of those acts constituting severe violence (Straus and Gelles 1990). In many circumstances, physical violence represents the tip of an iceberg of threatening, abusive, and controlling behaviors, many of which would be considered criminal if they occurred between strangers or nonfamily acquaintances.

There is good reason to believe that victims of violence underreport, not only to authorities but to survey researchers as well, so published estimates probably

underestimate the incidence of violence (see, for example, Abel and Suh 1987), although some evidence suggests that incidents of lethal partner violence are declining slightly (tracking with similar changes in other crime rates; see Greenfeld et al. 1998). However, physical violence and abusive relationships are not far from most Americans' experience. Public opinion surveys reveal that most respondents know at least one person who has been victimized by a violent partner (Klein et al. 1997; Worden, Beery, and Carlson 1998). While experts continue to debate the exact magnitude of the problem, they agree on the message that emerges from virtually all attempts at measurement: Domestic violence is common, often chronic, and difficult to detect.

Our understanding of the scope, as well as the prevalence, of domestic violence is open for debate as well. While the primary focus of this essay is violence between adult partners, broader definitions would encompass all incidents of violence among family members, including child maltreatment, violence among siblings and other family members, elder abuse, and dating violence (see Chalk and King 1998; Gondolf 1988a; Burt et al. 1996). Because these different forms of violence are dealt with by somewhat different constellations of social services and criminal justice agents, and because they are not commonly attributed to the same sets of causes, the term "domestic violence" is most commonly used to refer to physical violence among adults who are, or formerly were, involved in romantic or marital relationships.

The following sections address problematic issues in defining domestic violence, with some observations on their implications for criminal justice responses. As working definitions have emerged from changing social and legal contexts, it has become clear that the construction of official definitions affects the consistency of responses, and possibly even researchers' evaluations of the effectiveness of responses. Further, despite the priority placed on domestic violence in many policy circles, we do not know how thoroughly or enthusiastically local criminal justice officials have embraced broader definitions of violence, much less the policy prescriptions that have accompanied them.

Dimensions of the definition of "domestic violence": Unresolved issues

Society's descriptions of and explanations for domestic violence have changed rapidly over the past three decades. The phrase "domestic violence" is arresting in part because it connotes a seeming contradiction—violence is unacceptable aggressive behavior, out of place in the sanctity of home. However, the current visibility of domestic violence as a social and legal problem almost obscures the simple historical fact that the term itself is of recent vintage (Schechter 1982). Much of the behavior that would be labeled "domestic violence" today

would fall well within the range of acceptable, if not recommended, behaviors that male household heads might have engaged in a few decades ago (Pleck 1987; Dobash and Dobash 1979). Families were both socially and legally constructed to give husbands dominance over other members, as well as responsibility for other members' behavior within the community, rendering wives' social and legal status much more similar to that of their children than their spouses. Today, American legislators and jurists ponder where to draw the line between criminal child abuse, child maltreatment that might justify removal of children from a home, and physical violence that constitutes legally acceptable forms of discipline. A century ago, lawmakers and judges addressed similar issues in determining whether a husband's physical assault constituted criminal assault, abuse sufficient to constitute grounds for divorce, or "normal" (albeit not necessarily admirable) correction of a misbehaving wife.

In the 1960s, researchers who studied families began to take notice of incidents of family violence, but largely in the context of understanding dysfunctional families. Violence was seen by researchers and many practitioners as a symptom of unhealthy or overly stressed relationships. The target of intervention, and the unit of analysis for research, became the family unit or the marital relationship; violence was understood as an unhealthy means of dealing with normal marital conflict and, hence, effective responses would improve conflict resolution skills within couples (Gondolf 1988a). While criminal justice researchers had little reason to participate in this research—the behavior in question was quite clearly socially defined as something other than crime—to the extent that criminal justice practitioners were obliged to intervene in domestic incidents, they adopted this perspective. For example, in the 1960s, progressive police departments adopted training protocols designed to improve officers' onscene mediation skills, and departmental policies instructed officers to actively discourage complainants from requesting arrest of perpetrators, in the interests of preserving the family's privacy and prospects for preservation (Bard and Zacker 1971). What little we know about prosecutors' and courts' responses to typical domestic violence incidents suggests that police policies of disengagement resulted in extremely infrequent prosecution and adjudication.

The emergence of shelters for battered women marked the beginning of a community-level movement to redefine battered women as crime victims, and to reevaluate common family-based explanations for men's violent behavior (Davis, Hagen, and Early 1994; Miller, Cohen, and Wiersema 1996; Pirog-Good and Stets-Kealey 1985; Schechter 1982; Pence 1983). This movement, which was sparked and sustained largely by volunteers, functioned at the grassroots level with little if any formal coordination from larger policymaking bodies. It directed attention toward the asymmetrical nature of partner violence—women appeared far more often as the victims of physical violence—

and argued that traditional family structure and gender roles, not normal stress and interpersonal conflict, accounted for men's violence toward wives. Defined this way, the problem of domestic violence seemed to call for short-term remedies such as helping abused women escape from violence and exit violent relationships, as well as longer term solutions such as reorienting gender roles toward greater equality and revising legal structures, such as marriage, to deinstitutionalize patriarchal social patterns (Schechter 1982; Zorza 1992). The battered women's movement was successful in contributing to a social redefinition of family violence, which was mirrored in emerging research on violence: The family models of violence were challenged by models that located the causes of violence in men's sense of cultural and legal entitlement and control, and this challenge gradually but inevitably led to demands that the legal system take responsibility for recognizing and treating partner violence as criminal behavior.

However, settling on a distinction between family violence and partner violence that allowed for differing explanations and social responses has not resolved all definitional problems. First, not all violence that occurs within the context of relationships is perpetuated by men against women, although experts agree that most serious violence—which is to say, more dangerous acts and acts that cause more physical damage—is committed overwhelmingly by men (Chalk and King 1998). The debate among researchers over the symmetry of marital violence is reflected in some practitioners' beliefs that domestic violence is commonly a situation of "mutual combat" (Straus 1993). Second, research indicates, not surprisingly, that much and perhaps most violence that occurs within adult relationships happens among couples who are dating, or perhaps cohabiting, but not legally married (Erez 1986; Worden et al. 1997; Straus 1993), and a significant amount of stalking and violent behavior occurs subsequent to the breakup of a relationship or legal separation or dissolution of a marriage (U.S. DOJ, VAWGO 1998). Third, violence occurs within same-sex adult relationships as frequently as in heterosexual couples (Greenfeld et al. 1998), but criminal justice officials have been reticent about acknowledging and reacting to this fact. This is hardly surprising, given American society's unwillingness to acknowledge such relationships as legitimate or familial, and the fact that nonheterosexual relationships are tantamount to illegal in some jurisdictions anyway.

Fourth, research on the causes and histories of violent relationships has revealed that physical violence is often only one of a number of abusive strategies that are used to control partners. Others, which may precede or co-occur, or even substitute for physical assault, include verbal abuse, psychological abuse, control of finances and economic opportunities, property damage, and threats, including threats about children the couple may have (Hart 1993; Campbell and Soeken 1999; Fernandez, Iwamoto, and Muscat 1997). Some of

these behaviors would be illegal in other contexts, but others remain outside the ordinary reach of criminal law and criminal justice. Arriving at a criminal justice definition of domestic violence that acknowledges the place of these actions in violent relationships is difficult.

At this point in the evolution of policy and research, these definitional issues are on the table, but they are unresolved in many sectors. For example, the Violence Against Women Act promotes research and program innovations on behalf of abused and assaulted women. Legislatures in some States, such as New York, have created special legal protections for abused family members, but family is defined in terms of marital and blood relationships, excluding other partner relationships. Police department policies that instruct officers to identify and arrest "primary physical aggressors" in cases of mutual allegations are grounded in the assumption that violent incidents involving partners have aggressors and victims, not combative couples. Crafting and enforcing laws that intervene when victims feel at high risk, but before they are assaulted or injured—for instance, laws that permit issuing orders of protection on the strength of allegations of threats—requires compromises with traditional ideas about individual liberty and due process. These examples illustrate an important point: It is difficult, perhaps impossible, to create policies or programs without implicitly adopting a definition of domestic violence that carries some significant assumptions about the nature and causes of violence and the limits of victims' entitlements to different forms of legal protection.

A note of caution: Consensus and confusion among researchers and practitioners

The definition of domestic violence adopted for this essay is threatening or injurious physical, psychological, verbal, or economic behavior directed toward an adult romantic partner, regardless of marital status, and including both ongoing and terminated relationships. Because most violence in such relationships is perpetrated by men against female partners or ex-partners, that will be the primary focus of policy and research discussed here. This definition approximates those used by most researchers who are attempting to explain the causes of violence against women and the efficacy of interventions aimed at domestic violence.

