

MANDATORY ARREST LAWS FOR INTIMATE PARTNER VIOLENCE:
THE SCALES OR THE SWORDS OF JUSTICE?

by

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Mandatory Arrest Laws for Intimate Partner Violence: The Scales or the Swords of Justice?
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Prior to the 1970s, society viewed intimate partner violence as a “private issue.” As society’s awareness of intimate partner violence grew, intimate partner violence emerged as an increasingly significant social problem. In the late 1970s and early 1980s, policy reform occurred in the form of mandatory arrest and pro-arrest policies, which offered police officers little discretion. The resulting “must arrest” requirement in mandatory arrest laws significantly impacts the lives of women arrested as perpetrators of intimate partner violence and police officers faced with making arrest decisions. I rely primarily on semi-structured interviews with both groups, supplementing this data with participant observation and official statistics, to examine: (1) how mandatory arrest laws are understood and experienced; (2) what consequences these laws generate; and (3) how the groups negotiate the consequences resulting from the laws.

The analysis clearly reflects the pervasive effects of mandatory arrest laws on the daily lives of those most affected by them. The individuals in this study reported constructing, reconstructing, and working to make sense of who they are within the context of these laws. Additionally, this research demonstrates the importance of gender on the experiences of women arrested for a predominately male perpetrated crime as the female defendants in this study faced negotiating the consequences of arrest on their identities as “good women.” Finally, this research points to the effectiveness of mandatory arrest laws as a short-term solution, but challenges their effectiveness in the long-term. Respondents from both groups overwhelmingly acknowledged that the challenges and complexities mandatory arrest introduces into relationships dissuades people from contacting police, because, for these people, the costs of

arrest under mandatory arrest laws outweigh the benefits. Therefore, while mandatory arrest laws initially appear to decrease offender recidivism, in actuality, these laws prompt a return to re-privatization of intimate partner violence as people choose not to involve the state.

For my Mom, who has *always* been there for me in every single way.

In loving memory of my Dad, who fought his own battle so that I could focus on mine.

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CHAPTER I

INTRODUCTION

This dissertation reports on a qualitative study exploring the effects of Colorado's mandatory arrest law on women arrested as perpetrators of intimate partner violence and police officers faced with making arrest decisions in these cases. Symbolic interactionism and feminist theories guide this dissertation. I use semi-structured interviews and participant observation to shed light on the ways both female defendants and police officers understand and experience the mandatory arrest law. I illustrate the effects these understandings and experiences have on each group's responses to intimate partner violence and on their interactions with each other. My analysis indicates that the mandatory arrest law complicates scenes of intimate partner violence and catalyzes couples engaged in intimate partner violence to employ a number of strategies to avoid the possibility of arrest. The remainder of this chapter lays the groundwork for this dissertation. Specifically, I present relevant literature discussing: state responses to intimate partner violence; the structure of mandatory arrest laws; and research findings about the laws' effectiveness in meeting stated goals of reducing offender recidivism and increasing public safety. I conclude with an overview of the remaining chapters in this dissertation.

I. STATE RESPONSES TO INTIMATE PARTNER VIOLENCE

Historical Overview

The ways people think about and subsequently talk about intimate partner violence¹ have changed dramatically over time. Historically, husbands were able, and at times encouraged, to

¹ Intimate partner violence is often referred to as domestic violence. However, domestic violence also includes violence among family members (parents or stepparents, children or stepchildren, siblings, grandparents, in-laws, or other family members) as well as intimate partner violence. Because this study focuses specifically on the relationship between intimate partners, I refer to it henceforth as intimate partner violence.

enact physical violence against their wives to reprimand them for behavior deemed inappropriate by the husband (Schneider 2000). However, an emerging body of literature by legal historians calls into question the assumption that the state approved of all intimate partner violence against women in the late nineteenth and early twentieth centuries. Ramsey (2011: 185) analyzed previously unexamined cases of domestic assault and homicide in the American West and Australia and found that husbands in both locations were “routinely arrested or summoned to court for beating their wives in the late 1800s and early 1900s.” However, the criminal justice system struggled with the problem of abuse survivors who invoked the state's protection, but then did not see the conviction and incarceration of their abusers as being in their best interest. Sometimes the courts prosecuted and punished the abusers anyway; however, in other instances, the courts held victims in contempt for declining to testify. Perhaps more often the case, the courts did dismiss the cases, not due to apathy on the part of the criminal justice system, but because there was a real tension between punishing the abuser and acknowledging the woman's concerns about, for example, such things as financial support and retaliation by the abuser. Thus, this emerging literature suggests that while intimate partner violence persisted, the state did not, in fact, ignore, or even condone, such behavior (Ramsay 2013).

