10 Applications II

A thought experiment: the framework of a deterrence approach to domestic violence

How might these ideas be applied to a very different crime problem? The drug-market problem just described, like the gang-violence problem from which this whole line of thought originated, is public, obvious, more or less collective, and at least to some degree economic. Domestic violence stands out for its contrasts: It is private, concealed, more or less individual, and deeply personal. Do these ideas offer anything to our thinking about how we might address domestic violence? Let us see.

Enhancing informal sanctions: providing information to women

It is well known that many domestic-violence offenders are serial abusers within and across relationships. Many of them come to the attention of criminal-justice authorities: They are arrested; they are sometimes convicted; and they are subject to restraining orders. It could be very useful to women to have access to such information, for instance when considering entering a relationship, or when trouble first arises within a relationship. As a practical matter, this information is not very available—while it is often a matter of public record, obtaining it is difficult procedurally, requires a specialist knowledge of what questions to ask, can require consulting multiple databases in multiple jurisdictions, and the like. Many women would not enter a relationship if they knew the man had a history of domestic abuse; many would exit troubled relationships earlier if possessed of the same knowledge. Information systems that made such information easy to obtain would impose new costs to abusers for their previous behavior.

Laws aimed at sex offenders, such as New Jersey’s “Megan’s Law,” have created an affirmative obligation that offenders supply the authorities with information, such as places of residence, that facilitate the implementation of such systems. There is no reason in principal that such structures could not be brought to bear on domestic abusers.

Communicating existing enforcement actions to potential offenders

Law-enforcement authorities currently do a great deal to address domestic violence and domestic-violence offenders. Unless other offenders and potential offenders know what is going on, however, the deterrent power of these actions is nil. For example, the US Attorney for the District of Maine indicted thirteen men and women on federal domestic violence-related firearms charges, either because they had a previous misdemeanor domestic-violence conviction, which recent changes in federal law made prohibitive of firearms possession, or because they lied about such convictions in attempting to purchase firearms. The deterrent value of this action as such is likely to be small, bordering on zero: While the US Attorney’s office issued a press release, it seems unlikely that the information it contained reached very far into even the target population of the moment, far less that of the future. It could be greatly increased, however, through simple steps: by explaining it, and the potential for more such enforcement, in mailings to individuals with the relevant prior convictions; by in-person briefings by law enforcement personnel to men involved in treatment programs and on probation for domestic violence offenses; as part of judicial statements to men sentenced for new domestic violence offenses, through posters in gun stores, and the like.

Similar steps could be taken in connection with other routine enforcement actions. Police arrest, prosecutors charge, and judges sentence domestic-violence offenders constantly in every jurisdiction. Probation and parole officers supervise and sometimes violate domestic-violence offenders. Men are sanctioned for violating restraining orders. None of this is visible, for the most part, to other active and potential offenders unless they know those sanctioned personally. Nor, when such actions occur side by side with other actions in which opportunities for enforcement are forgone, is the reasoning of authorities very evident; if there is logic to those choices, it is obscure, and unlikely to shape offenders’ behavior in any useful way. Deliberate communication of these actions, in the manner suggested above or in other ways, could significantly raise the preventive power of such routine enforcement activities. Communication could be “retail” or “narrowcast” to men who have already identified themselves as problems (meetings with or mailings to, for example, those under probation supervision and with current or prior restraining orders), and “wholesale” or “broadcast” to a wider population (television spots and billboards).

Enhancing the likelihood of formal sanctions: An “A Group” dangerous offender program

