



DOMESTIC VIOLENCE: LAWS AND REGULATIONS ARE DISCOURAGING WOMEN FROM REPORTING

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***Content Warning – this paper covers domestic violence topics that may be triggering for some audiences.**

ABSTRACT: The statistics show that in the United States, rates of domestic violence against women have not decreased over the years, and globally, the statistics look very similar. Every year, more research emerges causing the current laws around domestic violence to become outdated. Without evaluating these, the likelihood of women continuing to not report domestic violence instances will continue to grow. We must look at the laws around domestic violence and see where change can be made so that women, and men, and all people, feel comfortable to come forward in domestic violence situations.

Keywords: domestic violence, intimate partner violence, reporting, laws, United States

Introduction

Are the laws and regulations in the United States, in regard to domestic violence, preventing women from reporting acts of violence?

In the United States, approximately 25-30%, or roughly 1 in 4 women, experience some level of domestic violence in their lifetime. Yeardeley Love, a senior at the University of Virginia, was one of those women who sadly experienced the most extreme degree of domestic violence. On May 3, 2010, Love’s lifeless body was discovered by her roommate. The subsequent investigation revealed that her ex-boyfriend, George Huguely, had beaten and murdered her. Although at the time of her death, Love and Huguely were not together, they had recently exited the relationship. Both Love and Huguely were a part of UVA’s women’s and men’s lacrosse teams and were in similar friend circles because of this. The news of Love’s passing, while shocking, was not surprising to her friends as they had noticed, or even witnessed, some of the violent and controlling actions against

Love. It is a tragic story, and everyday women experience such violence.

Domestic violence as defined by The United States Department of Justice: “is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”

From there, the Department of Justice goes on to further define the different forms of violence and what they may look like case to case. There are too many cases similar to Love’s, too high of statistics showing the number of women and men suffering at the hands of their intimate partners’ to not examine the United States laws in regard to domestic violence. In this paper I will argue that the laws in the United States do not sufficiently protect domestic violence victims



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because of the lack of understanding, learning, and curiosity that goes into the formation of the laws. Over the history of America, we have seen many different laws around domestic violence, from men having the “right” to correct his wife’s behavior to mandatory arrest laws which require law enforcement to arrest who they assume to be the perpetrator in a domestic violence call. Laws, such as the latter, do not always help in domestic violence cases and can, in fact, harm them. In the case of Love, her friends did not say anything to authorities because they were concerned for the closeness of the two lacrosse teams. To truly help those experiencing domestic violence, it is important for laws to be written with intention and understanding that the victims require a specific kind of support.

Methods

When beginning the research for this project, I had to work on narrowing down the main topic of my question. As domestic violence is a broad topic, I needed to decide the angle of which I would answer my question. Once I had done this, using my preexisting knowledge around violence against women and domestic violence, I searched for articles and resources that would support my paper. First using the campus library and then Academic Search Complete (EBSCO), I was able to find scholarly articles. These sources provided me with the necessary background information I needed around the United States history and laws surrounding domestic violence. From here, I turned to the internet to look for a variety of domestic violence hotlines and resources that I later reference. I also took advantage of different government websites, such as Washington State and the FBI. These sources provided me with current laws that are in place.

In addition to this academic research, I interviewed Karina Tamayo, the University of Washington Bothell’s violence preventionist. The interview provided me the opportunity to ask clarifying questions and fill the holes of

which I had from my previous research. With a collection of audio and written documents, my research began to fill out a large picture which I was mod-podging together. Focusing on qualitative data, which is the meat of my paper, I also have some quantitative and statistical data. All of the research I have relates back to my question and thesis statement, with a focus of presenting my research in a way that is factual, but still interesting for those who read it.

Interdisciplinary Statement

This paper focuses on domestic violence, or the historical act of a man holding power over a woman. One of the United Nations 17 goals, achieving gender equality and empowering all women and girls is number five on their list. And as a part of their goal, target 5.2 is to eliminate all forms of violence against women, public and private (“Goal 5”). Domestic violence, or as the UN refers to it as intimate partner violence, falls into that category. As a global issue, domestic violence is a complex construct and a part of an even larger structure. Looking at the fine details and the definition of the term, only two people are involved, two people in an intimate relationship. If you widen the scope, then friends and family are involved, and you can get even larger. From law enforcement, to state law, to the federal government, all the way to the UN, this is not an individual problem, but that of the masses.