During the 1950s and 1960s, the criminal justice system experienced a shift in how intimate partner violence was approached. Criminal justice personnel commonly referred to violence between intimate partners as “domestic disturbances” and social service organizations called such violence “family maladjustment” (Pleck 1987: 182). Terms such as “battered woman,” “victim,” and “battered wife” were largely absent from dominant intimate partner violence discourses (Schechter 1982). Ultimately, U.S. society saw intimate partner violence as a private trouble undeserving of intervention by authorities.

This minimization of violence against women by the criminal justice system demonstrated a symbolic and literal acceptance of violence between intimate partners, and reflected the view that intimate partner violence was a private issue that families should handle, rather than a matter for law enforcement (Leisenring 2008; Robinson 2000). Even when law forbade intimate partner violence, police officers frequently “ignored domestic violence calls, delaying their response by several hours, or insisting on mediation rather than arrest” (Goodman and Epstein 2005:480). Research demonstrates that this ideology and the lack of intervention by police led to under-arrest in situations of intimate partner violence (Worden and Pollitz 1984; Zorza 1992).

During the 1970s, both the women’s movement and victim’s rights movement insisted that society should view violence against women as a social problem (Ferraro 1996). Radical feminists began raising awareness about women’s experiences of physical and sexual violence (Schechter 1982: 31). Both movements brought greater media attention to violence against women, introduced safe houses and safe shelters for victims of intimate partner violence, and formed state and national task forces and coalitions geared toward preventing intimate partner violence (Schechter 1982; Schneider 2000). Finally, feminist legal reform efforts on intimate partner violence “formed, lobbied for, and helped to pass state legislation on issues ranging from mandatory arrest and child custody to insurance” (Schneider 2000: 181).

As dramatic violence gained attention, victims’ rights advocates emphasized the rights of victims (Dubber 2006). While crime policy has historically focused on questions of how best to respond to criminal offenders, victims’ rights advocates pushed for increased recognition of the needs and rights of victims. “Though part of the movement’s goals included reducing the violence, many advocates wanted to avoid focusing on abusers because they feared scarce

resources would be diverted from victims” (Berns 2004: 148). Though initially the victims’ rights movement’s major focus was the provision of victim support through use of self-help groups, their goals quickly expanded to address the poor treatment of victims by the criminal justice system (Young 1986).

Ultimately, as society’s awareness of intimate partner violence increased, intimate partner violence emerged as a significant social problem. With this recognition, a new discourse centered on victimhood and focusing explicitly on women’s statuses and rights as victims materialized. This discourse led to widely accepted views of intimate partner violence as a gendered phenomenon wherein women were the victims and men the abusers.

Shifting State Responses

Of primary concern for both the women’s rights and victim’s rights movements was the failure by authorities to accept and take seriously the issues of intimate partner violence. Victims often received little attention from police officers and officers often chose not to make arrests, instead opting to remove themselves from the dangerous and unpleasant scene of intimate partner violence (Buzawa, Buzawa and Stark 2011). In response to continued under-arrest in situations of intimate partner violence, reformers brought attention to the large number of incidents of intimate partner violence and the lack of assistance female victims received from police departments (Leigh 1996; Kurst-Swagner and Petsocky 2003; Mills 1998; Robinson 2000). At the same time, female victims of intimate partner violence began filing lawsuits against police departments and prosecutors because of the lack of attention they received after requesting help. For example, in the 1976 case of *Bruno v. Codd*, abused women filed a suit against the New York City Police Department, the New York City Department of Probation, and the clerks of the Family Court accusing them of failing to enforce the law (Schechter 1982). A settlement was made out of court in which the police agreed to “arrest men who commit felonious assaults; send

out officers for every call from a battered woman; arrest in misdemeanor cases unless there is justification not to arrest; arrest where the husband has violated a Family Court protection order; assist the woman in receiving medical help; and search for a husband who has fled the scene of the crime as the police do in other cases” (Schechter 1982: 160). Fearing continued scrutiny, many departments made it easier for women to access restraining orders against their partners, attaching punitive sanctions if the orders were violated (Dutton 2006). Pressure on departments continued, and in the late 1970s and early 1980s policy reform in the form of mandatory arrest and pro-arrest policies occurred.