In any given jurisdiction, particular domestic-violence offenders single themselves out as especially dangerous; especially chronic; or otherwise deserving of removal from the streets. These “A Group” offenders can be identified and, with the correct actions from various enforcement agencies, various tools can lead to their sanctioning. This should not be an innovative operation, and most not experienced with the actual workings of criminal justice agencies no doubt assume that this is already standard practice. In fact, in most jurisdictions it is not.
Even a moderately sophisticated such enterprise would entail communication and coordination amongst police, prosecutors, probation, and parole; it would be better if others with knowledge of offenders and victims, such as shelter operators, treatment providers, advocates, healthcare workers, and the like were included. The first is very rare, and the second almost unheard of. In most jurisdictions units within police departments operate in isolation (so that patrol officers responding to a domestic disturbance and detectives investigating a prior assault at the same address would have no contact); prosecutors make isolated decisions on the basis of particular police incident reports and criminal histories (so that a prosecutor considering the foregoing assault would have no knowledge that the man's behavior was continuing and escalating); and probation and parole officers have little contact with other law enforcement agencies (so neither police nor prosecutors would know that the man had recently lost his job and recommenced drinking, circumstances that had triggered previous assaults, and there is likely to be no mechanism in place so that a domestic violence complaint that does not lead to an arrest is made known to probation or parole authorities).

Constructing such partnerships is entirely possible but requires substantial and unusual commitments from the participating agencies. When they exist, they should be able substantially to increase the sanctioning of dangerous offenders. This can be true whether the offender is question is first-time—prosecutors have considerable discretion to take such cases very seriously, if they have reason to do so—or serial. Even simple examples of such operations can be quite effective. One such in Westminster, California combines special training of patrol officers with a co-housed team of prosecutors and victim advocates. An evaluation showed that the program increased the rate of successful prosecution by 47 percent and the average length of sentence by 37 percent.4

Where such offenders are also chronic offenders in a broader sense—that is, frequent violators of a variety of laws—such programs will have other tools to draw upon. It is often believed that domestic-violence offenders are different from other violent offenders in that their domestic violence presents itself without the pattern of varied chronic offending typical of those most likely to commit "stranger" violence. Domestic violence advocates, researchers, and theorists have tended to argue that domestic violence is fundamentally unlike other kinds of violence—and that domestic-violence offenders are similarly distinctive. Students of domestic violence argued, in the words of Hotaling, Straus, and Lincoln, that "[d]omestic violence is a special and unique kind of violence and should not be approached as a subset of general violent behavior."5 This conception of the "batterer as anyone"6 led to a clear distinction between these men and other violent offenders.

Violent criminals are portrayed as inhabiting a different sociodemographic space than violent family members. While a profile of the street criminal begins to emerge through the discovery of risk factors, the violent family member remains invisible. He is depicted as being anyone. He could possess some of the characteristics of the street criminal, but that is not seen in the research literature as setting him apart. His distinctiveness resides in his ability to avoid sociological labels. If those who assault other family members are depicted as otherwise law-abiding citizens, there is no compelling reason to apply notions of criminality to explain their behavior.7

The conclusion here does not follow logically from the predicate. Even if domestic-violence offenders are otherwise completely law-abiding, there is no reason to believe that criminal-justice interventions might not be able to provide rehabilitation, incapacitation, or deterrence. Pedophile priests, to take one parallel example, are likely notably law-abiding in other aspects of their lives; this should not and does not prevent us from seeking criminal sanctions against them. Where domestic violence was concerned, however, it followed in practice that the tools of criminal justice were generally considered inappropriate.

This may not be true, and is clearly less true than is often believed. Hotaling, Straus, and Lincoln, in a 1989 review of the literature on domestic vs. nondomestic offending, conclude that:

The findings support the notion that assault is a generalized pattern in interpersonal relations that crosses settings and is used across targets. Men in families in which children and wives are assaulted are five times more likely to have also assaulted a nonfamily person than are men in nonassaultive families. These same men are also more severely violent toward fellow citizens, being eight times more likely to have assaulted and injured someone outside the family. Men from multi-assaultive families also come to the attention of police more often than others, having an arrest rate that is 3.6 times higher than their less violent counterparts. The link between family and nonfamily assault also holds across social class although blue-collar persons report higher rates, especially of more severe assaults outside the family.8

This is a finding that tends to hold across studies of domestic violence. In a review of eight studies of nondomestic offenses by wife batterers, the authors found the lowest proportion of batterers with records for other offenses to be 12 percent (previous criminal assault); all other studies showed considerably higher proportions, including some truly striking findings, such as that 80 percent of batterers had prior nondomestic criminal histories, 92 percent had previous arrests (for batterers killed by their wives), and 46 percent had previous arrests for nondomestic violence.9

