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Prosecution of women arrested for intimate partner abuse.

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Abstract

Increasing arrests of women for domestic violence (DV) in the wake of mandatory arrest laws have generated significant concern among victim advocates, researchers, and practitioners. It is commonly believed that many, if not most, of the women arrested are victims who were acting in self-defense. Understanding how these cases are handled by prosecutors and judges is important if we wish to minimize the negative consequences of these errant arrests. The present study examines factors prosecutors in a large southern city considered when accepting or rejecting DV cases involving female defendants. The results indicate that almost one half (47%) of the cases involving women arrested for DV against a heterosexual intimate partner were rejected by prosecutors; another 16% were dismissed by a judge. Legal factors like a defendant's prior criminal arrests, use of a weapon, victim injury, and, most important, the type of arrest (i.e., dual vs. single arrest) all affected prosecutors' decisions to take these cases. Female defendants arrested for offending against a male intimate partner were treated more leniently than male defendants and women arrested for domestic offenses involving other types of relationships (i.e., familial, homosexual). The results highlight the need for a further study of officers' arrest decisions in cases involving heterosexual intimate partners.

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