Mandatory arrest laws serve as a “must arrest” policy offering police officers little discretion when responding to incidents of intimate partner violence. In incidents where certain legal criteria are met, responding officers have no choice but to make an arrest of the perpetrator. Buzawa and Buzawa (1996) argue that lawmakers implemented mandatory arrest laws to give immediate reprieve and protection to victims. Kurst-Swagner and Petsocky (2003) suggest the purpose of these laws is to change the behavior of abusers to contain their violence and avoid future arrest, and also to change the behaviors of the police responding to incidents of intimate partner violence by insisting on the arrest (and removal) of one (or both) of the parties involved.

Each state with a mandatory arrest law for intimate partner violence has its own jurisdiction over the contents of the law. While one aspect of the law is consistent among states (i.e., that a crime must be committed to warrant arrest), there are a number of differences between states. Ultimately, these differences change the situations during which police officers are required to make an arrest.

The most common difference in policies between states is the provision of either a primary aggressor or a predominant aggressor approach to enforcement of the mandatory arrest

law. States began adding these provisions to their mandatory arrest laws due to concerns about an increase in dual arrests for intimate partner violence. A primary aggressor is defined as the initial physical instigator of violence, while a predominant aggressor is the person who causes the most significant violence or uses the most substantial force. In an effort to prevent revictimization of victims through dual arrest, states have overwhelmingly adopted predominant aggressor policies (SAVE 2010). Research demonstrates that having a primary or predominant aggressor provision succeeds in reducing the number of dual arrests for intimate partner violence because officers are charged with determining which of the two parties either initiated the violence (primary aggressor) or caused the most violence (predominant aggressor) (SAVE 2010). However, there is no mandate requiring states to include one of these guidelines.

In addition to the distinction between primary and predominant aggressor enforcement, the circumstances under which officers must make arrests differs. For instance, some states provide provisions about the timing of the incident, visibility of bodily injury, and/or use of weapons. For example, in Alaska, statute requires arrest when there is probable cause to believe that a crime of intimate partner violence was committed within the past 12 hours (AK Statute § 18.65.530). New Jersey's laws, in addition to the presence of probable cause, require arrest only if either the victim shows signs of injury or if there is probable cause to believe that a weapon was involved (N.J. Stat. Ann. § 2C:25-21(a)).

A third difference in state mandatory arrest laws is the scope of relationships covered by these laws. Initially, intimate partner violence statutes addressed only violence between married couples. More recently, however, lawmakers have expanded definitions to include a broader range of domestic relationships, such as couples with a child in common, persons in dating

relationships, and adults related by blood or marriage. Additionally, most states include current and former spouses, current and former cohabitants, and couples with a child in common.

Finally, to my knowledge, none of the states with mandatory arrest laws have formal clauses in their laws regarding dual arrests (the arrest of both parties involved in an incident of intimate partner violence). In other words, statutes do not provide explicit instruction about whether making a dual arrest is an acceptable response by officers. However, other institutions have provided incentives for individual police departments to discourage the practice of dual arrest. For example, the Department of Justice's Violence Against Women Office, which provides funding to police department to support and improve communities' ability to hold offenders accountable for their crimes, modified their grant requirements. Activities supported by the grant program allow police departments to better handle gendered crimes (such as intimate partner violence) through development and strengthening of polices and training programs, and also assists in reducing scrutiny of departments by community members. To be eligible, recipients needed to "demonstrate that their laws, policies, or practice and their training programs discourage dual arrest of the offender and the victim" (U.S. Department of Justice 2009). Thus, though there are not formally stated protocols within state laws, dual arrest is often unacceptable within individual police departments.

Regardless of their differences, states implement mandatory arrest laws to ensure that police officers respond and intervene in situations of intimate partner violence with an arrest. In 1977, Oregon was the first state to require an arrest in situations of intimate partner violence with the implementation of the Family Abuse Prevention Act. According to the University of Kentucky Center for Research on Violence against Women (2011), as of 2011, 22 states as well as the District of Columbia had mandatory arrest laws requiring police to make an arrest if there

was probable cause to believe a crime had occurred between intimate partners. At that time, six additional states had preferred arrest laws that encouraged (though did not require) officers to make an arrest if there was probable cause to believe a crime between intimate partners had occurred. The remaining 22 states had laws permitting officers to make a probable cause arrest at their own discretion in cases of intimate partner violence.

