

# Experts perceptions of risk and decision making in domestic violence cases in courts

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## Introduction

- ❑ Research has shown that decision making in the judicial system is influenced by bias (one way tendency) and “noise” (when a certain agreement is expected amongst experts, but the real pattern is scattered) (See Kahneman et al., 2021).
- ❑ In what concerns domestic and intimate partners violence one has reason to believe that both phenomena are present.
- ❑ Particularly when the process imply such a complex array of steps where different people / institutions have responsibility during a time period that can encompass several years.

## Method

### Participants

This study will evaluate the comment and response to the interviews of 30 elements that make up the judicial system Portuguese. Of this 30 elements, 10 are criminal police bodies, 10 are prosecutors of the republic / Ministério Público, and the remaining 10 judges of law. This collection will be carried out by instruments and using the Portuguese language.

### Materials

The diversity of analytical aspects recommends the choice of quantitative and qualitative methodologies. The treatment and analysis of domestic violence decisions was the primary core of our analysis. In these decisions, the present elements are as relevant, and that can be analyzed, as the missing elements. Since the answers, which such decisions include, are given through the lens that criminal police bodies, prosecutors of the Republic and judicial magistrates use to analyze and decide on these situations.

### Procedure

Data collection techniques such as semi-surveys, structured interviews and focus groups will be used for collection and analysis of decisions and risk perception of the phenomenon of domestic violence.



The collection of information will be carried out in person with each element and taking into account the identification of the problem of domestic violence in question. It will be directed by the theme mentioned, and the preparation of data and “clean” associated with the phenomenon. Finally, it follows a risk perception analysis approach (for similar procedure see Stieglitz and Krüger, 2011; Gaspar et al., 2014).

Our hypothesis is that experts' mental models and the way they evaluate risk in a certain context (risk perception) would help to explain both the bias and the noise of decision making, i.e., may determine the differences and divergence of opinions between those who decide.

## Literature Review/ Assumptions

The presence of both, bias and noise, are extremely relevant because experts' perceptions can mitigate or aggravate a particular penalty, thus potentially having a significant impact on the lives of people directly impacted by the decision.

As a matter of fact even the way how the phenomena is classified can reveals a certain mental model and risk perception context. For instance, if one categorize a particular act of violence as domestic violence, violence against women, etc. can imply a certain decision tendency.

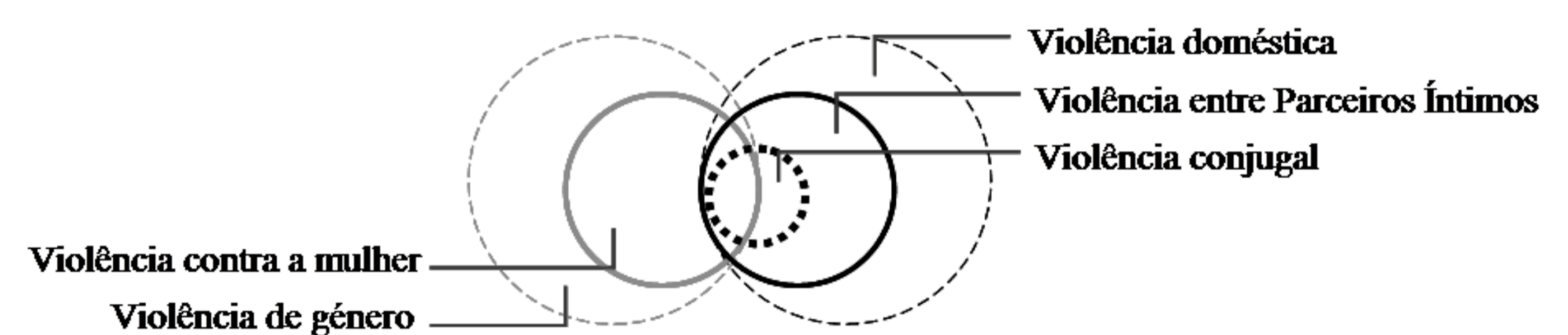


Fig. 1. Different ways of classify violence (from Filipe, 2013 – Perceived Models of Causality of Intimate Partner Violence – FP-UL, p. 5).

Further complexity is added when one is confronted with different institutions where their representatives have not only different levels of responsibility, but most importantly, different cultures and different levels of common-sense perspectives about Domestic and Intimate partner violence in what can be considered a complex system. As a matter of fact, one can evaluate the overall context as a complex one where different systems are encapsulated, from the couple, the enlarged family, the socio-economic context and, finally the judicial one.

This array of Social ecological systems (Ostrom, 2007) can be characterized by a set of somewhat permanent factors depicted in the next figure.

