

Women's disengagement from legal proceedings for Intimate Partner Violence in Southern Spain: Variables related to legal proceedings.

Maria Garcia-Jimenez

PhD student, Department of Experimental Psychology, University of Seville;

mgarciaj@us.es

M. Jesus Cala

Associate Professor, Department of Experimental Psychology, University of Seville;

mjcala@us.es

M. Eva Trigo,

Associate Professor, Department of Experimental Psychology, University of Seville;

trigo@us.es

Manuel L. de la Mata

Full Professor, Department of Experimental Psychology, University of Seville,

mluis@us.es

Key words: Violence Against Women; Intimate Partner Violence; Abandon

Prosecution; Protection Order; Logistic Regression Model

Funding

This research has been supported by the Regional Department for Social Welfare and Equality of the Andalusian Regional Government (1071/0453), and by the Ministry of Education, Culture and Sport of the Spanish Government to the first author (file FPU15/00373).

Corresponding author

Correspondence concerning this article should be addressed to Maria Garcia-Jimenez, Department of Experimental Psychology, University of Seville. C/ Camilo José Cela s/n, 41018, Seville, Spain (e-mail: mgarciaj@us.es).

Short biographical note for authors

Maria Garcia-Jimenez is a PhD student at the Department of Experimental Psychology of the University of Seville (Spain). Her research focuses on the recovery process of women victims of intimate partner violence and women victim's experiences in the legal system. She holds a grant to develop her research funded by the Ministry of Education, Culture and Sports of the government of Spain (FPU15/00373).

M. Jesús Cala is Associate Professor at the Department of Experimental Psychology of the University of Seville (Spain) since 2004. She received her PhD in Psychology from the University of Seville in 1999. Since April 2012 to February 2016 she was Delegate of the Chancellor for Equality at the same University. In 2015 she was given the Meridiana Award by the Andalusian Regional Government for her Initiatives against Gender Based Violence. She is member of the Interdisciplinary Seminar on Women Studies of the University of Seville (SIEMUS) and her research lines are focused on intimate partner violence victims' recovery process and reasons why women disengage from legal proceedings, having led some projects on these topics.

M. Eva Trigo is Associate Professor at the Department of Experimental Psychology of the University of Seville (Spain) since 2002. She received her PhD in Psychology from the University of Seville in 1998. Her research interests include methodological issues, innovations in teaching, and gender studies. She is member of the Spanish Association of Methodology of the Behavioral Sciences (AEMCCO) and the Interdisciplinary Seminar on Women Studies of the University of Seville

(SIEMUS). Since 2016 she serves as Director of the Office for Development Cooperation of the University of Seville.

Manuel L. de la Mata is Full Professor at the Department of Experimental Psychology, Universidad de Sevilla (Spain) since 2016. He received her PhD in Psychology at the Universidad de Sevilla (Spain) in 1993 and he was Associate Professor since 1995. He is currently Principal Researcher of the I+D+I Project “*Challenges of the self: Identities reconstruction in situations of inequality and risk of social exclusion*”. His current research lines include self (re)construction in social and cultural context, with especial emphasis on situations of inequality and social exclusion in areas such as gender violence, migration and education.

Abstract

This paper studies the relationship between a set of variables related to the legal process and women’s disengagement from legal proceedings against their (ex)partners in Southern Spain. A total of 345 women answered a questionnaire. Results evidenced that request for a protection order (PO), granting such PO, imprisonment of the offender, and women’s perception of who decided during the process were significantly related to disengagement (medium effect size). Additionally, it was developed a logistic regression model to predict disengagement with two variables: granting a PO, and women’s perception of who decided. Results are interpreted in terms of the necessity that the judicial system gives support, protects and provides women with opportunities to participate in the recovery process.

Key words: Violence Against Women; Intimate Partner Violence; Abandon Prosecution; Protection Order; Logistic Regression Model.

Violence against women remains as a major social problem in advanced societies. To confirm this, it is enough to look at the results of the first comparative

study conducted by the European Union Agency for Fundamental Rights (2014). This study provides information about the various forms of gender based violence suffered by women in the 28 European Union (EU) member states, with intimate partner violence (IPV) being one of these forms. The study evidences that 22% of women had suffered violence from their partners (physical and/or sexual).

Among all the possible ways to help prevent or eradicate this violence, one of them is the implementation of specific policies and legal initiatives. In the case of Spain, the Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence came into force at the beginning of 2005. Its application, which is restricted to violence from men to women who are or have been in an intimate relationship, was a big step forward in the Spanish law landscape since before it, IPV had not been considered a real concern in the public arena. Since then, an intense effort has been made to help women feel supported and to encourage them to initiate a legal process in the case of suffering IPV. However, it appears that the vast majority of these women do not follow this path. According to the results of the 2015 Spanish macro survey on violence against women of the Government Delegation for Gender Violence (Delegación del Gobierno para la Violencia de Género –DGVG-, 2015), only 28.6% of the women who suffered from IPV presented charges against the offender. Moreover, according to the same report (DGVG, 2015), 20.9% of women who informed against their partner, decided not to continue with legal proceedings. There are two different ways to disengage from legal proceedings in Spain: a) at any time of the process women inform their decision to drop charges; or b) they decide not to declare at trial against their partners, benefiting from the Article 416 LECr (Criminal Procedure Act), which entitles them not to testify against a person with whom they are or have been in a relationship analogous to marriage (intimate relationships). The percentage of women

disengaging using this right is 10.41% of the total of women who had informed against their partner, according to the Spain's General Council of the Judiciary (Consejo General del Poder Judicial -CGPJ-, 2017).

International literature has studied exhaustively why IPV victims withdraw prosecution, protection order (PO) processes or reject using police and/or legal means (see e.g. Buzawa, Buzawa, & Stark, 2017; Ford, 1991). Literature has also focused on no-drop policies debates in the United States of America and other specific jurisdictions like England or Wales (for an extended revision see Buzawa et al., 2017). However, the Spanish situation around women victims of IPV in the legal system has been little studied despite the fact that culture and specific policies and law may be making the difference in women's interaction with legal proceedings.