Colorado's Mandatory Arrest Law

Current statute in Colorado, the location of this study, defines domestic violence as “an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. ‘Domestic violence’ also includes any other crime against a person or against property or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship” (CRS 18-6-800.3). This indicates that in Colorado, intimate partner violence includes, but is not limited to, physical battering behavior. While Colorado’s mandatory arrest law does cover more serious acts of assault (such as attacking, striking, stalking, sexual assault and threats), it also includes what are typically considered more “minor” offenses (such as destruction of property, harassment, and obstruction of telephone services). Additionally, in Colorado, the definition of “intimate relationship” does not discriminate based on marital status of partners, the time period (past or present) or length of a relationship. The language in Colorado’s mandatory arrest law (18-6-803.6) is as follows:

When a peace officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in section 18-6-800.3(1), has been committed, the officer shall, without undue delay, arrest the person suspected of its commission pursuant to the provisions in subsection (2) of this section, if applicable, and charge the person with the appropriate crime or offense. Nothing in this subsection (1) shall be construed to require a peace officer to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence.

Additionally, nothing in this subsection (1) shall be construed to require a peace officer to arrest either party involved in an alleged act of domestic violence when a peace officer determines there is no probable cause to believe that a crime or offense of domestic violence has been committed. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made.

Although Colorado's mandatory arrest law does not include the "primary" or "predominant" language, the Stop Abusive and Violent Environments Special Report (SAVE 2010) classifies Colorado as a "predominant aggressor" state. An examination of the subsections of the mandatory arrest statute illustrates the guidelines provided to responding police officers at scenes of intimate partner violence. Specifically, subsection two of the statute (18-6-803.6 (2)) states:

If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following:

- (a) Any prior complaints of domestic violence;
- (b) The relative severity of the injuries inflicted on each person;
- (c) The likelihood of future injury to each person; and
- (d) The possibility that one of the persons acted in self-defense

These guidelines are meant to challenge responding police officers to think critically about their arrest decisions, so they do not arrest the victim. For example, if one person has prior convictions for intimate partner violence or other violent offenses, those convictions lend credibility to that person being the predominant aggressor. States also train officers to look for signs that someone may have acted in self-defense when responding to intimate partner violence scenes; police can use such signs to identify that individual as the victim.

II. EVALUATING MANDATORY ARREST LAWS

Effectiveness at Reducing Recidivism

Researchers have been evaluating the success of mandatory arrest laws since the earliest days of the laws existence. Indeed, the findings from Sherman and Berk's (1984) Minneapolis Domestic Violence Experiment facilitated the adoption of mandatory arrest laws by many states. The original Minneapolis Domestic Violence Experiment was conducted because different groups were pressuring officers to make different decisions at situations of intimate partner violence. For example, while the officers' colleagues might suggest forced separation to achieve short-term safety, the officers' trainers and superiors might recommend mediation as a means of addressing underlying causes (Sherman and Berk 1984). Additionally, outside influences, such as the women's rights and victims' rights movement, were pressuring officers to focus on the victim's safety by enforcing the law—which often meant arrest. In an effort to evaluate the effectiveness of these different options, this experiment required officers responding to situations of intimate partner violence to follow a specified response provided by the experiment. Possible responses included: arrest, separation (ordering the offender out of the house for eight hours), or advising (in any way each officer saw fit, as long as it was not separation or arrest). Using two sources of data (official police records of new offenses and interviews with victims), findings the researchers concluded that, of the three responses, arrest produced the lowest recidivism rates of intimate partner violence during the six months following the initial police intervention. Additional analyses demonstrated that the average length of time between an original incident and a repeated incident of intimate partner violence was longest when the outcome from the original police response was arrest. Thus, by the simplest official measure, arrest reduced the odds of repeat violence (Sherman, Schmidt, and Rogan 1992), providing support for mandatory arrest laws.

Following Sherman and Berk’s pioneering study, researchers, lawmakers, and police departments expressed the need for replication studies that would explore the relationship between arrest for intimate partner violence and recidivism under a range of different circumstances (Sherman, Schmidt, and Rogan 1992). Consequently, researchers conducted similar experiments in six cities across the nation, including: Omaha, Charlotte (North Carolina), Milwaukee, Metro-Dade (Miami), and Colorado Springs (Mills 1998). The results of these experiments complicated conclusions about the effectiveness of arrests as the best response to intimate partner violence.