Other sources present similar pictures. In a review of individuals arrested for assault in Lowell, Massachusetts, Solomon and Thomson found that
Domestic offenders are commonly thought to be "specialists" who do not pose a threat to the community at large. Our data indicate that this is not the case. The domestic offenders [studied] were just as likely as the non-domestic offenders to have committed non-domestic offenses in the five years prior (46 percent of each group had been arraigned for non-domestic offenses). Additionally, the two groups had statistically equal proportions of high-rate offenders.10

Similarly, a study of more than 18,000 Massachusetts men with restraining orders found that three-quarters had some sort of prior criminal history; nearly half had an arraignment or conviction for a violent crime; more than 40 percent for a property crime; more than 20 percent for a drug offense; a quarter for driving under the influence; and nearly half for other offenses.11

Looking at the problem from the other direction tends to paint a similar picture: those most likely to be killed and seriously hurt are drawn from groups and places quite traditionally at the highest risk for serious victimization. In a study of female victims of domestic homicide in New York City between 1990 and 1997, Frye, Wilt and Schomber found that victims were quite disproportionately black—half of all victims were black, relative to about a quarter of the population—and somewhat disproportionately Latina, and that victims came primarily from the poor boroughs of Brooklyn, the Bronx, and Queens.12 Several studies have found that women living in distressed neighborhoods are more likely to suffer domestic victimization.13 Raghavan et al. report that women living in public housing report annual domestic violence incidence rates of from 19 percent to 35 percent; general population studies report lifetime rates of 1.5 percent to 16 percent.14

Qualitative work gives similar results. Buzawa and Buzawa describe Klein's unpublished research on the Quincy, Massachusetts Probation Project; from victim interviews, Klein found that 55 percent of batterers had prior criminal records of which the victim was aware.15 Fagan et al. examined reports from 270 women in intervention programs and found that nearly half of spouse abusers had previously been arrested for violent crimes and that those who had been arrested for violence against strangers were more frequently and severely violent at home.16

Thus, many dangerous domestic-violence offenders need not be addressed solely through domestic violence and related offending, such as violations of restraining orders. In principle, any actionable offense will do. If an individual passes a relevant dangerousness threshold, authorities dealing with chronic offenders will often have multiple opportunities. A drug trafficking or possession offense, a violation of probation or parole (for instance, for drug use, noncompliance with reporting requirements, or address and association violations), a drunk driving offense, a weapons charge, a nondomestic assault: any of these, and other, offenses could serve. It could well be that the sort of focused enforcement regimes previously described for other chronic offenders could be adapted to particular domestic offenders.

Such strategies are apparently rare in the domestic violence context. However, Brockton, Massachusetts has a program designed to do just this: key partners include the Brockton Police Department, the District Attorney, the US Attorney, probation, victim advocates, and shelter providers.17 It seeks to identify repeat and high-risk offenders through data analysis (records indicating, for instance, three or more domestic violence incidents/year or two or more victims/year) and qualitative review (guidance from law-enforcement personnel, advocates, and shelter providers).18 Once identified, such offenders get special attention: for example, heightened probation scrutiny (including home visits, drug tests, and the like) or, if deemed necessary, the use of any available nondomestic offense to take them off the streets. Targeted offenders then get special attention while incarcerated (heightened monitoring while in treatment programs, for instance), and the group is notified when their release is imminent.

A similar program operates in Lowell, Massachusetts. In Lowell, the main trigger for special attention is repeat calls for police service in connection with a domestic disturbance: Two or more within thirty days is considered "high priority," two or more within ninety days is considered "repeat."19 Such addresses get unannounced visits from police officers and (where the offender is under supervision) probation officers; a warrant search is conducted and where outstanding warrants are found they are served; criminal histories are obtained and reviewed for past domestic offending and other signs of dangerousness such as weapons offenses and a history of alcohol and drug abuse; if children are present, an assessment is performed (if there is current Department of Social Services (DSS) involvement, DSS is notified; if there is none and it is deemed warranted, DSS is mobilized); victims are introduced to advocates, offered priority at shelters, informed about available services, and the like; and offenders are warned that they are under enhanced scrutiny.