Despite no-drop policies do not exist in Spain by now, the debate about implementing them is increasing in relevance. However, judicial proceedings have turned out to be a resource that may help women in Spain to have a direct access to some other economic and/or social aids, by having a PO or a report from prosecutors, as prescribed by the Organic Act 1/2004. Nevertheless, and according to international literature, just using judicial channels does not guaranty the end of the abuse and does not always constitute the best way to start a new life free of violence. Two main reasons for this are that initiating the legal path could put women at risk as a consequence of the breakup (Hamby, 2013; Mahoney, 1991), and that the legal system does not always give the response expected by women (Erez & Belknap, 1998; Ford, 1983).

A previous study with Spanish women found that several psychological variables, which are not dependent on professionals' actions, were related to abandoning prosecution (Cala, Trigo, & Saavedra, 2016). The thought of going back with their partner and women's feeling of guilt significantly increased the risk of

disengagement for participants in that study. Both the guilt and the effort to maintain the relationship are common when there is still an emotional bond to their partner (Baly, 2010; Cala et al., 2016). Thus, these psychosocial variables enhance the understanding of survivors' processes and decisions, and that women might not be ready to start a long and extenuating legal journey.

Having considered these psychological factors, among other cited in the same study (Cala et al. 2016), it is vital to know other factors related to women dropping charges once they eventually access the justice system. Not only is it important to prevent disengagement when women are at risk, but also when disengagement is a consequence of a lack of trust in the system due to secondary victimization or not sensitive practices by professionals (Erez & Belknap, 1998). In the light of this, the aim of this study is to complete our understanding of the factors involved in disengagement by analyzing the role of the victim's contact with the legal system and the professionals involved throughout the judicial procedure. We now present a literature review to distinguish which variables have been shown as related to IPV survivors disengagement. These variables will be studied in the current work.

To understand the motives why women drop charges it is also important to ascertain their opinion about the legal system as a whole (judges, police, lawyers...). Traditionally, the analyses of the relationship between IPV victims and the legal system have been based on the perceptions of the professionals and officers who attend these victims (police officers, lawyers, and judges) or on related documentation (such as police or court reports) (Bennett, Goodman, & Dutton, 1999; Chu & Sun, 2010; Erez & Belknap, 1998; Gillis et al., 2006). However, in recent years, several studies have analyzed women's view of their relationship with the system by inquiring about how this relationship has affected their decision on whether to continue prosecution.

Contact with professionals

A large proportion of the studies about the response of legal systems to battered women's needs in Anglo-Saxon countries have focused on the police (Buzawa et al., 2017). These studies have examined issues such as the factors influencing the decision of calling the police (Ford, 1983; Gillis et al., 2006; Kang & Lynch, 2014) and IPV victims' interaction with the police. In this sense, the assessment of police intervention has sometimes been considered discouraging (Erez & Belknap, 1998) and has constituted one of the motives for leaving the judicial process (Gillis et al., 2006). Other studies, in contrast, have shown that police involvement has been positively assessed (Xie & Lynch, 2017) and considered as a facilitator of the completion of the procedure (Hoyle & Sanders, 2000).

Another group of professionals involved is that of lawyers. The act of receiving legal advice from lawyers may serve as a bridge between the legal system and women who go through the judicial itinerary, as they can provide realistic expectations of the likely outcome according to Buzawa et al. (2017). It is essential that women feel accompanied and trust their lawyers, so that close collaboration leading to relationships of confidence can be developed with people they consider competent (Bell & Goodman, 2001). Since the alliance between survivors and lawyer's has been proved to improve their well-being (Goodman, Fauci, Sullivan, DiGiovanni, & Wilson, 2016) and to encourage that women take legal actions against their partners (Weisz, 1999), lawyer's accompaniment and advice may facilitate the women's journey through the judicial system.

Regarding prosecutors, it is interesting to mention the work by Erez and Belknap (1998). Half of the women in their study thought that the prosecutor had asked them questions that indicated distrust towards them and to their version of events or that

minimized the importance of the aggression. Nevertheless, the assessment of prosecutors was better than that of other members of the judicial system (judges, lawyers, and police). Based on previous research, we incline to think that the kind of relationship established between professionals and women may lead to distrust of the legal system and eventually may lead the women to leave it.

The judicial procedure

Mistrust of the legal system seems to be a well-founded reason to abandon prosecution (Dawson & Dinovitzer, 2001; Erez & Belknap, 1998). Various studies developed outside Spain have found a negative view of the judicial process in women who suffer from IPV (Bennett et al., 1999; Gillis et al., 2006). These women felt that judicial procedures were confusing and they felt frustrated and discouraged by the slowness of the system (Bennett et al., 1999). They also felt uninformed throughout the process and insufficiently supported. At the same time, they described the process as intimidating, impersonal, and humiliating, and reported a lack of empathy and interest in the judicial staff. Therefore, they felt silenced and unheard, so much so that they unanimously manifested that they would never use the legal system in IPV situations again, since the process was exhausting, both mentally and emotionally (Gillis et al., 2006).

Neither does the Spanish judicial system guaranty that women will be heard with patience and empathy (Bodelón, 2012). In this sense, Spanish research shows the difficulties faced by women when recounting their experiences of violence. These difficulties are, in many cases, responsible for the omission of pieces of information crucial to the full understanding of the facts (Naredo, Casas, & Bodelón, 2012), which could increase women's feeling of being inadequately heard, as stated by Douglas (2012).

Although Bell, Pérez, Goodman, and Dutton (2011) found that most of the women in their study assessed their experiences in the court positively in terms of support or, at least, reporting non-antagonist and non-apathetic environments; they also found, in line with studies mentioned above (e.g. Bennett et al., 1999; Bodelón, 2012), that the women negatively assessed the obligation to testify several times and found numerous unnecessary delays in the process. When they were finally given the possibility to be heard, many women felt that their testimony was hastened and, in certain cases, silenced (Bell et al., 2011).

At this point, it seems that the key to have positive experiences regarding the legal system and professionals involved is that the women feel they are being taken into consideration and treated as part of the process, as well as they feel of having control over it (Bennett & Goodman, 2010).