However, although policymakers and spokespeople for battered women, and probably most researchers, would have few quarrels with this definition, it would be imprudent to assume that practitioners universally share it, much less the accompanying sense of urgency about finding and implementing effective responses that criminalize perpetrators. While at higher levels of policy there is consensus on these matters, there is some evidence that the people responsible for initiating and implementing criminal justice responses may hold different

views about the nature of domestic violence; they may be skeptical about the asymmetry of violent behavior, inclined to apply restrictive interpretations of criminal law for the legal purposes of arrest and prosecution (Johnson, Sigler, and Crowley 1994), tolerant of physical aggression that could be rationalized as punishment for women's marital failings (Saunders 1995), and inclined to define marital violence as a civil matter for divorce courts to resolve, not a criminal matter (Crowley, Sigler, and Johnson 1990). While research on practitioner attitudes is surprisingly limited, it suggests that practitioners hold diverse attitudes, although those attitudes are subject to change through both experience and training (Campbell and Johnson 1997; Campbell 1995; Dolon, Hendricks, and Meagher 1986; Buchanan and Perry 1985). McCord (1992) reminds us that local practitioners' attitudes may be critical to their receptivity to change in the prioritization or the processing of domestic violence.

Further, even when practitioners see domestic violence as a high-priority criminal justice problem, the proliferation of research literature, policy recommendations, program innovations, and regulations have complicated the task of crafting and implementing good practices and policies. Criminal justice agents have been encouraged to partner with victim services programs and, in some jurisdictions, such partnerships and collaborations have been highly regarded, quite long lived, and replicated (see, for example, Pence 1983; Balos and Trotzky 1988). However, there is little to guide local criminal justice agents in learning how to initiate or sustain such partnerships, even in the face of program incentives to do so (see Burt et al. 1996). Model policies disseminated by policy advocates often call for programs and resources that are out of the reach of many communities, but do not offer prioritization or guidance to communities that might be able to adopt some, but not all, of the recommended components (see, for example, American Bar Association Committee on Domestic Violence 1994; National Council of Juvenile and Family Court Judges 1994; Witwer and Crawford 1995).

Finally, settling on good responses is complicated by the fact that much research on criminal justice interventions, as reported in later sections of this essay, produces qualified findings that are difficult to translate into practice recommendations. The most familiar example of this problem involves arrest policies. Widespread adoption of presumptive and mandatory arrest policies followed publication of the results of the Minneapolis Domestic Violence Experiment (Sherman and Berk 1984a, 1984b; and see Sherman and Cohn 1989; Meeker and Binder 1990; Binder and Meeker 1992), but more methodologically sophisticated replications that cast doubt on the generalizability of those findings were met with resistance, disregard, or puzzlement. Likewise, "no drop" prosecutorial policies appear to correct for traditional expectations that victims take responsibility for filing charges, but research on victim motivations and needs casts doubt on the utility of such practices (Ford et al. 1996; Ford and Regoli 1993;

Ford 1991). It has now become commonplace that ethnic, cultural, and demographic differences in populations merit different strategies and approaches (Maguigan 1995; Yick and Agbayani-Siewert 1997), although still little is known about what those differences are and how criminal justice agents can legally and fairly take such differences into account.

In summary, researchers now know that incidents of domestic violence, by almost any definition, are a common type of crime. Perhaps in part because physical violence within families is so common, and also because society has historically placed a high value on family privacy and male autonomy, society generally and criminal justice specifically have resisted criminalizing acts of family violence (see Straus 1993). Although this has changed rapidly over the past two decades, greater knowledge about the causes of violence and behavior patterns of abusers has forced policymakers and practitioners to confront difficult questions about how to conceptualize domestic violence for the purposes of settling on acceptable intervention strategies.

Changes in Problem Definition: Political Climate, Public Opinion, Law, and Institutions

The conditions that permitted and promoted reconsideration of society's definition of and reaction to domestic violence are complex. These changes, and the circumstances that contributed to them, include broad changes in political climate, shifts in public opinion, corresponding adjustments in law, and recasting of institutional priorities and practices. There is a great deal to be learned about the durability and replicability of policy change in this area, and about the conditions under which the boundaries of criminal justice can be redrawn. As members of a system that must balance the competing values of protecting society against safeguarding the rights of the accused, criminal justice agents tend to strongly resist changes that destabilize the equilibrium achieved through local practices and policies (Feeley 1983). Therefore, for innovations to take root at the local level, justifications for them must be compelling and not inconsistent with organizational goals. Reforming criminal justice to unlock and extend its boundaries has not been without conflict and debates over priorities, many of which remain unresolved.

Political climate

An understanding of the location and relocation of criminal justice boundaries around the problem of domestic violence must begin with an understanding of previous generations' responses. For centuries, the physical assaults of wives by

their husbands was socially and legally defined as outside the scope of criminal law, a judgment that was occasionally challenged but routinely reinforced by most courts, in the context not of criminal charges, but rather civil divorce claims of extreme cruelty. These cases are familiar to students of domestic violence: *Bradley* v. *State* (1 Miss. 156 [1824]) affirmed men's role as family disciplinarian; *State* v. *Oliver* (70 N.C. 60, 61–62 [1879]) reasserted that criminal law had no relevance to husbands' assaults in the absence of permanent injury or cruel and dangerous violence. Even when State legislatures established the criminality of wife assault, they often created a special offense for that purpose and justified the sanctions as protection for a particularly vulnerable class of victims (Hart 1991; Buzawa and Buzawa 1996). Long after wife assault was finally formally defined as a criminal matter, many States continued to define sexual assault as criminal only when the complaining party was not the perpetrator's wife; some States still maintain this dual standard (see Zorza 1992; Denno 1994; Ryan 1996). Against this long historical record, it is likely that future historians will find the recent evolution of law and criminal justice practice in the field of domestic violence both rapid and remarkable.

However, historians may have a difficult time deciding which factors put domestic violence on the criminal justice agenda and which factors were responsible for keeping it there. The abolitionist movement of the early 1800s was the first successful American challenge to a legal system that promoted and protected dramatically different social statuses. During the later 1800s, social and economic shifts that involved family structure, including evolving common law about property ownership, may have played an overlooked role in justifying full citizenship for women and the potential for equal standing in the courts. Likewise, the evolution of family law signaled society's willingness, if not enthusiasm, to make judgments about individuals' abilities to perform particular family roles (Friedman 1985). The women's movement of the early 20th century challenged barriers to women's political rights, and some of these same reformers argued for greater social concern about women and children's economic welfare. Reformers legitimized a longstanding norm of ascribing women's and children's poverty and distress to negligent husbands through policies such as Aid to Families with Dependent Children. These historic shifts foreshadowed the women's movement of the 1960s and 1970s, which has produced dramatic economic, legal, and social changes in women's roles and opportunities.

In the absence of this historical background, the battered women's movement would have been an improbable success. However, the emergence of grassroots advocacy organizations in many communities resulted in the creation of shelters and, eventually, other victim services; institutionalization of victim advocacy programs contributed to receptive environments for other kinds of change

(Loseke 1991). In a few communities, leaders of these organizations successfully established a small number of visible and enduring experiments in criminal justice and victim services responses to domestic violence (Pence 1983; Hart 1993; Fritz 1986). The aggregation of some of these efforts to State-level coalitions established a platform from which policy recommendations and lobbying could be launched.

By the 1980s, two significant changes in the criminal justice policy environment gained momentum. The "victims' rights" movement began as a grassroots effort to recognize, support, and protect crime victims, and has produced a range of innovations and programs that reflect those goals, such as crime victims' compensation boards and local victim advocacy operations. The victims' rights movement became an easy target for politicians seeking to capitalize on public sympathy (McCoy 1993). Although it has neither encompassed nor paralleled the battered women's movement, it is probably responsible for greater public concern about the plights of crime victims of all sorts.

Second, the increasing punitiveness of American criminal justice policies at many levels is thought by some to reflect higher levels of fear and retributive feelings on the part of the public. While these attitudes probably primarily reflect feelings about stranger rather than domestic crime, they signal a general receptiveness to greater use of the criminal justice system (Sherman and Cohn 1989). These changes in the political environment may have been neither necessary nor sufficient for the increasing visibility of domestic violence as a criminal justice issue, but historians may conclude that they were important contributing factors. By 1984, the Attorney General's Task Force on Family Violence prioritized domestic violence as a major problem facing American women (Mederer, Rich, and Gelles 1989), thereby creating national-level attention to the issue.

Public opinion

Recent research reports that Americans express high levels of disapproval of domestic violence and, further, that they define domestic violence quite broadly (Klein et al. 1997; Johnson and Sigler 1995). Although conventional wisdom holds that Americans' attitudes toward domestic violence have evolved over the past three decades as the issue has gained more media attention, even early studies found little generalized acceptance of physical violence within marriage (e.g., Stark and McEvoy 1970; Dibble and Straus 1980; Sigler 1989). To the extent that one can discern differences in opinions over time, it appears that, compared with 20 years ago, at the present time fewer people express willingness to excuse or justify physical violence in the face of hypothesized provocations on the part of women (e.g., Greenblat 1983; Stark and McEvoy 1970; Klein et al. 1997; Worden, Beery, and Carlson 1998), and more people endorse

criminal justice and other official responses to domestic violence (Johnson and Sigler 1995), although Americans remain ambivalent about the efficacy of criminal justice reactions (Stalans 1996).