Table 1.1: Outcomes of Minneapolis Domestic Violence Experiment and Replication

Replication Site	Outcome
Minneapolis (original)	Arrest provided lowest recidivism at 6-month mark
Omaha, NE	Arrest made no difference in recidivism
Charlotte, NC	Little evidence that arrest deters recidivism
Milwaukee, WI	Arrest deterred at 30-day mark, but not at 6-month mark
Colorado Springs, CO	The first replication to show clear deterrent effects of arrest
Metro-Dade (Miami), FL	Arrest deterred initially and at 6-month marks

Replication experiments examined a range of incidents and a variety of outcome measures. Drawing on the original experiment, researchers conducting the replication studies decided to employ two outcome measures—one from the criminal history database and one from the victim interviews. Ultimately, replications in Milwaukee, Charlotte, and Omaha suggested that arrests increased the frequency of future intimate partner violence by the suspects as measured by official reports and arrests, while replications in Colorado Springs and Miami produced victim-reported evidence that arrest reduced the risk of future violence, consistent with the original findings. Despite the mixed evidence, many states began instituting mandatory arrest policies before researchers had a chance to fully examine these findings.

In addition to the Minneapolis Domestic Violence Experiment and its replication studies, more recent research assessing the general effectiveness of mandatory arrest laws in deterring officer recidivism has produced mixed results (Leisenring 2008; Schmidt and Sherman 1996). The National Academy of Sciences (1998) report, “Violence in Families,” concluded that arrest in misdemeanor cases of intimate partner violence did not produce an effect on recidivism. In contrast, Maxwell, Garner and Fagan (2001) suggest that, albeit modest, arrest has a deterrent effect on aggression by males against female intimate partners.

Effectiveness at Changing Attitudes toward Intimate Partner Violence

Research has shown that when officers have discretion in responding to cases of intimate partner violence, they most often choose not to make arrests (Buel 1988; Jordan 2004; Robinson 2000). Many people argue that this reflects the lack of seriousness with which they treat this form of violence. The implementation of mandatory arrest laws offers a solution to this crucial problem as it signals to officers, and society more broadly, that intimate partner violence is of such grave concern that the government requires action by responding officers.

Emile Durkheim argued that the criminal law represents a community’s common consciousness. Mandatory arrest law advocates adopt this idea, arguing that when an individual commits a crime (such as intimate partner violence), a punitive response is necessary. They contend that nonpunitive responses weaken the “collective consciousness” and lead to inconsistent values and beliefs about behavior as acceptable or not. On the contrary, when law establishes punishments for certain behaviors, a symbolic message of condemnation is present.

Mandatory arrest laws illustrate the expressive value of punishment and laws. In particular, they assist in setting acceptable norms of behavior within intimate relationships. Laws send messages to society about what is acceptable and unacceptable behavior (Hoyle and Sanders 2000). In the particular case of mandatory arrest for intimate partner violence, the arrest

of individuals does many things, one of which is to express public condemnation for acts of violence.

Additionally, considering the responsibility of police officers to ensure and maintain public safety, the state imbues law enforcement officers with a great deal of discretion. Intimate partner violence, however, is one of only a few situations where officer discretion is extremely limited in states with mandatory arrest laws. This limitation on officer discretion and the requirement that they not only personally take situations seriously, but also force perpetrators and victims to recognize the seriousness of the situation through the arrest mandate, sends a message of social disapproval to all parties involved—police, victim and perpetrator (Leisenring 2008).

Unintended Consequences

The implementation of mandatory arrest laws has resulted in some negative unforeseen consequences. Evidence suggests that the implementation and enforcement of these laws have had several unintended negative effects, including: dramatic increases in female arrests, victims who are wrongly arrested, and distrust of the criminal justice system (Hirschel and Buzawa 2002; Mills 1998; Osthoff 2002). All of these effects raise questions about whether, on balance, mandatory arrest laws are more beneficial or detrimental in cases of intimate partner violence.

There is no doubt that through their modification of police responses at scenes of intimate partner violence, mandatory arrest laws have resulted in a dramatic increase in the total number of arrests made for intimate partner violence. Hirschel, Buzawa, Pattavina, and Faggiani (2007: 258) found that “raw numbers of intimate partner violence arrests increased in many police departments after the implementation of mandatory or pro-arrest laws and policies.” In his description of a 1990 study conducted in the District of Columbia, Epstein (1999) indicates that prior to the mandatory arrest law, police officers responding to intimate partner violence calls

arrested perpetrators in only 5% of all cases and failed to make arrests in over 80% of cases where the victim had visible injuries. After the implementation of their mandatory arrest law, however, the rate of arrest increased from 5% to 41%. In her review of research on mandatory arrest laws, Zorza (1995) argues that every state with a mandatory arrest law saw an increase in arrests.