Domestic violence, a situation where a person can feel the loneliest, is truly one of the greatest connections. Nowhere in history can you point to a time where domestic violence has not occurred; nowhere in the world can you point to a place where domestic violence does not exist. You can point to the woman who knows at least one friend who has been verbally or physically abused by their partner and you can point to the lack of education in the school system that does not teach young children about violence. It is very easy to pinpoint a moment in time that can



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wind itself back into the structure that is a part of the domestic violence web.

Literature Review

During my research, I compiled a list of different sources, those being sections from encyclopedias, government documents, podcast episodes, and a variety of domestic violence hotlines and coalitions. These sources cover the history of domestic violence laws in the United States, statistics, current laws, and information on abused partners leaving their domestic partners. Here is a walk-through of that information.

Domestic violence is not new to anyone. It has always existed; it is just the laws that change and the awareness that grows around them. In the “Violence in American Society: An Encyclopedia of Trends, Problems, and Perspectives,” the history of domestic violence in America is evaluated. The first domestic violence policy on record dates back to the seventeenth century Massachusetts Bay Colony and Plymouth Colony where the religious Puritans thought it sinful to harm women and children (147). One century later, another impactful case appeared in which a man went to the Massachusetts supreme court, *Bradley v. State*, because he believed it was his “right” to discipline his wife with violence (Richardson, 148). Sadly, this is the theme that follows America’s history. Domestic violence was a private affair that was not discussed or punished. In the twentieth century, a change began to appear. With feminism on the rise, by the 1960’s and 70’s, research was being done on the prevalence of domestic violence. At that turning point, definitions had changed, there had been ample studies done on who was most affected by domestic violence, and much more.

The importance of that research continues to reveal itself with every publication. One of those said publications is a part of the *Encyclopedia of Multicultural Psychology*, in which the authors Catherine Koverola and Cristin Murtaugh cover

the impacts, theories, and role of culture and ethnicity in domestic violence. Their research states “[a]pproximately 25% to 30% of women in America are victims of domestic violence during adulthood” (155). It is important to note that this was published in 2006, but the statistics have not varied much since. “Addressing violence against women: a call to action”, published in 2015, states “30% of women who have ever been in a relationship worldwide have experienced [intimate partner violence]” (García-Moreno, et. Al.) These statistics show that the laws in place between 2006 and 2015 have not improved the situation.

In Washington state, there is a mandatory arrest law which “requires a police officer responding to a domestic violence incident to make an arrest if the officer has probable cause to believe that a domestic violence offense was committed within four hours prior” (“What Happens in Cases of Domestic Violence”). And Washington is not the only state. According to the American Bar Association Commission on Domestic Violence, 25 states have a “Mandatory Arrest” law, while many others are at “Officer’s Discretion” or “Pro-Arrest.” It is important to note here that laws and definitions are always changing at the state and federal level. Looking more closely at Washington State, Chapter 10.99 RCW covers definitions, law enforcement training, duties, policy, sentencing, and other important topics regarding domestic violence. Key points are “[t]he criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws” (RCW 10.99.030.3) and “[t]he criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints” (RCW 10.99.033.2). These two specifications in the law show the intention of updating training programs to keep up with new research and data.



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Defense of Thesis

The response to domestic violence has changed over the course of history, not just in America, but also the world. Turkey has recently seen a change in which intimate partner violence is being taught in schools (Erten et al.). At the point “For Better or for Worse?: Education and the Prevalence of Domestic Violence in Turkey” was published, many improvements could be seen already – “increase in education among rural women led to an increase in self-reported psychological violence and financial control behavior” (Erten et al.). But these improvements came from reevaluating previous laws and updating them to fit current research available. Thought must go into the formation of laws for them to matter. I specifically want to highlight the mandatory arrest law. While each domestic violence related law is important, the mandatory arrest law speaks to me as one that could simply change. This change would affect at least 25 states and the women who live in them.

Many people, not just women, experience domestic violence and when thought and care is not taken into consideration of such laws, the worst case scenarios, such as Yeardey Love’s, occur. It is important to note that not all domestic violence situations end in death. According to NCADV, “nearly 20 people per minute are physically abused by an intimate partner in the United States.” Statistics such as these add to the weight of why laws must be changed, such as the mandatory arrest law.