It is important to note that it is possible that changes in public tolerance of wife abuse came about more as a result of the redefinition of women as men's legal equals than as a consequence of some broader social rejection of physical violence among family members. The American public probably never enthusiastically endorsed physical abuse of women as normal family behavior; men's entitlement to control family members was respected, although violent tactics for doing so were probably considered distasteful and unacceptable to many. In short, while there is limited evidence one way or the other on the stability of domestic violence incidence rates over the past decades, the growing visibility and public discourse surrounding the issue may have contributed to changes in moral assessments, and the recognition of women's social and legal equality has eroded the traditional justification for their partners' violence toward them.

Law

Following legal changes that redefined spouse assault as a crime in the late 1800s, there were relatively few changes in State laws governing domestic violence until the 1970s. Over the past two decades, however, legislatures have enacted many innovative laws and courts have established new rulings that expand the scope and responsibilities of criminal justice agencies in domestic violence.

In a comprehensive review of the criminalization of domestic violence, Fagan (1996) reported that by 1980, 47 States had passed domestic violence legislation covering a range of reforms, including warrantless arrest for misdemeanor assault, changes in the conditions under which protection orders could be obtained, and recognition of special legal defenses for battered women who killed their partners. This trend began in Pennsylvania and Washington, D.C., where, by 1976, warrantless arrest legislation was in place; by 1977, Oregon became the first State to construct a mandatory arrest law (Zorza 1992). By 1994, 16 States and Territories mandated misdemeanor arrests in domestic violence incidents and 34 had legislation that pronounced arrest to be a preferred practice (Burt et al. 1996). Civil protection orders, at one time available only pending divorce, were the subject of legislation that expanded their availability in the 1970s as well (Hart 1991).

Civil litigation that sought to redefine the scope of police responsibility to domestic violence victims may have played an equally significant role in reorienting police practice and behavior. On a number of grounds, including equal

protection, sex discrimination, and claims of implied promise of protection, attorneys argued that existing police norms of nonengagement failed to protect victims at appropriate levels. Many of these cases were resolved through agreements rather than verdicts, but the valence of decisions was in the direction of greater police responsibility, and resulted in local policy changes that were emulated by other police administrators (see *Scott* v. *Hart*, U.S. Dist. Ct. for the Northern Dist. of Calif. C76–2395 [1976]; *Bruno* v. *Codd*, 47 N.Y. 2d 582, 393 N.E. 2d 976, 419 N.Y.S. 2d 901 [1979]; *Thurman* v. *City of Torrington*, 595 F. Supp. 1521 [1984]). The trend in these cases, often settled in Federal court, was in the direction of increasing police responsibility for victims, particularly victims who had previously sought police help—a significant adjustment to traditional police discretion in domestic cases.

More recent legal innovations include primary aggressor identification requirements in arrest cases, as a corrective to the practice of arresting both parties when cross-complaints are filed, and stalking laws that create new offense categories that criminalize repetitive, patterned harassment, behaviors that, assessed one by one, would be unlikely to rise to the level of enforcement and sanctions. Although stalking captured national attention in the highly publicized cases of celebrities pursued by obsessive fans, in reality the vast majority of cases that fit into these legal categories involve partner relationships, many of which had been terminated by the victim (U.S. DOJ, VAWGO 1998). Such legislation has symbolic value, of course; whether it has instrumental value in achieving the goals of victim protection and offender apprehension remains to be seen.

At the Federal level, during the late 1970s, the Law Enforcement Assistance Administration funded a number of programs that supported shelters, special prosecution units, treatment programs, mediation units, and civil legal interventions (Fagan 1996), reflecting the beginnings of a Federal commitment to a community-based rather than exclusively law enforcement response to domestic violence. Fifteen years later, the Violence Against Women Act (Title IV of the Violent Crime Control and Law Enforcement Act of 1994) provided significant financial support on a formula basis to States and localities for enhancing criminal justice responses to domestic violence. Among the many goals of the legislation were reducing the burdens of criminal justice processing on women, enhancing arrest rates for domestic violence, improving prosecution strategies, and improving victim services (Burt et al. 1996). Again, the intent was to promote a vision of intervention that extended outside traditional criminal justice boundaries by recommending and often requiring partnerships among victim services and criminal justice agencies and encouraging collaboration of both of these constituencies with evaluation researchers.

Institutions

At State and especially Federal levels, changes in law were accompanied by creation of institutional structures for implementing and monitoring changes in the definition of domestic violence and the recommended criminal justice response. Although in many States responsibility for licensing and regulating shelters was already in the hands of departments of social services, and many States also had in place criminal justice administrative units that tracked policy and collected data from localities, domestic violence agencies proliferated during the 1980s (Davis, Hagen, and Early 1994). At the present time, their responsibilities encompass health care issues and community prevention efforts as well as criminal justice and victim services, consistent with emerging views that effective responses will not be limited to criminal justice interventions. Their tasks tend to include training, technical assistance, and sometimes administration of State and Federal programmatic funds; their relationships with now-universal State coalitions against domestic violence are generally mutually supportive.

At the Federal level, the U.S. Department of Justice, particularly its Violence Against Women Office, has established partnerships with other Federal agencies and organizations, such as the Centers for Disease Control and Prevention and the National Institutes of Health, to promote coordination of programming and research on domestic violence (Rosenberg et al. 1997; Witwer and Crawford 1995); this is a resurrection, in a sense, of similar efforts in the 1980s (see Mickish and Schoen 1988; Fagan et al. 1984). The intellectual history of these collaborations has yet to be written, of course, but they clearly represent efforts to cast domestic violence as a problem of both public health and criminal justice constituencies. Some initiatives arising from these agencies have specific objectives, such as grants aimed at increasing arrest rates in local jurisdictions, or establishing database tracking systems, or establishing risk factors for domestic violence in specific populations (see Burt et al. 1999). Others have more generalized goals, such as synthesizing research across disciplines for dissemination to practitioners. Because researchers and practitioners in these diverse fields bring different theoretical perspectives, practical experiences, and ethical concerns to any discussion of domestic violence, the long-term objective in these efforts to merge these areas of expertise and practice will inevitably require uncommonly candid exchanges of perspectives, establishment of domains of agreement, and compromise of traditional boundaries between these sectors (Chalk and King 1998; Gondolf, Yllo, and Campbell 1997; Murphy and O'Leary 1994).

Summary

To understand how the boundaries of criminal justice have been adjusted to accommodate contemporary (and future) problem definitions and proposals for responses, an understanding of the complex and unusual historical and social background of the issue is critical. A century ago, "domestic violence" did not really exist as a legal or social construct. Most members of the public probably made a casual (and empirically inaccurate) distinction between "wife beaters" who chronically assaulted their partners, and "normal violence" that might have been considered either a predictable consequence of some people's family life or a morally justifiable action taken by men to reinforce their position of power within the family. The language of court cases seems to suggest that public distaste for law enforcement involvement in these cases outweighed distaste for physically abusive men. A convergence of changes in women's legal and social status, and the public's concern about crime, probably contributed to a political and social climate of disapproval of domestic violence and an increased interest in criminalization of partner abuse. Victim advocates, adopting roles as catalysts and monitors of legal changes, continued to participate as some of these changes became institutionalized into model policies, programs, and recommendations.

But it would be inaccurate to paint a history of these changes without including sketches of the controversies that have marked them. Some observers express continuing concern that the criminal justice process cannot be adjusted to serve victims' needs, at least as long as reform that runs in the direction of strong uniform enforcement policies is endorsed (Loseke 1991; Ford et al. 1996; Feder 1998). Meanwhile, others argue that submitting policy choices to instrumental criteria is inappropriate in a criminal justice policy environment that seldom requires proof of measurable effectiveness to justify continuation in any other domain of criminal law and practice (Frisch 1992). More generally, discussions of social objectives in domestic violence interventions are seldom consensual; beyond general agreement that less violence would be better, and growing consensus that victim safety and offender accountability can be compatible goals, there is little theory or evidence guiding researchers and policymakers toward concrete intermediate objectives (McCord 1992). Ideally, research provides useful information for assessing and improving interventions. However, researchers and practitioners must recognize that studies often rely on outcomes such as recidivism that are imperfectly measured and may be theoretically unrelated to the purpose of the intervention itself (Gondolf, Yllo, and Campbell 1997; Binder and Meeker 1988).

Changing the Boundaries of Criminal Justice: Reexamining Paradigms, Problem Assessment, and Responses

Local criminal justice systems are fragmented and, for this reason, efforts to change their practices tend to begin at the agency level and to focus on core tasks and functions. It is not surprising, therefore, that discretionary decisions such as arrest were the first targets of change, followed by recommendations that prosecutors produce more charging decisions and courts generate more orders of protection. Behind these reform recommendations was the realization that many misdemeanor cases dropped out of the criminal process at various points as officials made discretionary decisions for organizational as well as legal reasons. Over the past decade, coordination of criminal justice responses, with the goal of retaining cases in the system, has become the core element of some innovators, which not only extends the scope of ordinary criminal justice functions, but potentially creates new responsibilities and constituencies.