The Protection Order

A specific section on the analysis of the intervention of the judicial system in women's disengagement must be devoted to the Protection Order (PO), including the situations in which women ask for a PO, the factors involved in its eventual granting, and the effects on women. In Spain, a PO can be requested at any time during the legal proceedings, and according to the Spanish official data from CGPJ (2017), PO were only requested in 24% of the total of IPV cases. Within this percentage, 68% were granted in 2017.

Results indicate that women tend to request a PO after high levels of victimization (e.g. Carlson, Harris, & Holden, 1999; Keilitz, Davis, Efke, Flango, & Hannaford, 1998; Zoellner et al., 2000). The literature shows that the eventual granting of a requested PO seems to depend on a series of factors, such as the victim's capacity to recount events in temporal order, to specify relevant details that meet the legal

definitions of abuse, and the woman's apparent ability to fit the IPV victim stereotype (Durfee, 2009).

On the other hand, although limited, research into victims' perceptions of the effectiveness of the PO shows that women report a better quality of life, feel better about themselves, and feel safer after being granted a PO (Fischer & Rose, 1995; Fleury-Steiner, Miller, Maloney & Bonistall, 2014; Logan & Walker, 2009). Women's satisfaction has been shown to increase the likelihood of cooperation with prosecution (Erez & Belknap, 1998). Thus, being granted a PO might constitute another form to make women feel that they are listened to and that their stories are validated. This tends to end in better experiences, linked to lower likelihood of dropping charges.

Bearing in mind all the previous considerations about the judicial process and the intervention of the professionals involved, the aim of this paper is to study the relationship between disengagement from legal procedures by IPV survivors in Southern Spain and the set of variables previously reviewed:

a) The legal process as a whole: the victims' general knowledge of the process and how women felt throughout the legal process will be studied in an exploratory way. However, regarding who women felt that made the decisions during the process, it is expected that feeling that decisions were being made together with their lawyer will be related with a less proportion of disengagement.

b) Women's assessment of the role of the professionals (judges, prosecutors, and lawyers) involved in the process. It is expected that the higher punctuation of professionals by women, the lower the percentage of women dropping charges.

c) Variables related to the eventual PO: whether a PO was requested, who asked for a PO, and whether the judge granted a PO. We will explore the two first variables in this set in their relationship with disengagement. In relation to the third variable, it is

expected that more women would disengage when the PO was not granted than when it was.

Other variables will be explored in their relationship to disengagement: the place where women pressed charges (civil guard, national police, local police, or court), the type of lawyer assisting the women (public or private), and women's divorce situation (in process or not).

An additional aim of the study is to construct a logistic regression model to predict disengagement from legal procedures based on the above variables.

Method

Participants

The final sample of the study consisted of 345 volunteer women, all of them victims of IPV involved in legal procedures against their partners in Andalusia, a Spanish region in the south of the country. We initially interviewed a larger sample of women ($N = 806$), but data from 461 women were excluded since it was not possible to know whether the disengagement occurred or not, because their legal processes had not concluded. In the final sample, 62% of women ($n = 214$) did not disengage from the judicial process and 38% ($n = 131$) did.

The average age of the participants was 37.28 ($SD = 11.07$), ranging from 17 to 72. They were contacted in different services for victims of IPV. Most of the data were collected in the SAVA, Spanish acronym of the Andalusian Victims Assistance Service, which provides women legal and emotional support, not psychological treatment, when they are in the IPV Courts. We chose the IPV Courts of Seville ($n = 153$) and Granada ($n = 64$). The rest of the data ($n = 128$) came from Municipal Centers for Information for Women (CMIM as Spanish acronym) in the province of Seville ($n = 89$), Shelters ($n = 16$), and three foundations for victims of IPV assistance ($n = 23$). These non-SAVA

services provided us with information from women who received no advice and accompaniment in the legal process, and enabled the inclusion of a larger sample of finalized proceedings.

Instruments

Data collection was carried out by a large questionnaire whose design was based on a previous study (Cala et al., 2012) and has been described more exhaustively in Cala et al. (2016). In short, to guaranty the content validity of the questionnaire, different tools were used: an intensive review of the scientific literature about the topic; interviews with women victims of IPV; interviews with professionals from different services; and the inclusion of questions related to all the variables considered factors for disengagement found in the literature and in the interviews until saturation of information was reached. Then, a group of experts evaluated the first version of the questionnaire. Finally, the questionnaire was tested successively with women until there were no further questions about the items. The need to develop this questionnaire was due to the fact that there was not any validated Spanish questionnaires to measure women's legal proceedings experiences.

For this study, 14 questions out of the total were analyzed (see Appendix), taken from the complete questionnaire. The questions were posed in past tense for the 91.9% of women who had already finished the legal process (317 out of 345 women).

As we can see in the Appendix, some questions included the option "other (specify)" and, therefore, required subsequent recoding. The answers that did not reach intercoder agreement, and those that were illegible, were omitted from the analysis. First, the observed response for "other" in the item concerning who accompanied the victim to the court was always the same: members of the police force. Thus the item consists of 3 categories: alone ($n = 121$), with family and/or friends ($n = 159$), and with

members of the police force ($n = 14$). Second, only 9 women selected the option "lawyers on both sides" in the item regarding whom the woman thinks that took the main decisions during the judicial process. This category was considered jointly with the option "my lawyer", resulting in 3 categories: the women alone ($n = 152$), the women assisted by lawyers ($n = 113$), and the lawyers ($n = 53$). Other questions required a post-hoc reorganization of the categories because these categories were not independent to each other. The categories of the item concerning the reason for initiating the judicial procedure were therefore: a well-thought-out decision (regardless of whether a traumatic event occurred or not), a traumatic event, and another person initiated the process.

The data analysis was carried out by using the SPSS package (PASW 18).