Policymakers anticipated an increase in male defendants because men are more often the perpetrators in cases of intimate partner violence (Archer 2000; Hirschel and Buzawa 2002). Less expected, however, was the significant increase in the number of women arrested for perpetrating intimate partner violence. Research demonstrates that, although the rate of arrest for men has risen in intimate partner violence cases, women actually exhibit a larger proportional increase in arrest rates (Hirschel et al. 2007; Martin 1997). DeLeon-Granados, Wells, and Binsbacher (2006), for example, found that arrest rates of female aggregate felony intimate partner violence in California increased more than 500% between 1987-1997 from 13.70 to 74.80 per 100,000 adult women, while male rates increased 136%, from approximately 247 to 338 per 100,000 adult men. Similarly, in Kenosha, Wisconsin, seven months after the mandatory arrest law was instituted, arrests of women in cases of intimate partner violence had increased 12-fold; after two years, the rate of female arrests was still about 10 times higher than before mandatory arrest (Hamberger and Arnold 1990). Yet other researchers find women accounting for as much as one quarter of the intimate partner violence arrests in some jurisdictions with mandatory arrest laws (Henning and Renauer 2005). Though lawmakers implemented mandatory arrest laws to assist victims of intimate partner violence and deter future battering, the unintended consequences of these policies have been considerable. Arguably, the most important consequence is the unanticipated increase in arrests of women in incidents of

intimate partner violence (Chesney-Lind 2002; Miller 2001; Rajah, Frye and Haviland 2006).

Of critical importance for this dissertation, feminist scholars and victim's rights advocates assert that the dramatic increase in female arrests following implementation of mandatory arrest laws is a result of "wrongful" or unjust arrests. The term "wrongful" refers to cases in which police officers arrest victims (rather than, or in addition to, perpetrators) either purposefully or, more likely, because they fail to investigate the situation carefully and thoroughly. Examples could include officers arresting a victim who acts in self-defense, or one who is falsely accused by her abuser of committing violence.

Wrongful arrest is one of the most cited explanations for the rise in female arrests for intimate partner violence for a number of reasons. The primary explanation for the increase in wrongful arrest of victims is the failure by responding officers to conduct thorough investigations. When cases are complex and the perpetrator is not easily identifiable, police officers may choose to forgo thorough investigations, instead arresting the person who appears to have caused the most serious injuries. Mandatory arrest laws are largely incident-driven, requiring uniform responses to cases without differentiating among motivations or consequences of acts (Miller 2001). Often, this leads officers to "disregard the context in which victims of violence resort to using violence themselves" (Miller 2001: 1340). In their study exploring the justifications police officers made for relying on dual arrest, Finn and Bettis (2006) found that, although they are required to fully investigate the situations of intimate partner violence, many officers are hesitant to do so when both parties made counterclaims. The authors suggest that in these situations, officers worry about arresting the wrong person and subsequently act "overly cautious and 'play it safe' by engaging in dual arrests" (Finn and Bettis 2006: 283), meaning that the "[officers] fail to take into consideration factors that would help distinguish an assault that

was part of an ongoing pattern of battering from one that was not” (Finn and Bettis 2006: 282).

The requirements of mandatory arrest laws only dictate that officers make an arrest when a crime has been committed; they do not, require officers to consider the context in which the abuse occurred.

The above explanations for wrongful arrest actually problematize those arrests considered as “wrongful” under mandatory arrest laws. In fact, such explanations, because of some of the guidelines of the mandatory arrest laws (i.e. that the laws are incident-driven, lack consideration of context, and most often require arrests of the person who commits the greatest harm, not necessarily the person who instigates the incident), reveal how and why many arrests that scholars and researchers may typically consider as “wrongful,” are actually not under these laws. In reality, police officers may not be accusing women of doing something they have not done or targeting women unfairly. Rather, the problem may be that under these laws, the guidelines police officers must follow essentially lead to unjust, though not necessarily “wrongful,” arrests.

In part as a result of the above-identified issues, research demonstrates that a third unintended consequence of mandatory arrest laws is that they facilitate distrust of the criminal justice system by civilians who have had bad experiences with mandatory arrest laws in the past. After police wrongly arrest female victims, the women may be less likely to call law enforcement for assistance in future situations out of fear that they will, again, be wrongly arrested (Henning, Renauer, Holdford 2006). An alternative explanation focuses on the desire by individuals to have choice in whether police make an arrest. In some cases, individuals want to remain coupled, regardless of the violent nature of the relationship. For them, the challenges and complexities an arrest introduces into their relationship dissuades them from contacting police; the costs of arrest under mandatory arrests laws outweighs the benefits (Ferraro and Pope 1993;

Leisenring 2008). Importantly, the failure by individuals to report intimate partner violence due to such distrust may appear, on the surface, as evidence that mandatory arrest laws are effective in decreasing offender recidivism. Digging more deeply suggests that instead they are leading to the re-privatization of intimate partner violence as victims deliberately choose not to involve the state.