An "A Group/B Group" communication strategy

If it is possible to create enforcement regimes that raise the likelihood of sanctions for particular offenders, it might then be possible to greatly enhance their deterrence value by explaining them to selected other offenders. Here, the existence of the operation aimed at the A Group, and the consequences of being so targeted, would be directly communicated to a larger B Group of less serious offenders, as would be the criteria that will result in their "promotion" to the A Group. Continued communication with "B group" offenders—these guys have done well, they're still on the street; these guys didn't, here's what happened to them—would keep the message fresh and drive home its seriousness. Marketing research—for example, focus groups and surveys with "B group" offenders—could track the impact of communications and shape the message and its delivery.
Tailored formal sanctions: Custom domestic violence probation/parole structures

Incarceration is not the only, or necessarily the preferable, enforcement action. Meaningful probation and parole supervision can be as or more desirable. An effective structure might include high levels of field (rather than office) contacts; frequent contacts with those close to victims (see below) to gather information about misbehavior by supervised offenders; and compliance conditions that required complete abstinence from drugs and alcohol, and frequent and meaningful testing, with immediate sanctions for failure. Here, again, research with offenders and with their partners and peers might shed important light on what really matters to offenders, and how such sanctions should be designed and structured.

Increasing certainty

The more information is available regarding offenders' behavior and threats to victims, the better these strategies will work. The more such information as seen by offenders as coming from sources other than their targets, and as being comprehensive and impersonal, the lower the risk to victims will be and the more effective the strategies will be. This clearly implies that there should be routine and high-quality information gathering from a variety of sources other than offenders' victims. This would resemble the "behavioral supervision" approach used in some strategies to monitor and treat sex offenders. This process will never be perfect, but it can easily be much better than it usually is now. Useful information is clearly available through these means. For example, in a study of stalking and homicide, McFarlane et al. surveyed close relatives of victims and found that in 67 percent of cases those sources were aware of stalking prior to the homicide. Friends, neighbors, advocates, shelter operators, medical personnel, and the like will all frequently have useful information. To do this properly would clearly be immensely labor-intensive. It could be practical, however, in the A Group/B Group setting described above, with the more dangerous A Group getting this treatment and that fact advertised to the B Group. Random assignment of B Group offenders to this sort of comprehensive scrutiny for limited periods would then be desirable in order to guard against those offenders coercing their targets from contacting authorities in order to prevent their "promotion."

Both the Brockton and Lowell programs report that victims' friends and family are often utilized, on a case-by-case basis, as sources of information about offenders. This process has been formalized in the Construyendo Circulos de Paz (CCP, or Constructing Circles of Peace) domestic-violence intervention program in Nogales, Arizona. Each domestic-violence offender in CCP is assigned a "safety monitor" drawn from his personal social network. Grauwieler et al. write that:

Safety monitors must: 1) maintain close contact with the parties involved; 2) have direct or indirect experience with the parties and their history of violence; 3) be able to judge changes in the behavior of applicants and victim/participant in order to interrupt potential violence; 4) have the trust of the parties involved; and 5) show a capacity to share sensitive safety information with the appropriate parties, including authorities, if threats are made.

Another particularly important step would be to convene working group front-line domestic-violence practitioners (advocates, shelter providers, secturers, police investigators and first responders, medical personnel, prevention and parole officers, and the like) on a regular basis and gather information. Basic questions—Who's particularly at risk right now? What is particularly dangerous right now? Are previously identified cases being properly managed?—can be addressed and acted upon in this setting. The author has conducted these exercises, with very good results. In one setting in Boston, the question, Do you in the room usually know who is most at risk at any given time, and from whom?, was asked. The answer was initially negative, and evolved around questions of prediction—on the basis of restraining orders, the criminal histories of offenders, and the like. When the question was rephrased as being about knowledge—that is, you, today, on the basis of your work and experience, know who's at high risk, and from whom—the answers were overwhelmingly in the affirmative.