Procedure

The procedure of the study has also been described more exhaustively in Cala et al. (2016). To guaranty ethical issues of the study, first we submitted the project for its approval to the Department for Equality and Social Welfare of the Andalusian Regional Government, which funded it, and to the Research Foundation of the University of Seville (Fundación de Investigación de la Universidad de Sevilla). Second, the approval of the director or coordinator of the different services was requested before contacting the women that were users of these services. Third, participants were previously informed about the confidentiality and protection of personal data and the possibility of not answering all the items of the questionnaire or leave the study in any moment.

Three professionals experienced in assisting women during the judicial processes collaborated in applying the questionnaires in the SAVA service. They were requested to obtain data from victims who had either completed or abandoned the process in order to balance the sample size of both groups. Therefore, SAVA staff

interviewed women who either were being supported by them at the time of the study or had been formerly supported. When the victim care process had finalized, women responded the retrospective version of the questionnaire and were asked more directly about the unanswered questions.

The participants from institutions and foundations responded all of them of the retrospective version of the questionnaire. In this case, the research team gave to the professionals of these institutions the same questionnaire application instructions given to SAVA professionals.

Data analysis

First, independent analyses of the relation between all the variables of the questionnaire and whether the women had withdrew or not from the judicial process were applied.

Depending on the assumption of homoscedasticity contrasted using Levene's F test, ANOVA or Welch's F was used for the quantitative variables. R^2 was the effect size index calculated to complement these tests. Pearson's Chi-square test was applied for the qualitative variables, using the contingency coefficient as the effect size index. In the cases we found a significant Chi-square index in contingency tables with 6 boxes, the standardized residuals were studied with a higher-than-expected value ($Z = 2.64$, $p = .05/6 = .008$). The level of significance was .05 for all tests. The effect size indexes were evaluated according to Cohen (1988): small ($R^2 = .01$; $\phi = .10$), medium ($R^2 = .06$; $\phi = .30$), and large ($R^2 = .14$; $\phi = .50$).

Consequently, the variables that reached a statistically significant relation with disengagement, whose effect size was at least medium, and with sufficient observations, were simultaneously introduced into a binary logistic regression model to observe their relations with disengagement, while controlling for the remaining variables.

Results

Bivariate relations with disengagement

Table 1 shows the statistical data corresponding to the F tests for quantitative variables. As can be observed, four quantitative variables were significantly related to disengagement, albeit without reaching a medium effect size: how the women felt during the process, and the scores provided in their assessment of judges, prosecutors, and lawyers. The group of women who disengaged from the process felt worse during the trial ($M = 4.57$, $SD = 3.74$) than those who did not disengage ($M = 6.49$, $SD = 2.93$). They also gave lower scores to the professionals: judges ($M = 5.79$, $SD = 3.05$, as opposed to $M = 7.12$, $SD = 2.57$ for those who did not disengage); prosecutors ($M = 6.31$, $SD = 2.85$ as opposed to $M = 7.41$, $SD = 2.43$); and lawyers ($M = 6.02$, $SD = 3.35$ as opposed to $M = 7.64$, $SD = 3.07$).

(Insert Table 1)

Table 2 shows the statistical data corresponding to the Chi-square tests for qualitative variables. Ten variables showed a statistical significant relation with disengagement, albeit only in four cases did the effect size reach a medium level: request for a protection order (Y-N), granting such protection order (Y-N), imprisonment of the offender (Y-N), and what women felt about who made the decisions during the trial (woman and lawyers, woman alone, or lawyers alone).

(Insert table 2)

The percentage of disengagement was statistically higher amongst women who did not request a PO (74.6%) than amongst women who did (28.2%). Disengagement was also higher amongst women who did not obtain the PO (55.6%) than amongst women who did (19.7%). Virtually no disengagement occurred when the offender went to prison (1.8%) while this percentage rose to 41.2% if the perpetrator was not

imprisoned. Related to the involvement of women in the decision-making during the process, the study of the standardized residuals revealed the existence of a lower than expected percentage of disengagements when the woman felt she was making decisions with the assistance of the legal professionals, at 13.3%. The percentages were higher when women felt they decided alone (45.4%) and when they felt that solely the lawyers decided (43.4%).

Although the four aforementioned variables constitute good candidates to be included in the subsequent logistic regression model, the analysis of granting the PO jointly with whether the PO was requested and entering vs. non-entering prison was problematic, due to the scarcity of observations in certain combinations of variables. Thus, only 1 case was found of a PO being granted without being requested, and only in 2 cases did the offender go to prison without a PO being granted. In addition, the introduction of these three predictors in a logistic regression model showed that only the granting of the PO had a statistically significant relation to disengagement: Wald statistic (1) = 8.00, $p = .005$ ($p = .771$ for requesting the protection order and $p = .997$ for imprisonment). Therefore, only the granting of a PO was introduced in the subsequent logistic regression model.

In contrast, the other four variables related to disengagement had a small effect size. However, the study of the standardized residuals revealed a lower-than-expected percentage of disengagement, 22.8%, among women who initiated the process after a well-thought-out decision. Higher percentages of disengagement were found when the process was initiated by another person, 66.6%, or when it was due to a traumatic event, 43.8%. There were also more disengagements for women assisted by a public defender (39.0%) vs. a private one (12.9%), and when divorce was not in process (41.7%) than in the cases in which the divorce process was initiated (27.5%). Finally, non-standardized

residuals were higher than expected for the last variable. The highest ($SE = 1.4$) corresponded to women who went alone to court: 45.5% of them abandoned as opposed to 34.8% of the women who went with friends or family, and 14.3% with the police.

Logistic regression analysis

Following the inclusion/exclusion criteria previously mentioned (significant relation, medium effect-size, and sufficient observations), only two variables were included into a binary logistic regression model to analyze their relation with disengagement: whether a PO was granted, and what women thought about who decided during the process. The step-forward method based on the likelihood ratio was used. Regarding collinearity, the lowest tolerance index was 0.90, and the highest VIF was 1.10.

Table 3 shows the results of this regression analysis. The resulting likelihood ratio model showed a statistically significant drop in deviation in relation to the observed data, and the Hosmer-Lemeshow statistic revealed no significant differences between the observations and the predictions of the model. All the effects were significant controlling for the other effects. As can be observed in the Odds Ratios (*OR*) column, not granting the PO multiplied the risk of disengagement by 3.12. When the women thought that the decisions during the process were adopted by them alone, instead of by them jointly with the lawyers this risk multiplied by 7.04; and it multiplied by 8.63 when they felt that the decisions were made solely by the lawyers.