Evaluating these innovations is extremely challenging, for simple reasons. Some reforms have been adopted for symbolic reasons, others because they seem to promise deterrence of future violence; still others are aimed at incapacitation and rehabilitation of offenders. Reforms aimed at improving victims' plights are typically initiated by victim advocates, and less commonly initiated by criminal justice agents, although the latter's cooperation is frequently solicited in such efforts. These goals, although laudable in theory, are not necessarily compatible. Furthermore, the general theories of deviance underlying these interventions have not been subjected to refinement in the context of domestic violence, nor have they been systematically tested and found valid. Furthermore, implementation of many of these changes has been uneven and inconsistent, and has occurred in differing environments, so drawing conclusions about their effectiveness may be premature.

The following sections describe core features of the contemporary criminal justice process that create challenges for addressing domestic violence. The sections then review what researchers have learned about specific innovations in policing, prosecution, courts, and corrections. Finally, we turn to a consideration of current recommendations to open up the boundaries of criminal justice to coordinated community responses.

The limitations of the criminal justice paradigm

The paradigm of criminal processing is an imperfect and problematic vehicle for processing domestic violence, for a number of reasons. First, criminal justice is reactive, not proactive; since victims of domestic violence often do not

report incidents to police (Dutton 1988; Langan and Innes 1986; Bachman and Saltzman 1995; but also see Wilder et al. 1985; Sullivan, Tan et al. 1992), only a small percentage of victims come to the attention of legal authorities. Second, the legal process is organized around discrete incidents, and official investment in incidents is shaped by their legal seriousness and probabilities of conviction—but domestic violence typically involves multiple incidents, sometimes of escalating seriousness, with little physical evidence and few witnesses. Third, because the overwhelming majority of incidents that come to the attention of police are charged, if at all, at the misdemeanor level (Worden and McLean 1998), and because of the high rates of attrition in these cases, offenders may not accumulate criminal histories that might influence officials' future estimates of dangerousness and need for control; as a result, the tools that might be appropriate for controlling offenders are not legally applicable to many cases.

In addition, the adversarial nature of the criminal process presupposes that "both sides" are committed to winning "their cases," and that victims seek public conviction and punishment. Victims of domestic violence have diverse motivations for seeking criminal justice intervention (Ford 1991; Ford and Regoli 1993). The adversarial process also presupposes financial and personal independence of the parties, but many victims of domestic violence are interdependent with (and sometimes dependent on) their abusers on one or both of these dimensions. Finally, in many cases, victims face collateral legal issues, such as custody and visitation of children, that may be settled simultaneously, but in a different venue from criminal charges.

This pessimistic assessment can be modified somewhat as one recognizes established as well as emerging trends in policing and adjudication that are compatible with boundary challenges. Community policing and problem-oriented policing direct attention to problems, not discrete incidents; community prosecution and community courts likewise attempt to adopt people and problems, not cases, as a focus. This trend toward understanding a discrete criminal incident in its broader social context—and addressing the context as well as punishing the behavior—is quite compatible with calls for comprehensive community interventions that incorporate the police as participants in problem solving.

Adaptations and changes in criminal justice agencies: Police, prosecutors, courts, and corrections

Practical changes in criminal justice policy and practice began with the police and, therefore, judging simply from the volume of research published on the topic, one might conclude that hopes for system change have been pinned largely on law enforcement. A more accurate assessment would be that assessments and recommendations began with police, since they are seen as gatekeepers of

the criminal process, but policy advocates have sequentially turned their attention to prosecutors, courts, and corrections.

The police

For decades, allegations of violence within families, when reported to police, were casually classified as "family trouble," an appellation that clearly located these situations outside the realm of police business. Police effectively drew a boundary around what they considered legitimate work ("real crime") and dealt with all other incidents that came to their attention at their own discretion (Black and Reiss 1967). Not only were family situations pronounced to be distasteful and complicated for officers, but police were also taught that they faced unusually high levels of danger and risk in domestic situations (Parnas 1967; Garner and Clemmer 1986), even in the absence of empirical evidence of this risk (see Sherman 1986). The emergence of crisis intervention strategies in the 1960s (Bard and Zacker 1971; Buchanan and Perry 1985) represented an early attempt to adopt a more consistent and, by the standards of the time, constructive police response by training officers to act as emergency family counselors, mediating the "disputes" that presumably precipitated the violence.

Researchers have left almost no evidence of the efficacy of these efforts, but the fact that this approach squarely located blame for the violence with the couple, not the violent individual, and the fact that officers seldom received more than a few hours training, would lead one to conclude that, despite good intentions, it produced little benefit to victims and probably little change in offenders (Buzawa and Buzawa 1993). A dramatic shift in recommended police practice was initiated in the early 1980s, when the Minneapolis spouse assault arrest experiment was published amidst unusual publicity for a social science report (Sherman and Berk 1984a) and became ammunition for those advocating more frequent arrests in misdemeanor-level domestic incidents.

The arguments in favor of strong arrest policies are by now familiar, although the evidence that supports those arguments remains inconclusive. Policies that mandated or presumed arrest would, it was hoped, clarify the police role, correcting decades of indifference or hostility masked by legal discretion (Buel 1988). Strong arrest policies, some thought, would empower victims, some of whom were so fearful of abusive partners that they could not reasonably be expected to insist on arrest themselves (Stark 1993). But most proponents of arrest policies adopted the theoretical perspective of the Minneapolis researchers: Arrest, as a form of legal sanction and control, would deter future violence more effectively than milder forms of police intervention.

This theory was subjected to thoughtful conceptual consideration by some (Humphreys and Humphreys 1985), and rigorous empirical tests by others (Williams and Hawkins 1992). Those analyses produced some cause for optimism that, under some conditions, arrest might carry sufficiently high social costs to inhibit offenders' future violence. The fact that these conditions did not obtain in most of the Spouse Assault Replication Program (SARP) experiments (or in Minneapolis, for that matter) may account for the inconclusiveness of the empirical results. These results, which have been subjected to intensive scrutiny and comparative review (e.g., Sherman, Smith et al. 1992; Schmidt and Sherman 1993; Gelles 1993; Garner, Fagan, and Maxwell 1995), suggest that arrest may be associated with desistance among employed and married suspects, but that arrest may have a criminogenic effect on people with fewer stakes in conformity. However, these findings were not consistent across experiments. An important but often overlooked issue is the fact that these experiments utilized somewhat different intervention options as comparisons, so at best one can draw inferences about the effect of arrest relative to, for example, onscene "mediation," separation of parties, or warnings about future arrests. Unfortunately, this point is lost in most discussions about the efficacy of arrest.

A careful reconsideration of the application of a specific deterrence theory in the context of actual domestic violence caseloads offers some clues to interpret these findings. Some commentators observe that the initial focus on offender behavior might have been misplaced from the outset; since recidivism measures relied heavily on victim reports (through official contacts with the police and through interviews), one might reasonably model the outcome variables as victim choices to report, not offender behavior (Lerman 1992; Bowman 1992). Even under experimental conditions, police did not always arrest when expected. Further, the efficacy of arrest was compared in all experiments with one or more alternative police actions, so the appropriate, but rarely asked, question is really about whether arrest deters more or less than the alternatives tried, some of which involved actions that might have been interpreted in different ways by different parties. Some of the authors of these replications have observed that arrest is itself an ambiguous sanction, since most offenders in the studies had prior arrest records already, and in most jurisdictions had no reason to expect any punitive sanctions to result from arrest (Hirschel, Hutchinson, and Dean 1992).

The most visible policy consequence of the arrest debate, of course, is the creation of mandatory arrest and presumptive arrest laws. These laws appear to remove police officers' discretion in making arrests, although research suggests that the content and interpretation of such rules vary tremendously (see Ferraro 1989; Reidinger 1989; Worden 2000). Leaving aside the issue of how arrest

affects offenders, if at all, researchers report uneven compliance with attempts to increase arrest rates through local and State policy (Ferraro 1989; Lawrenz, Lembo, and Schade 1988; Mignon and Holmes 1995). Mandatory arrest laws raise problems of implementation that are potentially alarming, if seldom documented. For example, Martin (1997) reported that one in three cases that resulted in arrest in Connecticut following adoption of a mandatory arrest statute involved "dual arrest"—arrest of both parties on cross-complaints of misdemeanor-level behavior. A more insidious (but hard to document) problem in mandatory arrest jurisdictions is the possibility that officers might communicate an intention to arrest both victim and offender if they are called back to the scene of a violent incident, deterring victims from seeking help.

