



Potential Unintended Consequences of Domestic Violence Offender Registries

Over the last several years, there have been many proposals across the country to create state and/or national registries listing domestic violence offenders. These proposals suggest that such a database will be a preventative tool, increasing safety for potential victims.

Unfortunately, there is little evidence demonstrating that a registry of this kind will achieve the desired and intended goals of increasing victim safety and offender accountability. There are also many potential unintended consequences, many of which can decrease safety or have a negative impact on victims. The following are some of these concerns.

Creating a False Sense of Security

Arguments for the registry can be compelling and seemingly logical: to easily and quickly assess if another person could be potentially dangerous based on prior convictions of domestic violence. The registry idea is partly premised upon the assumption that if a person's criminal history is known, then future potential victims can simply avoid the person and any possible harm. However, relying on a registry to determine if a person could be potentially dangerous is ineffective and can create a false sense of security.

Since only a small percentage of offenders actually ever enter the criminal justice system, a registry will always significantly underrepresent the number of individuals who are abusive and who may pose a danger to someone. Many domestic violence homicides and violent attacks are perpetrated by people with no prior criminal record. Of those who are charged, few are convicted and many plea to a lower offense that would not require them to be listed in the registry.

Many registry proposals would only include individuals convicted of a violent felony. This threshold means that not everyone who commits violent domestic violence crimes would be listed. Additionally, many legislative proposals would

also require the offender to be convicted at least three times of a domestic violence crime before being listed in the registry. There are many challenges to creating a registry that would be comprehensive and informative enough to be helpful at all, much less a tool for prevention.

The Simplicity of the Solution Ignores the Complexity of Domestic Violence

Domestic violence is a complex pattern of power and control. The assumption is that if a person was to find their current or potential love interest listed in a domestic violence registry, they can simply avoid or end the relationship to maintain their safety. This ignores the complexity and context of domestic violence, and the reality that most homicides of women and their children occur when the person is attempting to leave or have left the relationship. Stalking behaviors also significantly increase at the point of a break-up. Breaking off a relationship needs to be a thoughtful process that includes a comprehensive safety plan.

Concerns for Victims' Privacy

Due to the nature of the intimate relationship between a victim and an offender in domestic violence cases, publicizing an offender's name to the public can quickly and easily identify the victim as well. Survivors and their children deserve privacy and should be able to remain anonymous while offenders are held accountable. It has also been well-documented that a concern over privacy can deter victims from seeking assistance. Not only are victims concerned about their personal privacy, they also face potential consequences from being identified as a victim, including negative social stigmas and the loss of jobs or housing options.

Public Shame Can Deter Victims from Calling 911

The existence of a registry that can act as a public wall of shame can both deter victims from seeking help and raise serious concerns for the safety of those who do. Reporting domestic violence and trying to escape is often the most dangerous time for a victim. Some abusers may retaliate against the victim if their names are included in a public registry. Additionally, many survivors feel concern for their

partner and their future. They want the abuse to stop, but they may not want a public disclosure or public shaming to occur. This concern may lead some survivors to not seek assistance at all.

Imperfect System = Imperfect Data

Unfortunately, victims of domestic violence are sometimes arrested after reaching out for help. This may be due to the victim defending themselves or because of challenges in identifying the primary aggressor. In a study conducted by the National Domestic Violence Hotline, [1 in 4 survivors reported being arrested or threatened with arrest after making a report to police](#). Having victims in the registry will unfairly impact them and challenge the fundamental goal of the registry as a tool for identifying people who may be a danger to others. Victims are statistically extremely unlikely to pose a threat to others.

Unnecessary Use of Funds

In most communities, criminal records are already public and/or available for a fee. Landlords and employers often access these records when conducting a background check. In addition, criminal records are increasingly becoming more readily accessible online. Creating and maintaining a database solely for this purpose is an unnecessary use of limited funds that can be better used serving victims or on effective prevention measures.

Minimization of the Epidemic of Abuse

Some supporters of registries suggest that the existence of a registry will help increase awareness of domestic violence. However, since the vast majority of abusers will never be listed in a registry, either because they never enter the criminal justice system or because the threshold for being included is too high, a registry will not only be an inaccurate reflection of the issue, but could also minimize the prevalence of the crime.

Conclusion

Domestic violence continues to be an epidemic that requires comprehensive and

effective responses that will hold offenders accountable, protect victims, and create real prevention. A domestic violence offender registry has many potentially harmful consequences and, regardless of the intended goals, is not a tool for primary prevention. To truly prevent abuse, we need to change social norms that allow and even condone one partner choosing to abuse another partner through power and control.

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