Finally, by classifying cases with probabilities over .30 as disengagement, the model gave 25.1% of false positives (specificity), and 37.3% of false negatives (sensitivity). Overall, 71.5% of the cases were correctly classified with only these two variables.

(Insert Table 3)

Discussion

This study is aimed at analyzing the relationship between a set of variables related to the legal process and women's disengagement. In addition, the current work also aimed to develop a logistic regression model to predict these disengagements. The set of variables mentioned above includes three types of factors. The first type includes variables related with the legal process as a whole (general knowledge of the process, who made the decisions during the process, and how the women felt throughout it). The second group of variables relates to women's assessment of the role of the professionals (judges/magistrates, prosecutors and lawyers) during the process. Finally, the analysis focused on variables related to the eventual PO (whether it was requested or not, who asked for it, and whether it was granted by the judge).

With regard to the variables related to the legal process as a whole, the results of our study evidence a statistically significant relation between disengagement and women's perception of who made the decisions during the process. As expected, those women that felt that they had made the decisions with the assistance of the legal professionals (lawyers) disengaged significantly less (13 %) than those who felt that they had to make the decisions alone (45.4%) or it was the lawyer who decided (43.4%). This variable was also relevant in controlling for the granting of the protection order in the logistic regression model. Indeed, the model has shown that the risk of disengagement multiplies by 7.04 when women feel that lawyers are making decisions without getting women involved, and it multiplies by 8.63 when women feel alone in making these decisions.

First, women and lawyers deciding together may improve the understanding of the legal procedure by the women. Previous studies have shown the importance of women's experiences in the legal procedure as a factor to be considered for

understanding why women chose to remain engaged in the process or not. Moreover, other studies, in the Spanish literature and abroad, have shown the difficulties experienced by women when faced with the judicial system, characterized by forms of language and functioning that remain completely unknown to them. In general, these women perceive that the process takes too long and represents an open wound in their recovery (Douglas, 2012; Naredo et al., 2012). In the specific case of the Spanish judicial system, Bodelón (2012) has evidenced a lack of acknowledgement of the victims' experience of violence on the part of the judicial system, despite the fact that the Organic Act 1/2004 compels professionals assisting IPV survivors to have a specific training on this subject.

Secondly, deciding together can help ascertain women's needs by their lawyers. The Council of Europe Convention on preventing and combating violence against women and domestic violence (*Istanbul Convention*) has pointed out the need for responding the specific needs of vulnerable people, but in practice, in the case of IPV, victims are often view as part of a generic group exhibiting typical traits (Buzawa, et al. 2017), with the same rhythms and processes, instead of being seen as different women in different situations (Cubells, Calsamiglia, & Albertín, 2010).

Bell and Goodman (2001) showed that intense collaboration between victim and lawyer facilitates understanding the specific needs of each woman, thereby allowing a confidence-based relationship to be developed. Our findings are congruent with these arguments by Bell and Goodman (2001) as a better relationship between lawyers and survivors may improve women's experiences and motivate them to go cooperate with prosecution. However, the same authors stated that only in very few situations does this intensive collaborative work between lawyers and victims exist, and hence feelings of confusion may increase (Bell & Goodman, 2001). This argument may help explain why

disengagement could be less frequent when assisting lawyers are private, as it has been shown in this paper. It is possible that private lawyers developed closer relationships and/or provide information that suited women's needs, as proposed by Camacho and Fiftal (2008).

Thirdly, according to Cerulli et al. (2014), the victim needs not only protection, but also participation in the process of overcoming abuse, so the least satisfied victims are those whose preferences are not taken into account (Buzawa et al. 2017), and the advice and support of the lawyer throughout the process may contribute to this participation. Receiving legal advice lets the women have more information about each step, about the impact of the final verdict, and about the eventual obstacles or protectors that may appear throughout the whole process. This accompaniment and advice seems very beneficial for most women who take legal action against their offenders (Cala et al., 2012). The data about fewer disengagements when women feel that they make the decisions with their lawyers may point to the importance of such personalized advice, which stimulates their cooperation in the process.

Another set of variables considered in our study were those related with women's assessment of the role of the professionals and officers who participate in the process. Our results show that the mean scores given to these professionals were not very high (6.21, 7.14 and 7.18, to judges, prosecutors and lawyers, respectively). At the same time, these assessments had a statistically significant relation with disengagement as expected. Although the effect sizes were small in all three cases, the data confirms, in our opinion, the importance of the relations with these professionals, as we mentioned previously. In the case of police officers, their personal characteristics could have some influence on this rating. Sexist attitudes may lead to differences in strictness related to law application approach (Gracia, García, & Lila, 2014). Besides the differences in

women's assessments, many studies (e.g. Bell et al., 2011; Erez & Belknap, 1998; Gillis et al., 2006; Hoyle & Sanders, 2000) provide evidence of the importance of the response to the demands of protection by the women and its influence on disengagement.

The data showed that low scores in rating professionals were related to disengagement. These data could confirm the need to train professionals assisting battered women in order to facilitate their journey through the judicial process. According to Bodelón (2012), sometimes bad experiences with professionals respond to a lack of sympathy, sensitivity and knowledge about IPV victims' processes and decisions.