In this, at least, domestic violence is potentially much like gang and street violence: The professionals close to the scene do in fact know a great deal about what's going on. That knowledge is usually wasted, to a great extent but it need not be. One way in which this process might be particularly useful is in identifying times, perhaps quite limited ones, in which offenders are particularly dangerous and during which they and their targets should accord special attention and protection. These groups will likely know, for example, when a woman has left her abuser or when an offender has started drinking. This kind of more or less real-time situational knowledge can immensely valuable if the larger structure is capable of acting upon it. This too, is part of operations in the Brockton and Lowell programs.

Influencing "norms and narratives"

Could the "norms and narratives" of offenders, "influentials," and even communities be mobilized, and perhaps altered, to discourage offending? There is reason to believe they could be. Existing restorative justice practices aimed at domestic violence feature steps to do so in the context of particular domestic-violence offenses. Coker describes how restorative justice circles in Navajo communities work to hold offenders accountable, remove their excuses, and undercut support for offending by those around them:
Peacemakers and participants confront the abuser's denials, including that he committed the violence, that it was harmful and that it was a moral choice not compelled by the victim's 'provocation' or life's circumstances. Peacemakers also confront denials by the abuser's family or friends, thus diminishing social supports for his abuse.\(^{24}\)

In the CCP program, coordinators work with offenders to identify an individualized "care community" incorporating "family, the victim/participant, or friends who seek to help this applicant address his/her violence in constructive ways."\(^{25}\) These steps are designed to reinforce offenders' existing, if weak, prosocial norms and to create or reinforce relationships with others who will both communicate prosocial norms, impose informal sanctions and, if necessary, trigger the imposition of formal sanctions.

These interventions take place within alternative case-processing systems: They are triggered by particular offenses which then are then handled by diverting the case from normal criminal justice channels. There is no reason, however, that such measures need be restricted to either formal or informal case processing mechanisms. As occurred in High Point, such "influentials" could be mobilized for any population of identified offenders. A program in Arizona prisons is doing just that with incarcerated offenders:

Beth Hendrickson tapes the last photo she has of her daughter onto a white board. In the picture, Tanya Ramsdell's eyes are closed and soot from a bullet fired point-blank colors her forehead black. "This is what I have to live with,"\(^{26}\) Hendrickson tells a group of 22 inmates at the Arizona State Prison Complex-Florence. "When I close my eyes, this is what I see." The men gasp at the photo. [...] Afterward, inmate Larry Severns said the class helps put inmates in others' shoes. "Usually, as an inmate, it's always been about instant gratification, doing this right at the moment to satisfy ourselves," said Severns, who is serving six years for burglary. "You never look at the consequences down the line. It's hard to see."

Again, as High Point shows, there is no reason such interventions cannot also be made more or less at will in the community.

Another step around "norms and narratives" would be to influence victims' norms. To take what one hopes is an extreme example, Lieutenant Gary French, as commander of the Boston Police Department's sexual-assault unit, found that many victims of sexual assault were so accustomed to such behavior that they did not realize that it was either criminal or unacceptable.\(^{27}\) Similar patterns may be inferred from such accounts as Bourgois's ethnography. French therefore worked directly with high-risk populations of young women to articulate to them the law around sexual assault, their legal position with respect to sexual assault, and beyond that what they ought to expect and demand from their partners and peers.

Domestic-violence researchers have noted that poor women at high risk for domestic violence are likely to be in social relationships with women who are also at high risk of domestic violence, and that in such networks domestic violence may come to be seen as "neither abusive nor unusual." Intervening in these networks could influence both individual behavior and collective dynamics.

Finally, it might be possible to take specific steps to address community norms, overall or in particular settings such as high-risk neighborhoods. It striking, for example, that there appears to be no parallel for domestic violence to public campaigns around drunk-driving and firearms violence. We are told that friends don't let friends drive drunk, and in some settings getting caught with a gun will bring federal penalties; we are not told that friends don't let friends hit women, or that doing so will bring certain sanction. Such campaigns are of course possible. Any impact on norms from any of these interventions would alter, to some extent, the internal and external informal sanctions experienced by offenders.