III. DISSERTATION OVERVIEW

This first chapter has provided an overview of literature on intimate partner violence and mandatory arrest laws. In the remainder of this dissertation, I discuss the theoretical framework upon which this work is situated, the methodology of the project, and the major themes that emerged from the data.

In chapter two, I discuss the theoretical framework informing my analysis. I begin with a brief overview of symbolic interactionism, the broad framework guiding my work, and move to a discussion of the literature on self, identity, identity work and discourse analysis. Next, I describe several of the ways feminist theory contributes to the field of criminology. In particular, I focus on the ways researchers can integrate feminist approaches into criminological research. I conclude the chapter by pointing to the ways I incorporate both of these theoretical approaches.

In chapter three, my methods chapter, I describe the methodological choices I made in this study, focusing on qualitative and feminist methodology. I then describe my data collection process, which involved semi-structured interviews, participant observation in the form of police ride-alongs, and a small amount of statistical analysis. Given the central role of feminist methods in shaping my study, I then reflect on the effects my background and personal perspective might have had on the data collection and analysis in this study. Additionally, I provide descriptive data for both the sample of female defendants and the sample of police

officers in this study. I conclude by discussing the concerns and limitations I encountered during this project and describe the ways I negotiated these issues.

In the next four chapters, I discuss the specific trends that emerged from my data analysis. I begin the empirical section in chapter four with an examination of the narratives other people provided to the female defendants after their arrests. I argue that the narrative most people (i.e., family, friends, employers, and some members of the criminal justice system) presented the women with drew on the hegemonic “ideal victim” discourse. In contrast, the second narrative, which arresting police officers impose on the women via their arrests, reflects the hegemonic “ideal offender” discourse. Ultimately, these competing narratives offer women ways of understanding themselves as either victims or perpetrators and, subsequently, their arrest experiences as either wrongful and unjust or as fair and just.

Drawing on the victim discourse offered in the previous chapter, in chapter five I focus on the identity work the female defendants engaged in to distance themselves from the spoiled (and generally masculine) identity of criminal to reestablish their identities as good women (who more closely fulfill definitions of a victim). I illustrate the ways the women employ defensive othering, counterstories, and transcendence to reestablish themselves as deserving of a victim status. I conclude that in the context of mandatory arrest laws, gender serves as both a source of internal conflict and as a tool to resolve this identity conflict.

In chapter six, I move to a discussion of the police officers in this study and examine how the presence of mandatory arrest laws has changed a police narrative centered on danger at scenes of intimate partner violence. I illustrate how police trainings, protocols, and broader cultural forces construct and reinforce this narrative, and discuss how mandatory arrest laws affect who police officers view as at-risk and who police officers view as dangerous at scenes of

intimate partner violence. I conclude by describing how police officers manage the danger so that they are able to respond to requests for assistance, meet the requirements of the mandatory arrest law, and also assure their own safety.

Chapter seven combines the interviews with female defendants and police officers to explore the attitudes of both groups toward mandatory arrest laws. I begin by discussing the consequences each group identifies as stemming from the limited discretion afforded to police under mandatory arrest laws. Next, I point to the challenges police officers report experiencing as a result of actions taken by parties at scenes of intimate partner violence. I use the narratives of female defendants to show that the women behave a certain way to avoid the required arrest under mandatory arrest laws; these behaviors facilitate the challenges police identify. Finally, I describe my participants' evaluations of the mandatory arrest law in terms of its short- and long-term effectiveness.

In the concluding chapter of this dissertation, I summarize the major findings of each analytic chapter and outline the significant contributions of this study. This leads to what I view as the policy implications of my work. Finally, I provide recommendations for future research in the areas of intimate partner violence and the study of mandatory arrest laws.

CHAPTER II

THEORETICAL FRAMEWORK

In this chapter, I lay out the theoretical framework that informs the analysis in this dissertation, and describe in detail specific concepts within these theoretical approaches that emerged throughout my analysis. I begin with a brief overview of symbolic interactionism, the broad framework guiding my work, and then discuss the literature on self, identity, and identity work. Next, I discuss relevant feminist theory that underpins much of this study. In particular, I focus on the ways researchers can integrate feminist approaches into criminological research.

