

Domestic Violence and Forensic Psychology

Lenore E. Walker

Forensic psychologists are often confronted with cases where there are reports of domestic violence between intimate partners. Sometimes we may be referred a client who has been arrested for physically assaulting his wife or girlfriend and asked to complete a psychological evaluation to help the court decide what penalties to impose. In the U.S. we now have specialty courts, called domestic violence court, to assist in helping the man to find offender-specific treatment so he can stop his domestic violence. Other times we may be asked to conduct a child custody evaluation in a very angry divorce action where the wife accuses the husband of domestic violence. In both these cases the forensic psychologist will be allowed to testify about the pattern of coercive control and abuse of power that may include physical or sexual abuse but definitely psychological abuse and maltreatment.

Like in other forensic psychology cases, our testimony is admitted to help the judge or finder of fact make appropriate decisions. But what about when the battered woman strikes back to defend herself? What if she kills the abuser? Should she be prosecuted as other murderers or should there be a justification for her actions. In the last forty years, battered women who kill their abusive partner in self defense have been permitted to have a forensic psychologist examine them and provide the court with testimony if they acted in self-defense. Then, if successful, they will not be found guilty or sentenced to long prison terms. Self defense, or “acting with a reasonable perception of imminent danger” has been used in these cases to demonstrate that the women were only trying to stay alive. Usually there is other testimony from those who have seen the man’s temper or other arrest and medical records that may be introduced. Psychological tests results may demonstrate that the woman has developed PTSD from the prior abuse and therefore would be expected to be more sensitive to any further attempts by the batterer to harm her in order to obtain power and control of her. This testimony may help the court find a not guilty verdict or a lower level of responsibility and not murder.