**Attention to offending networks**

A variation on this theme would be bringing a range of sanctions to bear on offending networks for domestic violence. Qualitative research consistently shows very high levels of domestic violence associated with street gang drug groups, and the like, whose members tend to be high-rate chronic offenders. Fagan and Wilkinson, in an ethnographic study of such offenders in New York City, write that

When conducted in front of an audience (i.e., in public), the stakes become high if the female behaves without respect for the male. Male violence is perceived as a necessary response to control one's girlfriend, necessary step in maintaining not just control over "your woman," but in being a "man." [...] It is an assault on respect, and in many cases mandates a violent response.\(^{29}\)

A study of homicide in several high-risk neighborhoods in Washington, D.C., found the usual connection of homicide to high-rate offending groups—gangs, drug crews, and the like. Interestingly, in this context, this was true for domestic homicide as well. Of 108 homicides in which motives could be ascertained, seventeen were domestic. Of these, six—or 35 percent—were committed by a group-involved offender.\(^{30}\) Given that in such neighborhoods only about 3 percent of young men, and a much smaller proportion of me overall, are generally involved in such groups, this is a greatly disproportionate connection to domestic homicide. Bourgois found, as has been discussed, very high rates of sexual assault, much of it directed against friend and relatives of the offenders, and domestic violence in his work with Dominican drug-dealing networks in New York. He also found what might
be taken as evidence of pluralistic ignorance: As is often the case, participants in that violence expressed—in private—deep reservations about their own and others’ behavior.\textsuperscript{21} Intervening in group and network processes might thus disrupt the dynamics producing such violence.

Such concentrations of domestic violence could be addressed by making it clear to such groups that domestic violence by a member of the network would result in sanctions being delivered on any available front to the network as such. To take, again, an extreme example, a DEA investigation could be triggered by an assault on a spouse or a girlfriend.\textsuperscript{22} The aim, as usual in such interventions, would be to create self-policing in the group, undercut norms and narratives supportive of domestic violence, and give those who wished it a justification for not committing domestic violence. Such groups could also be the focus of the sort of direct “norms and narratives” interventions contemplated above.

An intervention: a preliminary sketch

What might, based on these thoughts, an intervention look like? One can imagine a room full of “B list” domestic-violence offenders hearing the following message from law enforcement:

We have people here from the police, the local prosecutor, the US Attorney, probation and parole. We will not put up with domestic violence any longer. We will stop it any way we can. We want you to know this, so you can avoid what can happen to you. Right now, you’re under scrutiny; you’ve already crossed the line. We have a program for people who cross it again. We put their name on a list. When you’re on that list, you’re gone, as far as we’re concerned; it’s just a matter of time. We put your names out to patrol officers and detectives; they’ll be watching for you. They’ll arrest you for anything they can. There’s a file with your name on it at the DA’s office. Any case they see, they’ll take to the wall: high bail, no plea, maximum charges, special handling, nobody skates. We’ll meet with the feds and see if they can take you: drugs, weapons, anything, and with the feds you go out of state and serve all your time. We’re going to talk to the people you’re involved with pretty regularly and make sure that they’re OK; if they’re not, we’re going to act. If you’re on probation or parole, we have officers who will come to you, on your street, where you live: no more showing up in the office and saying everything’s OK. We’ll check your addresses, we’ll search your house, we’ll drug test you, we’ll check to see if you’re going to work or going to school or paying your fines or going to bars or hanging with felons, everything. If you slip up we’ll hand-carry the violation to the judge. We’re not playing any more. And we mean it: here’s what’s happened to the guys we used to have on the A list. They’re gone, which means there’s room for you. This doesn’t have to happen to you, and we’d rather it didn’t. But it’s up to you now.

They could hear the following message from social-service providers:

We want to help you. If there’s something you need, we’ll do our best to make sure you get it. If you need work, we’ll help. If you’re having trouble at work, we have people to work with you and your employer. If you’re having trouble with drugs or alcohol, we have programs and groups for that. If there are family issues that are driving you crazy, we have programs and groups that can work with you. If you’re having money problems, or need basics at home, we have programs and churches that might be able to help. If we’ve missed something, tell us what it is and we’ll do our best.