A synopsis of the arrest research suggests that arrest does not necessarily reduce violence in the short run, that encouraging higher rates of arrest is a difficult project, and that arrest policies may have unintended consequences for victims. These observations led one of the original researchers in the Minneapolis experiment to conclude that mandatory arrest laws should be repealed and replaced with "structured police discretion" and specialized units to target chronic offenders (Schmidt and Sherman 1993). However, these concerns have not stemmed the enthusiasm and overgeneralization of some researchers and practitioners, who continue to assert that arrest is the most effective remedy for domestic violence (e.g., Eigenberg and Moriarty 1990; Bourg and Stock 1994).

With so much attention focused on the issue of arrest, we have learned relatively little about the impact of other police actions. The SARP studies have provided some evidence that postarrest detention may have a short-term deterrent effect on offenders (Sherman et al. 1991), and that offenders who flee the scene before police arrive may be inhibited from future violence by the issuing of warrants (whether they are executed or not) (Dunford 1990; Dunford, Huizinga, and Elliot 1990). Little is known, however, about other low-visibility police decisions that might have significant impacts on case processing and victim safety, including the quality of report writing (Berk, Berk, and Rauma 1980; but see Fleury et al. 1998), issuance of referrals (Finn and Stalans 1995), and even style of interaction on the scene. This is due in large part, no doubt, to the lack of official records on these activities, the difficulties of gathering data using other methodologies, and the fact that police themselves usually generate the records that constitute the data source for evaluation.

It is likely that future research on police intervention in domestic cases will examine these low-visibility decisions as well as systematically evaluate other innovations, such as specialized domestic violence units and training protocols and enforcement of protection orders. At this point in time, our expectations

about police behavior, our empirical understanding of the limits of their roles, and our investment in innovative strategies are at different points of progression. We have become more realistic about the limits of what police can do as we have learned more about violent offenders; in particular, we are increasingly realistic about what police can and cannot do to effect change in offender behavior. Other targets of change, as diverse as police attitudes, reporting practices, case tracking and management, and referrals, have been the focus of investments in training and technology, but since the objectives of these innovations are often vaguely specified and the innovations themselves are rapidly undertaken, evaluation research on these activities remains scarce and hard to access. For example, while a number of studies have documented diversity in officers' attitudes about domestic violence (e.g., Homant and Kennedy 1985; Dolon, Hendricks, and Meagher 1986; Breci and Simons 1987; Friday, Metzgar, and Walters 1991; Belknap 1995; Stalans and Finn 1995), there has been little effort to synthesize this knowledge into purposeful curricula, or to utilize this information to inform innovations. The next decade will probably bring either a continuation of this pattern or, if we are fortunate, a thoughtful and informed reassessment of policy goals, and subsequent refocusing of resources and research around those objectives.

Prosecutors

Paralleling the traditional police response to domestic violence, prosecutors historically have taken minimal action on the few domestic violence incidents that come to their attention. Authors of early studies of prosecutorial discretion in these cases remarked on the infrequency of formal action (Parnas 1967; Field and Field 1973; Davis and Smith 1982; Ford and Regoli 1993; Schmidt and Steury 1989; Fagan 1989). This is not surprising, given that research reporting the correlates of charging and prosecution reveals that domestic violence cases appear to be subjected to the same sort of triage that prosecutors use in most other cases. The same legal and evidentiary variables are associated with action in domestic and nondomestic types of cases—statutory seriousness, prior record of offender, the use of weapons, documented injuries, and other physical evidence (Rauma 1984; Schmidt and Steury 1989). Other than injury, these characteristics are not common in the caseload of domestic incidents, so even recent studies report rates of case attrition through prosecutorial charge dropping of almost 50 percent (e.g., Davis, Smith, and Nickles 1998); even higher attrition rates were reported in the SARP studies (Garner, Fagan, and Maxwell 1995).

Interestingly, despite suggestive evidence that prosecutors' decisions in these cases are influenced by conventional legal criteria, the debate over improving prosecutorial responses has focused almost exclusively on the role of victims in

initiating, sustaining, or withdrawing charges. Ellis (1984) reported that prosecutors believe victims are ambivalent about participating in prosecution, a belief that seemingly predisposes them to anticipate withdrawal of cooperation or even recanting of allegations. Underlying this concern is the presumption that a cooperating victim is essential to the objectives of prosecution, which is in turn based on the assumption that the objective of prosecution is conviction.

This latter assumption has been a matter of controversy, especially among criminal justice practitioners and victim advocates. Even the frequently used term "uncooperative victims" implies that victims ought to share prosecutors' objective of conviction; an implied corollary is that victims who fail to cooperate forfeit their entitlement to the benefits of the legal system (Stanko 1982). Researchers and victim advocates have questioned both assumptions. First, some argue that prosecution could, and ought to, encompass a wider array of objectives, including victim safety (which might be promoted by the offender's legal entanglement, independent of the ultimate outcome), communicating to offenders the unacceptability of the violent act, and investing victims with greater power and agency in dealing with violent partners (Fields 1978; Lerman 1981; Mickish and Schoen 1988). The first two of these objectives are not inconsistent with the aims of criminal justice generally, although the last of these, in particular, challenges conventional prosecutorial roles and boundaries.

The most significant research bearing on this question is studies of victim motivations and self-defined needs. Ford (1991) reports that, contrary to stereotypes, victims seldom withdraw from prosecution because of second thoughts about their romantic relationships; instead, they engage the legal system for practical reasons—protection from violence, attempts to get help for abusive partners, attempts to enforce collection of child support, or the need to recover property—and tend to withdraw from prosecution after those objectives are achieved (see also McLeod 1983; Ford and Burke 1987; Snyder and Scheer 1981). Contrary to the criminal justice paradigm, victims seldom seek public confrontation or punishment for their abusive partners (Lerman 1981). More recent research indicates that while victims who seek safety in shelters often want their partner arrested, their primary concerns are about economic survival, coping with aftereffects of violence, and securing safety for themselves and their children (Sullivan, Basta et al. 1992). These motivations are not unique to domestic violence victims; complainants in other misdemeanor matters involving family members and acquaintances turn to the courts for legal protection after other help systems have failed (Merry 1990).

Paradoxically, then, prosecutors cast victims in a role more akin to that of a civil court plaintiff than a criminal court victim in relying on their continued involvement to justify sustaining a case; yet, seemingly, they are frustrated that

victims behave in precisely the ways civil court plaintiffs might be expected to and, as it turns out, for some of the same pragmatic and rational reasons. The most widely debated policy response to the high drop rate has been initiated by prosecutors themselves, clearly in part as a remedy to the presumed ambivalence and unreliability of victims. Prosecutors began to experiment with no-drop policies in the early 1980s (Ford and Regoli 1993), ostensibly to release victims from formal responsibility for pursuing charges. No-drop policies have been the subject of both optimism and pessimism (Corsilles 1994; Ferraro and Pope 1993; Goolkasian 1986b), although some advocates may be as interested in limiting prosecutorial discretion as in reducing pressure on victims. Skeptics suggest that the effect, if not the intent, of no-drop policies is to legitimize prosecutors' early case-screening decisions by culling complainants who are committed to prosecution early in the process, and to protect prosecutors' investments in case development at later stages if victims start to waver in their commitments. At the extreme, some prosecutors maintain that they would subpoena reluctant victims to testify to ensure the conviction of a batterer.

No-drop policies have not been evaluated frequently (but see Ford and Regoli 1993), so we cannot conclude that they have the effect of extending the scope of prosecutorial work in domestic violence, or the nearly opposite effect of reinforcing the legal paradigm and deterring victims from initiating or pursuing complaints. Other innovations likewise have not been subject to assessment, although there are some useful descriptions and commentaries on them. For example, pretrial diversion and mediation systems, considered progressive innovations during the 1970s, were subject to the same criticisms that were leveled at police crisis intervention training, insofar as they located the cause of domestic violence in conflictual relationships, and simply used the criminal justice process as a point of entry for marital therapy (Reynolds 1988; Eisenberg and Micklow 1977).

Prosecutors have undertaken other strategies but, as is the case with police, it is not always clear what the objectives of these innovations are, and there have been few systematic evaluations of their intended or unintended consequences. It is difficult to draw accurate and generalizable inferences about prosecutorial motivations and organizational objectives, and the political realities of organizational change are sometimes awkward to reconcile with the optimistic and victim-centered goals that led to change. For example, adoption of victim advocacy programs within prosecutors' offices streamlines case processing and may increase victim retention in the legal process, but may also risk co-opting advocates to serve prosecutors' needs (see Cahn and Lerman 1991; Davis, Kunreuther, and Connick 1984).

Data on variables of critical importance to evaluations, such as victims' preferences about outcomes or reasons for dropping charges, are seldom recorded (but see Erez and Belknap 1998), making it hard to test hypotheses about the real effects of policies or programs. Further, the broader context of prosecutorial workload is often overlooked in discussions on improving responses to domestic violence. For example, current enthusiasm about "evidence-based prosecution"—the practice of building cases without relying on victim testimony—holds promise for taking pressure off victims and, obviously, is standard practice in felony prosecutions. However, it remains to be seen whether prosecutors will acquire the resources or inclination to adopt such a labor-intensive strategy with misdemeanor domestic violence cases. Likewise, specialized units and comprehensive training are recommended in model policy statements (e.g., Hart n.d.), but the structure and scope of such units are beyond the means of many prosecutors' offices.