The final set of variables was related with the eventual claim for a PO. As mentioned above, previous studies have demonstrated the positive impact of the granting of a PO on women's quality of life, wellbeing, and sense of security (Fischer & Rose, 1995; Harrell, Smith, & Newmark, 1993; Logan & Walker, 2009). Our data show statistically significant relations of requesting a PO, granting a PO, as well as of another variable related to women's sense of security: the imprisonment of the offender. Granting a PO was also relevant controlling for women's feelings about who decided during the process in the logistic regression model. Moreover, the request for a PO has been associated (Trigo, Salas, & Calderón, 2012) with presenting the charges after a well-thought-out decision (instead of simply due to a traumatic event), with a 91.4% of women who made the decision to present charges in this way requesting a PO. These women had also the expectation of halting the offences and attaining effective protection. However, conversely, in the case where the PO was not granted, the risk of disengagement increased and multiplied by 3.12 as the logistic regression model has shown. A possible explanation is that, if women present charges and request protection and this protection is subsequently not provided, then the message they receive after

filing the complaint may be interpreted as the judicial system disbelieves them and gives them no protection, which is related to the importance of being heard (Gillis et al., 2006). Moreover, with a denied PO, if the victim has no economic resources to live independently and has to live with the offender, it is easy to understand that disengagement becomes a likely possibility. It must be taken into account that once women present charges, they are in a much more vulnerable situation than before, since the charges may have supposed an increase of tension in the relationship, thereby raising the risk of violence (Goodman, Bennett, & Dutton, 1999; Hamby, 2013).

From our perspective, these results point out the importance of the response of the judicial system to women's needs and requests, and confirm the importance and the need for women to feel secure in order to continue with the legal process, as it has also been shown in many other studies (Fischer & Rose, 1995; Fleury-Steiner, et al., 2014; Logan & Walker, 2009). The granting of the requested PO represents a positive signal from the system that women do not stand alone against violence, and it can therefore be also considered as an important resource to prevent secondary victimization (Nichols, 2013). Alternatively, when the PO is denied, women may interpret that the system minimizes the aggression or even blames the women themselves. This is why it is important that women have a better knowledge of the content of the PO and about the implications that the possible non-granting of the PO may bring.

Conclusions

Before drawing the main conclusions of the study, it is necessary to recognize some limitations. One of them is concerned with the range of variables considered. In addition to the factors concerned with the legal process and with psychosocial aspects, other variables also influence disengagement. However, the potency of the final equation in our study must be recognized, since it predicts 71.5% of the observed cases,

based exclusively on only two variables related to the legal process. Second, the possible effect of the accuracy of retrospective self-reporting should be evaluated. Although certain studies have pointed out the reliability of retrospective self-reporting (Goodman, Thompson, & Weinfurt, 1999), it is widely accepted that memory is always re-constructive. Therefore, differing periods could affect the quality of the information retrieved. To minimize this effect, we are currently analyzing the answers to questionnaires from women that have responded to these questionnaires while still involved in the legal process (and not after termination of that process). The analysis of these responses may help increase the reliability of women's self-reports and, eventually, improve the predictive capacity of the logistic regression model.

To conclude, some other implications should be highlighted. The study presented here has focused on how a set of variables concerned with the IPV victims' contact with the judicial system and the professionals involved are related with disengagement from the legal process. Although many of the variables considered have demonstrated a statistically significant relationship with disengagement, only two of these variables meet the criteria for being included in the logistic regression model to predict disengagement: whether a PO is granted, and women's perception of who made the decisions during the process. The identification of these variables allows intervention programs to be designed and implemented in order to prevent disengagement.

As mentioned above, the results presented in this paper complete the findings of a previous article that focused on the role of demographic and psychological factors in disengagement (Cala et al., 2016). It is important not to interpret results from the two papers separately, since a mixture of factors of different nature will probably determine women's decision during legal proceedings. From among a large set of variables that

had a significant influence on disengagement, two variables were included in the logistic regression model presented in that article: guilt and the absence of social support. The results of Cala et al. (2016), taken together with the data reported here, point towards the need for a coordinated response (both psychosocial and legal) to IPV. From the perspective of the female victims, it is necessary that both the legal system and social services accompany these women throughout the very hard process of terminating and overcoming the situation of violence they suffer. We want to highlight that the aim of this study is not to state which judicial factors are causing women to abandon prosecution. According to the literature reviewed, sometimes women drop charges because of many other psychological factors, like making elaborated decisions to exit the legal system that obey to women's management of their situation (Ford, 1991). This paper tries to shed light on the kind of disengagement that could come from women's distrust of the Justice System or from bad practices among professionals involved in the legal arena. From a more practical perspective, our data highlights the need for special attention to be paid to training the professionals that intervene on this journey regarding issues related with IPV to improve their understanding of women's perspectives and needs.

This training is, in our view, essential to change the effects of the judicial system on IPV victims, thereby preventing secondary victimization and, in more positive terms, contributing to the empowerment of these women (Erez & Belknap, 1998) by facilitating the expression of their needs, and hence, their inclusion in the judicial process. This empowerment of the victims represents, in our view, a necessary condition in their process of recovery from violence (Cala, 2012).

References

Baly, A. R. (2010). Leaving abusive relationships: Constructions of self and situation by

- abused women. *Journal of Interpersonal Violence*, 25(12), 2297–2315.
<http://doi.org/http://dx.doi.org/10.1177/0886260509354885>
- Bell, M. E., & Goodman, L. A. (2001). Supporting battered women involved with the court system: An evaluation of a law school-based advocacy intervention. *Violence Against Women*, 7, 1377-1404.
<http://dx.doi.org/10.1177/10778010122183919>
- Bell, M. E., Pérez, S., Goodman, L. A., & Dutton, M. A. (2011). Battered women's perceptions of civil and criminal court helpfulness: The role of court outcome and process. *Violence Against Women*, 17, 71-88.
<http://dx.doi.org/10.1177/1077801210393924>
- Bennett, L., & Goodman, L. A. (2010). Through the lens of therapeutic jurisprudence: The relationship between empowerment in the court system and well-being for intimate partner violence victims. *Journal of Interpersonal Violence*, 25(3), 481–502. <http://doi.org/http://dx.doi.org/10.1177/0886260509334282>
- Bennett, L., Goodman, L., & Dutton, M. A. (1999). Systemic obstacles to the criminal prosecution of a battering partner: A victim perspective. *Journal of Interpersonal Violence*, 14, 761-772. <http://dx.doi.org/10.1177/088626099014007006>
- Bodelón, E. (2012). Conclusiones [Conclusions]. In E. Bodelón (Coord.) *Violencia de Género y las respuestas de los sistemas penales* [Violence against women and the responses of the penal systems], pp. 351-360. Buenos Aires: Didot.
- Buzawa, E.S., Buzawa, C. G., & Stark, E. D. (2017). *Responding to domestic violence. The integration of criminal justice and human services*. Thousand Oaks, C.A.: Sage
- Cala, M. J. (2012) (Coord.) *Recuperando el control de nuestras vidas. Reconstrucción de identidades y empoderamiento en mujeres víctimas de violencia de género*