They could hear the following message from the community:

We care about you and your families. We want this to be a community where people are safe and secure. That includes you; if you’re up against something, we want to help you. But there’s no excuse for hurting or scaring or abusing our wives and girlfriends and partners. I lost my daughter and I’ve never been the same. I’m worried that her daughter could go the same way; I’m worried that her son might imitate his father and end up in prison, like he is. He wasn’t a bad guy, but he did a bad thing: His father abused his mother, and then he did it too. His mother aches for him, just like I do for my daughter. We have to stop this. You can stop it, here, today. We need you to do this: For yourselves, for your families, for all of us.

They could hear the following message from ex-offenders:

I’ve been you. I’m not special. I’m ashamed of what I did. I terrorized my wife and my kids. It’s not manly, it’s not strong, it’s something to be ashamed of. I told myself that it was her fault, but it wasn’t, it was my fault. I told myself I couldn’t help it, but I could: I didn’t hit her in public. I waited until I could get away with it. I told myself she was disrespecting me, but respect is something you earn, that you carry inside you, and I didn’t earn it, and if I had respected myself nothing anybody else did should have mattered. My friends and I all told each other that we deserved to do what we did, that it was OK, but really we knew better. You can put your wife in the hospital, see them have fear in their eyes, and have that be OK. It’s not OK. My dad hurt my mom, and I hated him for it. I don’t want my son to hate me, and I don’t want him to do this to his wife and his son. Here’s my phone number. You feel it coming on, you call me. I’ll meet you, and we’ll deal with it.

Killingbeck

Would it work? There is tantalizing evidence that it might. In 1997, the West Yorkshire Police Force in England crafted a strategy to address domestic violence in its Killingbeck Division, comprising almost 152,000 people.\textsuperscript{31}
The Killingbeck intervention, while not grounded in the ideas proposed here, in fact had a great deal in common with them.

The Killingbeck project began with the observation that domestic violence involved high levels of both repeat offending and repeat victimization. During 1997, as the strategy played out, Killingbeck police attended 2,163 incidents of domestic violence; 914, or 42 percent, involved men who were repeat domestic-violence offenders. Three hundred eighty-seven men were responsible for a total of 1,301 incidents; 31 percent of men were responsible for nearly 60 percent of all incidents.

The strategy was based on several simple ideas. Every domestic-violence incident would get a response: Neither offenders nor victims would be allowed to think that domestic violence did not matter to the police. In each case, the police would have contact with both the victim and the offender and make it clear to each that domestic violence was not to be tolerated and that action was being and would be taken. Repeat offending—defined as any known instances in which an offender had previously victimized any woman—would get escalating responses.

The strategy defined three levels:

1. For a first offense, police would gather information from the victim and give her a written document underscoring the force’s commitment to respond to domestic violence; advising on how to contact the police if the abuse continued; advising on how to get supportive services; and ensuring that as a result of the complaint police would be patrolling more heavily and otherwise paying additional attention to her home, coordinated if possible to any pattern of behavior by the offender. Some women stopped 64 (21 percent) without being contacted by police; 42 police would directly inform offenders that they were making domestic violence a priority; bring any appropriate civil and criminal charges, and put prosecutors on notice to review any applications by offenders to receive bail; explain to offenders that future offenses would bring a heightened response; and provide a written document memorializing these facts and informing that the victim would be getting heightened police attention. Prosecutors and probation authorities agreed to give domestic-violence cases heightened attention, faster processing, and to go outside their usual procedures when police requested it in specific cases.

2. For any instance of a first repeat offense, victims received a home visit from a community officer trained in domestic-violence prevention. The victim’s home was examined and “target hardening” measures, such as enhancing locks, were taken. Routine police attention was increased, and the victim was offered the option of having the police organize “cocoon watch”: surveillance by her neighbors or police contact with family and friends, and relevant agencies, so that they could inform authorities of any trouble. The offender was again talked to by police, and the protective actions being taken by police were explained verbally and in writing; any appropriate civil and criminal charges were brought, and magistrates put on notice to oppose bail; a special file on the offender was opened by prosecutors such that further criminal contacts would trigger a special response; and offenders were informed that any further offending would bring heightened attention. All this was again conveyed in writing to both victims and offenders.