This next example of change to laws I want to draw your attention to is that of the old definition of rape the FBI used and the updated version that is currently in affect. This is proof that correct thought can go into laws and change them to make them better. Before we start, rape is a separate action from domestic violence, but it can also be apart of it; think about how squares can be rectangles, but rectangles are not squares – according to the National Coalition Against

Domestic Violence, 1 in 10 women have been raped by their intimate partner. Before 2013, the Federal Bureau of Investigation’s definition of rape was “the carnal knowledge of a female forcibly and against her will” (“Rape”). At the beginning of 2013, the definition was changed to “penetration, no matter how slight, of the vagina or anus with any body part or object, or the oral penetration by a sex organ of another person, without the consent of the victim” (“Rape”). This change in definition allows for two different things. One, to clearly define what rape is, and two, to allow for that clarity to better represent cases of rape for everyone, for women and men alike.

Women and victims of domestic violence have struggled with coming forward and sharing their experiences throughout history. Once a private matter, domestic violence victims still struggle with being believed because of the stigma that emerged from old beliefs and lack of education. Because of this, it is the duty of law makers and enforcers to provide proper help for these people. We must encourage women to come forward and ask for help. Domestic violence is not something that should be kept behind closed doors, the proper support should be available. This is why the proper understanding, learning, and curiosity needs to go into the creation, formation, and rewriting of laws pertaining to domestic violence.

Counterarguments

A clear counterargument that I can point out which challenges my thesis is that of “why do women not just leave their abuser?” This thought challenges my thesis by completely disregarding laws with the belief that if women and victims of domestic violence just left their abusers before, or right as the violence began, then there would not even be a need for the laws. As amazing as it would be if women could just leave their abusers, then yes, there would be no reason for laws around domestic violence. However, this belief does not hold up



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if you look at the reasons why women do not leave their abusers. On the Los Angeles Police Department (“Reasons why”) website, there is an article dedicated to the reasons why domestic violence victims stay with their abusers. A long list, I want to highlight a few key points that are mentioned. The LAPD uses the term batterer in place of abuser.

“The victim loves the batterer... the batterer is not always violent.”

“Even if it is a neighbor who reports, the batterer may take it out on the victim. Often when the police come, the victim will not admit the battering.”

“Learned helplessness. The victim has been taught and believes to be powerless, and therefore the situation from that perspective.”

“The victim may be convinced that this beating will be the last” (“Reasons why”)

Each of these four reasons may be difficult for someone who has not experienced abuse to understand, let alone the others on the list. Just because we do not understand why, the psychological reasons keeping victims with their abusers is a challenging topic to comprehend. As there are studies to prove this reasoning, that is why my thesis stands up to the counterargument. Besides, as we learned from the story of Yeardeley Love and her ex-boyfriend, just because you have exited a relationship does not mean that you are safe.

Conclusion

Domestic violence is a hideous act of which is experienced by too many women and men in our society and around the world. The statistics show that roughly 30% of women have experienced domestic violence in their life and that is not acceptable. The human race will not be able to achieve greatness until we have ended violence against women. This means that we must take care in the creation of laws. We must think about victims and what they experience;

we must think about what research shows and listen to what people have to say. We can learn from past mistakes and see what not to do. We must do our best to not repeat those actions and those mistakes. And we will not always be perfect. At one point, it made sense to have mandatory arrest laws because of what we knew and understood, but now we know better. The current research shows that we must update old ways of thinking and acting.

We must think about Yeardeley Love, her family, her friends, and all the other women who experience domestic violence. We must choose to listen to the uncomfortable to help change the future. Think about your daughter, your mother, your sister, your aunt, your friend. What would you do if you learned they had experienced domestic violence? Would you advocate for them and look for the holes in the justice system to help make changes for the next woman? I know I would. I would look for the services that are available and see how I could help. I would demand changes and study the research on domestic violence. That is what I am doing. This paper examines what is wrong with the laws in the United States, but only scratches the surface. There are many laws, policies, and regulations regarding domestic violence – too many to pick apart in a research paper. It is about educating yourself and others on the rights women have and the options there are.

If you are experiencing domestic violence, know what resources there are for you:

**Center for Prevention of Abuse Hotline
(800) 559-SAFE (7233)**

**National Domestic Violence Hotline
(737) 225-3150**



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