The courts and corrections

The process of adjudication and disposition of domestic violence cases has received relatively little attention until recently, for the same reasons that prosecution did: High levels of case attrition provided few research opportunities to study the efficacy of any sort of court actions. In many jurisdictions, the criminal courts have not welcomed the typical sorts of domestic violence cases, which involve misdemeanors, frequently with no witnesses and inconclusive physical evidence, and have seen them as the proper business for family or divorce courts.

Because so few cases proceed to conviction, and because the statutory range and available resources for sentencing in these cases are limited, the greatest promise for effective court action may reside in the intermediate decisions made between arrest and final disposition.

As higher arrest rates and raised expectations about prosecutorial actions have directed more cases into the courts, however, researchers and policymakers have taken greater interest in court processes. The hope for offender deterrence that motivated research and innovation in police departments emerges in a few studies of courts as well, in the form of analyses of the effect of sentences on rearrest. However, these studies, consistent with other research on domestic violence, yield inconclusive findings. Carlson and Nidey (1995) evaluated a 2-day statutory mandatory minimum sentence for aggravated misdemeanors, and found that although the number of jail sentences indeed went up for this charge, even more dramatic impacts were uncovered in assessing patterns of charging, guilty pleas, time to

disposition, and impact on victims. These authors concluded that this innovation made defendants and their lawyers less amenable to guilty pleas, and resulted in greater demands on victim participation to sustain prosecution. However, Thistlewaite, Wooldredge, and Gibbs (1998), comparing probation and jail with less controlling sentences in domestic cases, found that more severe forms of sentencing (although not the duration of such sentences) had a negative effect on rearrest, although, at odds with studies of the possible deterrent effect of arrest, there was no evidence that defendants' sociodemographic characteristics conditioned this effect.

Victims seek orders of protection for the same practical reasons that they pursue prosecution following a violent incident: They are seeking protection in the wake of serious threats, threats to children, or actual abuse.

Because so few cases proceed to conviction (Dutton 1995a), and because the statutory range and available resources for sentencing in these cases are limited, the greatest promise for effective court action may reside in the intermediate decisions made between arrest and final disposition. These decisions include pretrial detention, preliminary hearings, and issuance of orders of protection, both temporary and permanent. Virtually no studies have examined the impact of pretrial detention on subsequent behavior, or on victim actions or perceptions. However, from a deterrence perspective, it is reasonable to hypothesize that brief incarceration might be particularly effective in leading some types of offenders to rethink their invulnerability to sanctions.

Likewise, little attention has been given to judges' behavior in the courtroom or to opportunities to communicate with offenders informally. Goolkasian (1986b) observed that judges varied in the messages they sent to defendants; subtle cues that victims did not have the court's support were thought to have much less salutary effects than stern messages issued publicly. Although it has not been subject to systematic test, which would require observational data, judges' demeanor and orientation, as well as their official decisions, may affect offenders' and victims' beliefs about the illegality and unacceptability of abuse. In one study, judges were found to behave differently within the same jurisdiction, suggesting that judicial attitudes and values may affect judgments (Quarm and Schwartz 1985).

The most thoroughly studied aspect of court processing is the issuance and enforcement of orders of protection. In many jurisdictions, the most common or only available form of protective order is a civil order, tantamount to an injunction; the conditions that may be attached to this order are wide ranging. In other places such as New York State, criminal court orders, which typically

carry more severe penalties for violation, are available and are used more commonly than civil orders (Worden 2000). Research on orders of protection has addressed several questions: Why do victims seek them? Under what conditions are they granted? How effective are they? Could their effectiveness be increased?

Victims seek orders of protection for the same practical reasons that they pursue prosecution following a violent incident: They are seeking protection in the wake of serious threats, threats to their children, or actual abuse (Kaci 1992; Fischer and Rose 1995). The decision to seek orders is unrelated to the gravity of immediately preceding violence, a finding that contributes to the portrait of victims as rational and motivated individuals seeking to construct protective barriers against violent partners. Many believe the orders will help them (Finn 1991), a fact that has led some commentators to fear for victims' false sense of safety in jurisdictions where orders are not easy to enforce (Grau, Fagan, and Wexler 1984; Zorza 1992; Klein 1996; Finn and Colson 1990; Harrell, Smith, and Newmark 1993).

Just as victims often withdraw from prosecution, they often opt not to seek permanent orders of protection after temporary orders expire (Harrell, Smith, and Newmark 1993; Gondolf et al. 1994). Explanations for this tend to mirror those offered for withdrawal from prosecution, although research has not explored the impact of the higher legal standards that must be met in most jurisdictions to sustain permanent orders. It is possible that the interpretation and implementation of law itself, and not just victims' second thoughts, contribute to this pattern.

The efficacy of protection orders is difficult to measure. Measured by victim perceptions and satisfaction, it appears that, in some jurisdictions at least, victims find protection orders helpful in documenting abuse to other authorities and in sending a message to violent partners, although they were less optimistic about the likelihood of orders of protection being enforced if police were called on to do so (Harrell, Smith, and Newmark 1993). In general, Keilitz (1994), in reviewing studies of the effectiveness of protection orders, concluded that they were most likely to protect victims from further abuse if they were written very specifically, were comprehensive in their terms and conditions, were easy to obtain, and were integrated into victims' access to social and victim services. Even so, however, she notes that severe violence is more likely if an offender had a previous history of violent behavior, children were involved, and the offender had been arrested previously and expressed resistance to legal action at the court hearing (see also Grau, Fagan, and Wexler 1984; Chaudhri and Daly 1996; Harrell, Smith, and Newmark 1993). These observations suggest that, like some other interventions, protective orders may have a restraining effect only on less violent and persistent abusers.

Like most other criminal justice interventions, evaluations of the efficacy of orders of protection are limited by their uneven enforcement. Statutory changes in many States give law enforcement more motivation and latitude in arresting offenders accused of violating orders, but we have yet to learn whether these changes translate into changes in actual practice (see Zlotnick 1995).

The criminalization of domestic violence has created a zone of shared responsibility between criminal and civil courts, a zone that remains difficult to map.

Given the high level of concerns about children's safety among women who seek protective orders, it is important to note that in one of the few studies that assessed the relationship between protective orders and subsequent custody decisions, there was no evidence that victims who successfully sought such orders had a greater chance of procuring sole custody of children than other victims (Keilitz 1994). More generally, one of the most challenging issues facing the legal system—and one that has only recently attracted the attention of researchers—is the award of custody and visitation rights in cases in which domestic violence has been documented.

For many decades, partner violence was relevant to family law decisions only to the extent that "extreme cruelty" was legitimate grounds for divorce (albeit grounds that were difficult to prove to evidentiary standards). However, this was an era during which mothers had a high probability of being granted physical custody of small children in divorce proceedings. As the family law movement toward joint custody has created a legal presumption that the best interests of children are served by shared legal custody, victim advocates express concern that victims of partner violence risk exposing their children to unsupervised visits and shared custody with abusive ex-spouses, and exposing themselves to the potential for continuing manipulation and control through week-to-week negotiation of visitation, dropoffs, and decisions about children's lives. This may be one of the most important, but challenging, boundary issues facing criminal justice and the legal system more generally (see Ford et al. 1996). The criminalization of domestic violence has created a zone of shared responsibility between criminal and civil courts, a zone that remains difficult to map. By 1995, for example, 44 States required civil court judges deciding custody and visitation matters to consider histories of domestic violence (Hart 1996), although legislation thus far does not guide judges in how to weigh this information. At the root of this unresolved issue, one which judges themselves find highly problematic (Harrell, Smith, and Newmark 1993), is an empirical as well as a normative question: To what extent can, and should, abusive adults be required to forfeit traditional parental rights upon proof that they have been violent toward another custodial adult?

Future research must address the issue of shifting boundaries between civil and criminal courtwork in the area of domestic violence; over the past decades, the criminal courts have come to be seen by many as the most appropriate venue for responding to violence, but increasingly we realize that we can no more safely compartmentalize partner violence in the criminal courtroom than we could, years ago, in the family court. A few jurisdictions are experimenting with specialized domestic violence courts designed to respond to these complex problems on a case-by-case basis, and to incorporate other features (such as victim advocacy) to enhance victim safety and ensure that offenders do not elude accountability (see Buzawa, Hotaling, and Klein 1998; Hilton 1993; Fagan 1996). However, to date we know little about these experiments; even if they prove successful, the models that might operate successfully in urban areas may be hard to transplant to other sorts of communities (see Feder 1998).

