

Criminalizing Coercive Control: Overcoming the Issue of Police Use of Discretion

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INTRODUCTION

Feminist activists aspire to end intimate partner violence (IPV), of which women were and disproportionately remain victims (Stark, 2012). To realize this goal, policing emphasized individual incidents of dominance, force, and threats, using levels of physical assault to determine severity (Stark, 2012). Currently, responses to IPV in most countries and the U.S. are structured on what Stark (2007) refers to as the violent incident model (VIM). The VIM led to the U.S. Violence Against Women Act (1994) to protect victims and mitigate severe and deadly IPV, however, prospects for abused women have yet to improve substantially (Stark, 2012).

COERCIVE CONTROL

- Stark (2012) categorized tactics used in coercive control (CC) as coercive or controlling.
- Coercive tactics are those used to hurt and intimidate the victim.
- Controlling tactics are used to isolate and regulate the victim.

RESEARCH FINDINGS

- Stark (2012) attributes the lack of reduction in IPV to the failure of the VIM to encompass gendered, non-physical patterns of oppression entailing control, isolation, and intimidation, which he termed coercive control (CC).
- Sixty percent to 80% of victims seeking clinical resources endured isolation, subordination, degradation, and intimidation via threats and assault, which are rare when assessing risk (Myhill & Hohl, 2019).
- Men who employ CC were six times more likely to cause women injury through assault than men who used physical abuse (Johnson, 2008).
- Additionally, a study examining risk assessment data using a latent trait model found that factors associated with CC best illustrated the abuse noticed by police, highlighting the need to consider CC when assessing abuse severity (Myhill & Hohl, 2019).
- Some argue that CC should form the framework for defining IPV legally with the prospect of improving police responses (Stark, 2012).

RESEARCH FINDINGS (cont.)

- Recently, the Serious Crime Act (2015) in England and Wales criminalized CC. Scotland and Ireland enacted similar laws (Domestic Abuse Act, 2018; Domestic Violence Act, 2018).
- Although countries have criminalized CC, researchers have noted abusive tactics related to CC pose a challenge to officers identifying abuse (Brennan et al., 2019; Myhill & Hohl, 2019; Pitman, 2016; Robinson et al., 2016).
- The question remains whether officers' discretion is adequate to provide effective responses and implement CC as a crime.
- Using a sample of U.S. and UK officers, Robinson and colleagues (2016) assessed officers' perceptions of IPV with limited physical violence and abusive CC tactics.
- Many officers focused on physical abuse and, when absent, responses were less proactive, which occurred more so among U.S. officers (Robinson et al., 2016).
- Evidence from Brennan et al. (2019) indicated officers' use of discretion was at times inappropriate, demonstrating a lack of understanding CC, which decreased early intervention.

CONCLUSION & RECOMMENDATIONS

- Given limited training time and some officers' lack of understanding of CC, employing licensed clinical professionals to work alongside officers may be a viable solution.
- This recommendation would effectively remove a substantial portion of the burden placed on officers to effectively implement new laws while enhancing responses to partner abuse to significantly improve long-term outcomes for female victims of IPV.
- Implementing the proposed recommendation could also be helpful to inform countries that criminalize CC in the future.

REFERENCES

- Brennan, I. R., Burton, V., Gormally, S., & O'Leary, N. (2019). Service provider difficulties in operationalizing coercive control. *Violence Against Women*, 25(6), 635-653. <https://doi.org/10.1177/1077801218797478>
- Johnson, M. P. (2008). *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence*. Northeastern University Press.
- Myhill, A., & Hohl, K. (2019). The "golden thread": Coercive control and risk assessment for domestic violence. *Journal of Interpersonal Violence*, 34(21-22), 4477-4497. <https://doi.org/10.1177/0886260516675464>
- Robinson, A. L., Pinchevsky, G. M., & Guthrie, J. A. (2015). Under the radar: Policing non-violent domestic abuse in the US and UK. *International Journal of Comparative and Applied Criminal Justice*, 40(3), 195-208. <https://doi.org/10.1080/01924036.2015.1114001z>
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. Oxford University Press.
- Stark, E. (2012). Looking beyond domestic violence: Policing coercive control. *Journal of Police Crisis Negotiations*, 12(2), 199-217. <https://doi.org/10.1080/15332586.2012.725016>
- Serious Crime Act 2015, c. 9, § 76 (UK). <https://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted>
- Domestic Violence (Ireland) Act 2018. (2018). *Electronic Irish Statute Book (eISB)*. <https://www.irishstatutebook.ie/eli/2018/act/6/section/1/enacted/en/index.html>
- Domestic Abuse (Scotland) Act 2018. (2018). United Kingdom. <https://www.legislation.gov.uk/asp/2018/5/contents/enacted>
- H.R. 1585 - 116th Congress (2019-2020): Violence Against Women Reauthorization Act of 2019. (2019, April 10). <https://www.congress.gov/bill/116th-congress/house-bill/1585/text>