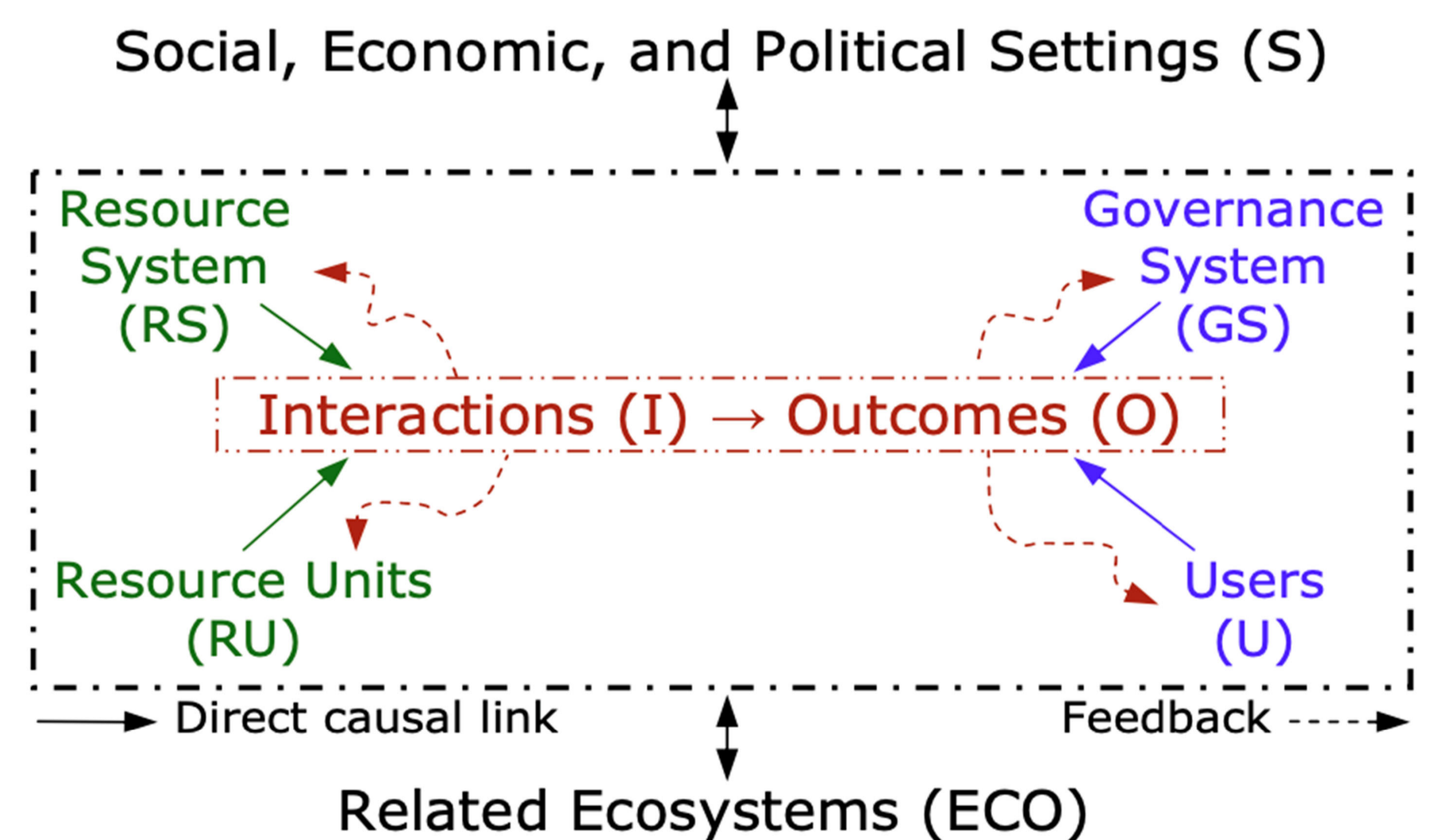


Fig. 2. Action Situations Embedded in Broader Social-Ecological Systems (Adapted from E. Ostrom, 2007, p. 15182).

Assuming that we are dealing with the judicial system across time in a certain case, we can see as users the actors (the intimate system, the police, the courts) the governance system (rules and laws) and the resources perceived as being in the concrete situation. The perception of those aspects of the system, given the power of the actors connected with the governance system, are essential for decision making that produce the outcomes.

As can be easily concluded both the decisions bias and noise are determined by the different perspectives and risk perceptions that arise both from the ideology, the resources evaluation and the rules of law.

The present work, through a mixed methods approach based on semi-structured interviews and instruments, seeks to analyze various decision-making processes and their outputs, of various professional groups, namely their perceptions of the elements that characterize this type of crime and their overall risk perception. We expect the results to show that the perceptions associated with the procedural part itself can influence the decision (e.g., the case of victims, where their statements are taken more into account), as well as the various professional intervention groups involved in it (judges through sentences, police entities, and psychosocial intervention groups). Through this analysis, this study seeks to demonstrate the importance of multidisciplinary and knowledge exchanges