[Recovering control of our lives. Identity reconstruction and empowerment in women victims of gender violence]. Madrid, Spain. Retrieved from http://www.inmujer.gob.es/areasTematicas/estudios/estudioslinea2012/docs/Recuperando_control.pdf

Cala, M. J., de la Mata, M. L., Saavedra, J., & Godoy, S. (2012). Conclusiones sobre las renunciaciones a continuar el procedimiento judicial por violencia de género y propuestas de intervención [Conclusions on disengaging from legal proceedings for intimate partner violence and intervention proposals]. In Instituto Andaluz de la Mujer (Ed.). *La renuncia a continuar en el procedimiento judicial en mujeres víctimas de violencia de género: Un estudio en la Comunidad Autónoma Andaluza* [Disengagement from the judicial procedure in women after intimate partner violence. A study in Andalusia], pp. 187-218. Sevilla, Spain: Instituto Andaluz de la Mujer.

Cala, M. J., Trigo, M. E., & Saavedra, F. J. (2016). Women's disengagement from legal proceedings for intimate partner violence: Sociodemographic and psychological variables. *The European Journal of Psychology Applied to Legal Contexts*, 8, 35-42. <http://dx.doi.org/10.1016/j.ejpal.2015.10.002>

Camacho, C. M., & Fiftal, L. (2008). The significance of the victim advocate for domestic violence victims in municipal court. *Violence and Victims*, 23, 288-300. <http://dx.doi.org/10.1891/0886-6708.23.3.288>

Carlson, M. J., Harris, S. D., & Holden, G. W. (1999). Protective orders and domestic violence: Risk factors for re-abuse. *Journal of Family Violence*, 14, 205-226. <http://dx.doi.org/10.1023/A:1022032904116>

Cerulli, C., Kothari, C. L., Dichter, M., Marcus, S., Wiley, J., & Rhodes, K. V. (2014). Victim participation in intimate partner violence prosecution: Implications for

safety. *Violence Against Women*, 20, 539-560.

<http://dx.doi.org/10.1177/1077801214535105>

Chu, D. C. & Sun, I. Y. (2010). Reactive versus proactive attitudes toward domestic violence: A comparison of Taiwanese male and female police officers. *Crime & Delinquency*, 60(2), 216-237. <https://doi.org/10.1177/0011128710372192>

Consejo General del Poder Judicial (2017). Informe anual. Observatorio contra la violencia doméstica y de género [Annual Report. Observatory against domestic and gender violence]. Madrid, Spain. Retrieved from <http://www.poderjudicial.es/stfls/ESTADISTICA/FICHEROS/JVM/A%C3%B1os%20anteriores/A%C3%B1o%202017/Violencia%20sobre%20la%20Mujer%20-%20A%C3%B1o%202017.pdf>

Cohen, J. (1988). *Statistical Power Analysis for the Behavioral Sciences* (2nd ed.). Hillsdale, NJ: LEA.

Cubells, J., Calsamiglia, A., & Albertín, P. (2010). El ejercicio profesional en el abordaje de la violencia de género en el ámbito jurídico-penal: Un análisis psicosocial [Professional practice in dealing with intimate partner violence in the penal-judicial context: A psychosocial analysis]. *Anales de Psicología*, 26, 369-377.

Dawson, M., & Dinovitzer, R. (2001). Victim cooperation and the prosecution of domestic violence in a specialized court. *Justice Quarterly*, 18(3), 593–622. <http://doi.org/10.1080/07418820100095031>

Delegación del Gobierno para la Violencia de Género (2015). Macroencuesta de violencia contra la mujer. [Survey on violence against women]. Madrid, Spain: Ministerio de Sanidad, Servicios Sociales e Igualdad. Retrieved from <http://www.violenciagenero.msssi.gob.es/violenciaEnCifras/macroencuesta2015/Macroencuesta2015/home.htm>

- Douglas, H. (2012). Battered women's experiences of the criminal justice system: Decentring the law. *Fem Legal Studies*, 20, 121-134.
<http://dx.doi.org/10.1007/s10691-012-9201-1>
- Durfee, A. (2009). Victim narratives, legal representation, and domestic violence civil protection orders. *Feminist Criminology*, 4, 7-31.
<http://dx.doi.org/10.1177/1557085108324961>
- Erez, E., & Belknap, J. (1998). In their own words: Battered women's assessment of the criminal processing system's responses. *Violence and Victims*, 13, 251-268.
Retrieved from <http://search.proquest.com/docview/208555963?accountid=14744>
- European Union Agency for Fundamental Rights. (2014). *Violence against women: An EU-wide survey main results*. Luxembourg: Publications Office of the European Union. Retrieved from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf
- Fischer, K., & Rose, M. (1995). When “enough is enough”: Battered women's decision making around court orders of protection. *Crime & Delinquency*, 41, 414–429.
<http://dx.doi.org/10.1177/0011128795041004003>
- Fleury-Steiner, R. E., Miller, S. L., Maloney, S., & Bonistall Postel, E. (2016). “No contact, except...” visitation decisions in protection orders for intimate partner abuse. *Feminist Criminology*, 11(1), 3-22.
<https://doi.org/10.1177/1557085114554259>
- Ford, D. A. (1991). Prosecution as a Victim Power Resource: A Note on Empowering Women in Violent Conjugal Relationships. *Law and Society Review*, 25(2), 313–334. doi:10.2307/3053801
- Ford, D. A. (1983). Wife Battery and Criminal Justice: A Study of Victim Decision-Making. *Family Relations*, 32(4), 463–475. doi:10.2307/583685