3. For any second or subsequent repeat offense, an interagency meeting was convened to assess how to assist and protect the victim; the victim received a home visit from a specialist domestic-violence officer; routine police attention was again increased; the victim was given a “panic button” allowing emergency notification of police. Prosecutors were put on notice to take any legal opportunities to take action against the offender. All this was again conveyed in writing to both victims and offenders.

As simple as it was, the intervention seems to have substantially reduced repeat offending over the course of just a year. In the calendar quarter preceding the introduction of the scheme, 66 percent of offenders were judged to be Level 1, meaning that the instance offense was their first domestic violence offense; by the end of the year, that proportion had grown to 75 percent. In that preceding quarter, 21 percent of offenders were Level 2, and 13 percent were Level 3; by the end of the year, both Level 2 and Level 3 had fallen to 1 percent. There was strong apparent impact of consistent action by the authorities. Of the 852 men who entered the project as first offenders, 25 percent (210) required a second police attendance, 9 percent (75) required a third, and only 1 percent (11) went on to require five or more. In stark contrast, the thirty-three men who entered the project as Level 3 at the beginning of the quarter (twenty-one) required a second attendance, 39 percent (thirteen) required a third, and 18 percent (six) required five or more. This was, in all likelihood, the “experiential effect” at work: Men who were seasoned offenders when the project began had learned from their prior experience that the police would not take action and continued to act accordingly—even when their objective environment had changed.

We do not have data on death, injury or other harms to women. However, qualitative research with the victims involved suggested that this commonsense deterrence structure worked as intended. Even as simple a device as enhanced police patrol in the wake of an incident—properly framed and explained to offenders—seemed to make a difference:

Police Watch was highlighted as an intervention that increased the women’s sense of safety, both for the women themselves and for their children. One woman who received Police Watch said, “the bit that helped me most was the letter about surveillance. I really believe that had a big impact on him. He doesn’t like to be locked up.” The sight of a police car was often attributed to the project and served to further the
women's confidence in the police. On occasions the men were reported to have observed police cars and to have been shocked at their presence.14

Women's reactions also bore out the power of directly communicating existing risks and the commonsense importance of accuracy and consistency in communication and subsequent official behavior:

The realization that domestic violence could result in arrest, even without a court appearance, was said to shock a number of men, particularly when the men were employed or concerned about their wider families becoming aware of their violence. Women at Levels 2 and 3 added that a strong verbal warning of arrest could be a disincentive. The power of these warnings was diminished, however, if they were not implemented on subsequent police attendances.25

Women, the evaluation reported, valued “support for the victim through giving a verbal warning to the man. This may be the first time anyone has said his behaviour is unacceptable.”26 Here, too, perhaps, the lesson is how little it takes to make a difference. One wonders what the more robust “norms and narratives” component envisioned above might accomplish.

Conclusion

This is, as noted, speculative. We do not know that an effective deterrence regime could be constructed around domestic-violence offenders. If it could, we do not know that it would look much like what has been described. We do not know how many domestic-violence offenders we know about, or could take new steps to identify; how many could be reached with creative sanctioning strategies; what difference it would make to spell those strategies out to them; who could be enlisted to support standards against domestic violence, and what difference that would make; or what kind of help domestic-violence offenders might need, want, and take, and what difference it would make if they got it.

This speculation, still, tells us something. Even with a problem as spectacularly thorny as domestic violence, there may well be ways to craft better deterrence. We do not know all domestic offenders, but we know a lot of them, and it may be that the more dangerous they are the more likely we are to know them. We can imagine ways to know more about offenders and make better use of that information. The overall conduct of many domestic-violence offenders, and perhaps particularly of those who put the most vulnerable women at the most risk, may give us a range of new opportunities to attach penalties to domestic violence. We can imagine communicating those new risks to those offenders. We can imagine finding allies who will help set standards and insist on compliance. We can imagine ways to awaken in