Finally, the courts have been challenged to reconsider their traditional scope of activities as they have been encouraged to incorporate mandatory treatment of batterers into their pretrial and postconviction menu of interventions. While to some extent in the past, courts (and other criminal justice officials) recommended or even required mediation-style marriage counseling as a remedy for domestic violence, a policy that probably shares roots with statutes that require or provide mediation services as part of divorce proceedings (see Fritz 1986; Treuhart 1993; Lerman 1984; Chandler 1990), almost half the States now statutorily forbid this recommendation as part of a domestic violence disposition. Counseling programs are housed in an extremely diverse array of settings, including the nonprofit sector, private therapists, and, perhaps most commonly, domestic violence programs themselves. Although a review of research on the effectiveness of the many treatment models and settings is beyond the scope of this essay (but see Saunders 1996; Gondolf 1999; Tolman and Edleson 1995; Austin and Dankwort 1999; Gondolf 1997), the promise of effecting change at the individual level is highly appealing to many practitioners, so attempts to encourage judicial forays into this sector are likely to continue.

The policy and research agendas for courts and corrections remain even more inconclusive than those for law enforcement and prosecutors. Again, straightforward recommendations that more cases be retained in the system have been the focus of many innovations, but beyond a small number of studies of model programs, there is little reason to believe that retention rates have risen. Moreover, the boundaries of the courts' roles in domestic violence is the subject of much more complex debates as well—debates that cannot be readily resolved by current research.

First, society's portrait of the batterer has changed; the stereotypic short-tempered man who lashes out when stressed, angry, unemployed, or drunk has been

replaced by more complex pictures—highly controlling men whose violence is one of many strategies of dominance; psychologically damaged men whose overdependence leads them to abuse partners; men who justify their attacks because they believe they are entitled, even obliged, to dominate wives and girlfriends. Reasonably, early theorizing about simple deterrence has given way to both optimism and pessimism about effecting long-term attitudinal and behavioral changes. Judges are now faced with more cases and expectations that they will deploy their sentencing power, discretion, and expertise to address the causes of violent behavior.

Second, like prosecutors and police, judges must measure their investments in domestic violence cases against the backdrop of court caseloads, where priority is usually placed on felonies and on offenders with felony records. Some remedies, like specialized domestic violence courts, seem to offer a solution that prioritizes these cases, but they remain virtually unevaluated.

Third, judges' own attitudes about family violence shape their receptivity to innovation, but remarkably little is known about judges' attitudes, or those of key court staff (like clerks), whose day-to-day practices may have important impacts on victims as well as offenders. Judges are more organizationally autonomous than police, and more politically insulated than prosecutors, so while many observers advocate greater judicial training, we have not yet reached consensus on what the content or target of that training should be, or how it can be comprehensively delivered to receptive audiences.

Finally, unlike prosecutors, police, and correctional officials, judges may believe they cannot be recruited into combating domestic violence without compromising their impartial role, a role that requires protection of defendants' rights as a matter of individual case practice and court policy. Proposals that appear to raise this concern may be evaluated against traditional due process standards, and may also be measured against accepted practices in nondomestic cases.

Although the issues of corrections have recently reached the research agenda in the area of criminal justice and, in fact, been the topic of interest and experimentation among experts in social services and mental health for more than a decade, it would be premature to state that there is any emerging consensus on appropriate or effective interventions. In fact, it is probably true that the vast majority of defendants in domestic violence cases, even those who are convicted, leave the courthouse with no sanction, and there is almost no research that informs us about the criteria that judges use to decide who, among the many, are selected for meaningful sanctions. Fines, stayed jail sentences, and restitution probably constitute the modal punishments meted out. While spokespeople

in policy circles debate the virtues of much more intensive interventions, the reality is that most offenders do not encounter much from the sentencing process.

To the extent that corrections seems to be a point of intervention for offenders, most attention today is focused on batterers' intervention programs or other sorts of counseling programs. Some victim advocates have been wary of attempts to integrate rehabilitative programs for offenders into community intervention plans, seeing these programs as resource intensive and potentially competitive with scarce funding sources that might be used to assist victims—a reasonable concern. However, some programs seem to have demonstrated some success; at this point the most appropriate assessment would be that as we learn more about battering behavior, experts will be better equipped to decide what types of offenders might benefit from treatment, and policies will have to be designed to reflect those professional judgments (see Healey, Smith, and O'Sullivan 1998). Even when such judgments are possible, however, hard choices will still have to be made about resources.

The New Paradigm of Coordinated Response: Integrating Criminal Justice and Community Networks

The foregoing review of specific innovations highlights some of the ways in which recommended remedies require that criminal justice agents rethink traditional ways of defining problems, prioritizing work, establishing standards, and claiming success. Most of these innovations were adopted initially as modifications of routine practices, many were adopted at the behest of victim advocates, and many began as explicit challenges to boundaries that criminal justice agents had established for themselves.

Community coordination efforts almost invariably entail challenges to criminal justice boundaries. The objectives may require agencies to prioritize domestic violence in new ways.

A handful of well-known experiments, such as the Duluth Domestic Abuse Intervention Project, have highlighted the potential for successful integration of these innovations into communitywide initiatives. The promotion of this type of community model of intervention is now widely heralded as the best hope for improving social responses to domestic violence. That optimism is reflected in Federal support for law enforcement–victim services partnerships, specialized domestic violence courts that are formally linked to

other community organizations and service providers, and models for policy development that include diverse constituencies.

The optimism about community coordination is so widespread that only rather seldom are researchers challenged or invited to examine the structure and consequences of coordination efforts. Coordination attempts, which may take the form of agency partnerships, local task forces, and communitywide coalitions, vary in their leadership patterns, resources, and durability. Because, by definition, community initiatives are unique to locales, they appear to resist systematic evaluation. However, the investment that has been made in promoting this approach and the many experiments of this sort that are now under way invite observation, evaluation, and comparison, toward the long-term end of learning what features of communities make them amenable to these sorts of boundary-minimizing strategies, what sorts of outcomes are achievable through these efforts, and what, if any, costs they impose on communities, criminal justice agencies, and the people who are processed by them.

The objectives of activities subsumed under the general term "community coordination" varies (Hart 1996). Focused problem solving between two or three agencies might be aimed at a specific goal; for example, a shelter for battered women might collaborate with a police department to improve victims' access to help through referrals and transportation. A criminal justice task force might undertake a systemwide assessment and make recommendations for policy change. A coordinated intervention project may take on a specific mission, such as increasing offender accountability through the criminal justice process, and establish a centralized office to oversee such efforts (e.g., Pence 1983). A community coalition in which criminal justice might play a supporting but not central role might adopt long-term objectives of prevention through activities with multiple public and private organizations.

Evaluation research on these kinds of efforts is scarce; a recent comprehensive review of evaluation research on family violence concluded that, by accepted scientific standards, no evaluation of these sorts of projects had yet been completed (Chalk and King 1998). Of course, broad and long-term goals cannot be assessed in the short run (O'Conner 1995; Brown 1995), and even projects with limited aims may not achieve measurable success. Increasingly, stated objectives include improved outcomes for victims, but accessing, assessing, and incorporating information about victim experiences and perceptions remain challenging.

In summary, community coordination efforts almost invariably entail challenges to criminal justice boundaries. The objectives may require agencies to prioritize domestic violence in new ways, and may create expectations of responsiveness

and shared decisionmaking with groups outside the criminal justice system. Traditional domains of discretion may be challenged; key activities, such as training, may be ceded to outsiders as well. Practitioners may be expected to embrace norms, values, and beliefs about victims and offenders that are unfamiliar and perhaps inconsistent with organizational traditions. It is far too early to say how successful these efforts will be, either in meeting short-term objectives such as securing cooperation and interdependence, or in achieving long-term goals, such as making victims safer, holding offenders accountable, reducing violence, or changing society's values.

Conclusions

The boundaries of criminal justice are defined in part by substantive and procedural law, the products of legislatures and courts. They are defined as well, although these lines are harder to map, by local customs, practices, and policy. Further, although criminal justice remains overwhelmingly a matter of State policy, definitions of crime and justice are sometimes reshaped by Federal Government initiatives through symbolic policies and resource incentives.

On the topic of domestic violence, the traditional boundaries of criminal justice—the rules and expectations about what officials can, should, and should not do—have been challenged, stretched, and occasionally reinforced. At the present time, the most honest assessment of the state of these changes is that a better, more complete essay on this topic will probably be written in 20 years. Likewise, by studying the history of domestic violence reforms, future observers may learn valuable lessons about the elasticity of these boundaries under conditions of social change.

This essay is an attempt to document the evolution of politics, policy, practice, and research on this topic at a particular point in history, and to place those observations in perspective—a particularly challenging task on a topic about which research is highly multidisciplinary, sometimes balkanized, and subject to philosophical and sometimes ideological controversies. In projecting how these controversies and challenges ultimately will be settled, it may be instructive to assess where they fall in the context of broader contemporary questions, as well as longstanding dilemmas, surrounding criminal justice.