- Gillis, J. R., Diamond, S. L., Jebeley, P., . . . Mandell, D. (2006). Systemic obstacles to battered women's participation in the judicial system: When will status quo change? *Violence Against Women, 12*, 1150-1168.
<http://dx.doi.org/10.1177/1077801206293500>
- Goodman, L., Bennett, L., & Dutton, M. A. (1999). Obstacles to victims' cooperation with the criminal prosecution of their abusers: The role of social supports. *Violence and Victims, 14*, 427-439.
- Goodman, L. A., Fauci, J. E., Sullivan, C. M., DiGiovanni, C. D., & Wilson, J. M. (2016). Domestic violence survivors' empowerment and mental health: Exploring the role of the alliance with advocates. *American Journal of Orthopsychiatry, 86*(3), 286–296. <https://doi.org/10.1037/ort0000137>
- Goodman L., Thompson K., & Weinfurt, K. (1999). Reliability of violent victimization and PTSD among men and women with serious mental illness. *Journal of Traumatic Stress, 12*, 587–599. <http://dx.doi.org/10.1023/A:1024708916143>
- Gracia, E., García, F., & Lila, M. (2014). Male police officers' law enforcement preferences in cases of intimate partner violence versus non-intimate interpersonal violence. *Criminal Justice and Behavior, 41*(10), 1195–1213.
<https://doi.org/10.1177/0093854814541655>
- Hamby, S. (2013). *Battered Women's Protective Strategies: Stronger than you know*. Oxford Scholarship Online. DOI: 10.1093/acprof:oso/9780199873654.001.0001
- Harrell, A., Smith, B., & Newmark, L. (1993). *Court processing and the effects of restraining orders for domestic violence victims*. Washington, DC: The Urban Institute.

- Hoyle, C., & Sanders, A. (2000). Police response to domestic violence: From victim choice to victim empowerment? *British Journal of Criminology*, *40*, 14–36.
<http://dx.doi.org/10.1093/bjc/40.1.14>
- Kang, J. H., & Lynch, J. P. (2014). Calling the Police in Instances of Family Violence: Effects of Victim–Offender Relationship and Life Stages. *Crime & Delinquency*, *60*(1), 34-59. <https://doi.org/10.1177/0011128709359655>
- Keilitz, S. L., Davis, C., Efke, H. S., Flango, C., & Hannaford, P. L. (1998). *Civil protection orders: Victims' views on effectiveness*. National Institute of Justice Research Preview. Washington, DC: U.S. Department of Justice.
- Logan, T. K., & Walker, R. (2009). Civil protective order outcomes: Violations and perceptions of effectiveness. *Journal of Interpersonal Violence*, *24*, 675-692.
<http://dx.doi.org/10.1177/0886260508317186>
- Mahoney, M. (1991). Legal images of battered women: Redefining the issue of separation. *Michigan Law Review*, *90*, 2-94.
- Naredo, M., Casas, G., & Bodelón, E. (2012). La utilización del sistema de justicia penal por parte de mujeres que enfrentan la violencia de género en España [The use of penal justice by women who face violence against women in Spain]. In E. Bodelón (Coord.), *Violencia de género y las respuestas de los sistemas penales* [Gender violence and responses of the penal systems], pp. 27-104. Buenos Aires: Didot.
- Nichols, A. J. (2013). Survivor-defined practices to mitigate revictimization of battered women in the protective order process. *Journal of Interpersonal Violence*, *28*, 1403-1423. <http://dx.doi.org/10.1177/0886260512468243>
- Trigo, M. E., Salas, A., & Calderón, M. (2012): Hallazgos fundamentales sobre las renunciaciones al procedimiento judicial por violencia de género [Disengagement from legal proceedings for intimate partner violence: main findings]. In Instituto

Andaluz de la Mujer (Ed.), *La renuncia a continuar en el procedimiento judicial en mujeres víctimas de violencia de género: Un estudio en la Comunidad Autónoma Andaluza*, pp. 129-186. Sevilla, Spain: Instituto Andaluz de la Mujer.

- Weisz, A. N. (1999). Legal advocacy for domestic violence survivors: The power of an informative relationship. *Families in Society-The Journal of Contemporary Human Services*, 80(2), 138–147. <https://doi.org/10.1606/1044-3894.656>
- Xie, M., & Lynch, J. P. (2017). The effects of arrest, reporting to the police, and victim services on intimate partner violence. *Journal of Research in Crime and Delinquency*, 54(3), 338-378. <https://doi.org/10.1177/0022427816678035>
- Zoellner, L. A., Feeny, N. C., Alvarez, J., Watlington, C., O'Neill, M. L., & Zager, R., (2000). Factors associated with completion of the restraining order process in female victims of partner violence. *Journal of Interpersonal Violence*, 15, 1081–1099. <http://dx.doi.org/10.1177/088626000015010005>

Appendix. Questions taken from the complete questionnaire

- 1) Where did you present charges? (please mark with an X): Civil Guard, National Police, City Police, Court (specify which one).
- 2) Have you asked for a Protection Order? (Y/N)
- 3) Has the Protection Order been granted? (Y/N)
- 4) Was the offender imprisoned? (Y/N)
- 5) How protected do you feel? (0 = *not at all*; 10 = *completely*)
- 6) Is the PO being processed together with your separation/divorce? (Y/N)
- 7) How would you describe your decision to press charges? (please mark with an X): a well-thought-out decision, after a traumatic event, someone else presented charges.
- 8) Did you know anything about the judicial process before presenting charges? (please mark with an X): nothing, some, a lot.
- 8) Did you know the possible consequences of the judicial process? (please mark with an X): nothing, some, a lot.
- 10) How did you feel at the time of the following events? (0 = *very bad*; 10 = *very good*): presenting charges, with the assessment unit, during the testimony, in the oral judgement.
- 11) How would you score the following professionals regarding the way they treated you? (0 = *very badly*; 10 = *very well*): judge, prosecutor, your lawyer
- 12) With whom did you usually go to court? (please mark with an X): alone, with relatives or friends, other (specify).
- 13) Did you have a private or public lawyer? (please mark with an X): private or public.
- 14) Who did you feel made the decisions concerning the judicial process? (please mark with an X): you alone, your lawyer, you assisted by your lawyer, the lawyers from either side.