Perhaps the most important example of an enduring dilemma is the problem of sorting out civil law from criminal law in many cases involving domestic violence. A century ago, jurists settled this issue with what they probably thought was reason and finality: Women's status as subordinate family members in male-run households trumped their status as crime victims or claimants for

protection by the legal system. More enlightened practices in family courts during the past few decades still prioritized women's roles as mothers and wives, but allowed for the possibility that physically abusive behavior called for formal action; divorce laws, in word and in practice, ceased to require proof of extreme cruelty to dissolve relationships without stigma.

It is clear today, however, that these changes were insufficient to address the problems facing women who lived with, and often had children with, abusive partners. Victims are still faced with painful problems and choices that belong in part to both civil and criminal law; so where, and how, to redraw boundaries around these jurisdictions—or whether to attempt to empower both to address victims' claims simultaneously, as in the case of New York's concurrent jurisdiction provisions—remains a critical but unsettled issue.

Determining these legal boundaries remains problematic because, despite considerable evolution in public values and beliefs, society remains ambivalent about the appropriateness of labeling domestic violence as unambiguously criminal behavior. However, future analysts are likely to observe that the problems and challenges currently confronting criminal justice on the issue of domestic violence are consistent with some broader trends and debates about mainstream criminal justice, although they are not always cast in the same terms. For example, traditional legal definitions of criminal behavior and standards of evidence have been challenged as inadequate for describing the nature and magnitude of harm inflicted, resulting in the construction of new offense categories and enhancements of penalties. This parallels "get tough" trends in other areas, such as drug and firearms law and the law of sexual assault (Horney and Spohn 1991), but it remains to be seen whether the spirit of these changes will be incorporated into practice. In particular, strict liability standards (such as felony charges for violations of stay-away orders) may raise questions about issues of intent and harm that will not readily be resolved.

Likewise, ongoing debates about reducing criminal justice officials' discretion through mandatory arrest, prosecution, and sentencing policy proposals are not new to criminal justice, but research yields little evidence that such mandates make much difference in local practices, although these mandates may be adopted for important symbolic reasons.

Innovations aimed at offenders follow two tracks: efforts to retain offenders in the system and efforts to increase penalties, consistent with a more generally expressed view that offenders should be held accountable for their acts. As a society, we are still undecided about which paradigms of punishment are acceptable, affordable, and effective, and this is true for domestic violence offenders as well as others. A decade ago, policies were designed around deterrence

assumptions; at present, rehabilitative efforts seem more promising, if more expensive, and the emerging trend is in the direction of primary prevention. While offenders are believed to be responsible for wrong behavior, few expect that such behavior will change without intervention. Interestingly, proposals to routinely impose arrest, conviction, mandatory counseling, and supervision on large numbers of people who currently would have ended up with dismissals or minor sanctions, would, if implemented, constitute a rather dramatic example of net widening—increasing the number of people and the intensity of interventions imposed on them. While the debate about net widening has often revolved around incarceration and felony matters (see Palumbo, Clifford, and Snyder-Joy 1992), the potential for increased resource demands and criminal justice involvement in offenders' lives is significant at the lower court and probation levels as well. It is likely that this debate ultimately will be settled not just on the basis of knowledge about the efficacy of interventions, but also on the basis of criminal justice system responses to demands placed on it.

Another shift in criminal justice priorities over the past two decades has been increasing attention to victims of crime. This concern has manifested itself in crime victims' compensation boards, opportunities for victim input at sentencing hearings, and public interest in the fates and legacies of particularly tragic victims. This is the stuff of which popular policies and political campaigns are readily made, and it is likely to continue. Paralleling this trend, victims of domestic violence have become the focus of considerable attention, concern, and program development, materializing in such forms as victim advocacy liaisons in police departments, training of criminal justice officials around victim safety issues, and expectations that survivors of domestic violence will be included in policymaking and planning at the local, State, and national levels.

To a large extent, the focus on domestic violence victims arose independent of the more general national interest in crime victims, and was created by grassroots organizations devoted to helping victims, not reforming criminal justice. However, the same pattern is emerging for domestic violence, sexual assault, and child abuse victims—their victimizations are no longer portrayed as shameful secrets or bad experiences to which they unwittingly contributed; rather, they have been "legitimized" as victims. The New York City Police Department's (NYPD's) current recruitment campaign includes television advertisements featuring a domestic violence victim speaking eloquently about the help offered her by NYPD officers; a prominent tobacco company advertises that its pro bono work includes a program to help get domestic violence victims back on their feet. Similar media representations of victims of drunk driving and child abuse have been used for several years. Apparently, domestic violence victims now make good press and good imagery.

In this changing social context—and given the lack of resources, knowledge, and optimism about changing offender behavior and the fact that most domestic violence incidents are classified as misdemeanors—one might say it is easier for criminal justice officials to see the victim in a domestic violence scenario than it is to see a criminal. As one seasoned misdemeanor court judge recently observed, "These women are victims, no doubt about it. But these men who beat their wives? They're not your criminals" (interview with author, June 1998). To the extent that criminal justice officials find it difficult or impractical to reconcile their profile of violent offenders with the steady stream of people who are violent with family members, they may find it much easier and more promising to focus their efforts on protecting and sheltering victims from repeat attacks. Safety plans, orders of protection, electronic signaling devices, 911 cell phones, and identification protection protocols may be recognized by future commentators as classic examples of target hardening.

The priority placed on finding out "what works" distracts us from the simple observation that, in most domains of criminal justice, we do not require evidence of effectiveness along measurable dimensions in order to justify policies.

Two more examples of general trends in criminal justice are visible in the area of domestic violence policy and practice as well. The first is an increasing emphasis on the community as the point of origin for change, both within criminal justice and across its boundaries. Of course, the community has always been the place where criminal justice decisions were made, by design; but it is easy to lose sight of this fact in the wake of the many other sustained reform efforts that have begun at the State or Federal level (such as sentencing guidelines and the war on drugs). However, contemporary discussions about community criminal justice are not so much about the autonomy of local systems, but about the permeability of local agencies to other community groups and constituencies, a trend most visibly illustrated by the community policing movement, but also by court-watching programs, community prosecution initiatives, and engagement of local police departments in community education programs (such as D.A.R.E.®). Domestic violence is an arena in which community groups have long waited for access and input into criminal justice decisionmaking, so the proliferation of task forces, coalitions, and partnerships is not surprising.

Future observers will probably notice, however, that the emphasis on community-based responses to domestic violence may have been prompted by many local advocates, but recently it also has been heavily promoted by Federal Government policies and resource decisions. Just as community policing has been sponsored

as a desirable innovation by Federal authorities, the availability, structure, and requirements of Federal grant programs prioritizes "community based" initiatives that include noncriminal justice actors. While Federal criminal law may have little to say about domestic violence (and most other criminal law issues), Federal funding policy may have a great deal to do with the legitimacy and utilization of particular strategies.

In short, challenges to criminal justice boundaries around the topic of domestic violence mirror, in some ways, ongoing questions about the capacities and limits of the criminal process in other domains as well; trends such as statutory reform, debates over sentencing rationales, net widening, redefining victimization, community coordination, and federalization permeate discussions of many criminal justice issues. Policymakers and researchers seldom have the opportunity to reflect on the commonalities of these historical trends; it is work enough to stay current with proliferating ideological debates, policy innovations, experiments, and research findings. It is probably safe to conclude that criminal justice will not be reinvented around the problem of domestic violence.

However, the high incidence rate, the high recidivism rate, our growing understanding of the complexity and intractability of causes, and the mounting evidence of tremendous costs to victims contribute not only to a turbulent policy environment but also to a sense of urgency about making changes. Therefore, a final observation must be that the pace of innovation in this area is much faster than the pace of research, evaluation, and informed discussion about what the criminal justice response should or should not look like. The problem does not lend itself to analysis, for some familiar reasons. Programs with short-term funding are often subject to evaluation of performance on outcome measures that could only reasonably be expected to change in the long term. The focus of much current interest, coordinated community intervention projects, is by definition the peculiar products of local resources, leadership, and values, so documenting their absolute or relative effectiveness along any dimensions defies most standards of social science research design. Moreover, while it is seldom called into question, the priority placed on finding out "what works" distracts us from the simple observation that, in most domains of criminal justice, we do not require evidence of effectiveness along measurable dimensions to justify policies (and often specific programs).

Meanwhile, what we have learned about criminal justice responses to domestic violence is sobering. Despite public attention and the tireless efforts of victim advocates, there is little empirical reason to believe that most communities respond to these cases in ways much different from past practices of indifference. A natural tendency to look optimistically at model projects has obscured

the need for research on broader samples of communities, their problems, and their experiences. Researchers have few incentives to study failures but many communities have begun task forces or coalitions, only to have them fade into obscurity; understanding why such efforts fail might be as informative as studying why a few others seem to succeed. This observation alone reinforces a fundamental truth about criminal justice: The boundaries that society imposes on it, and those it draws around itself, are easily challenged and criticized, and they are frequently the subject of experiments, political pressure, and inducements. However, they are equally resistant to many attempts to impose change. It is likely that the final analysis of contemporary changes in domestic violence responses will inform us, albeit perhaps not in the ways we hope or expect, about the conditions under which such changes may be accomplished.

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