SYMBOLIC INTERACTIONISM

At the center of the symbolic interactionist tradition is the belief that people make sense of their own lives and the ways they behave in conjunction with others. Therefore, researchers must consider the actions of a particular individual in the context of group life (Prus 1996). Rather than endowing objects, actions, or symbols with inherent meanings, people, acting within the context of multiple groups, assign meaning to objects and behaviors through the ways they “attend to, distinguish, define, and act toward them” (Prus 1996: 11). The ways people interpret a particular social situation and their placement within it affects how people conceive of and behave toward others. This does not mean that individuals are simply products of their surroundings; rather, they are active, conscious beings who construct and give meaning through interactions with others.

Symbolic interactionists assume that there are no natural or set statuses within society; rather, they assume that social statuses are “conferred upon [individuals] as they are interpreted, organized, and represented through social interaction” (Holstein and Miller 1997: 26). Working

from this principle, I assume going into this study that female defendants are not inherently “criminal,” but instead the criminal status is one imposed on them. This assumption shifts the criminological focus away from causes of criminality (for example), leading researchers to ask questions about the status-making process. In my dissertation, I focus on the ways women who police label as criminals (by arresting them) negotiate that label. As part of this negotiation process, in chapter four I examine the narratives other people provide to the female defendants in this study that draw on broader victim and offender discourses. Subsequently, in chapter five, I point to the ways these narratives affect the women’s senses of self and their identities as they engage in identity work to reestablish their identities in ways consistent with how they view themselves.

Symbolic interaction also guides this research in chapter six as I focus on narrative construction and adoption by police officers responding to intimate partner violence. The police officers in this study described working under a narrative of danger at scenes of intimate partner violence and suggested that the presence of mandatory arrest laws amplified the prominence of this narrative. I examine the ways interactions between the officers and their superiors during state and department level trainings and through departmental procedures and protocols for intimate partner violence construct the “danger narrative.” Finally, I discuss how this narrative affects police officer responses to intimate partner violence and describe how the narrative affects officer interactions with people at scenes of intimate partner violence.

Self-Concept

The construct of self-concept refers to how one describes him or herself to him or herself, as well as the positive or negative values placed on the descriptions. The location of individuals in society (i.e., where they are in social structures by virtue of such aspects as race, class, and gender) influences the self-concept, which forms through interactions in the contexts of broader

social institutions (such as family, school, or the criminal justice system) (Rosenberg 1990). Cooley (1964) suggested that people view themselves through social interactions that allow them to imagine how others view and evaluate them. The person then develops a feeling about the view and judgments. Stets and Burke (2003) argue that by seeing ourselves from others' perspectives, our responses come to be like others' responses, and the meanings of the self becomes a shared meaning.

There are two types of others important in the development of the self. The "significant other" refers to people who are important to an individual, with importance defined as those people whose opinions matter to that individual. The "generalized other" refers to a broader conception of the community, groups, or any organized system that the individual uses as a point of reference from which to understand and evaluate the self (Mead 1934). Importantly, Shrauger and Schoeneman (1979) suggest that self-concepts merely resemble the way others see an individual. One's own perceptions ultimately filter his or her self-concept and reflect how the individual thinks others see him or her. I draw on the self-concept, in addition to identity and identity work, in chapter five to illustrate how female defendants in this study aligned themselves with the ways they thought others perceived them via the provided victim narrative.

Identity

The self and identity are strongly related, but are not synonymous. Multiple identities comprise the self. For example, self as parent is an identity, just as self as friend is an identity and often individuals function in multiple identities at a given time, such as being both a coworker and a friend. Identities are comprised of various meanings that the self and others attach to certain aspects of the individual. For example, what does it *mean* to be a parent or a friend? These meanings are the content of the identities (Stets and Burke 2003). Stone (1970) explains that when the ways others view an individual match the ways the individual views him

or herself, an identity is established. Accordingly, identity is a fluid aspect of the self that individuals continually negotiate in interaction with others.

Goffman (1959) points out that the extent to which an individual's conception of him or herself matches those others have of the individual vary. Altheide (2000: 3) underscores this point: "Identity is a social production, not an individual property. What one thinks of oneself may be relevant, but identity claims require others' concurrence." To ensure that the identities one recognizes for him or herself match those others label him or her with, individuals must make considerable effort. This means that constructing and maintaining identity is work.

Identity Work

Identity work refers to the activities through which people form, repair, maintain, strengthen, or revise their identities so that they are congruent with and supportive of the self-concept (Snow & Anderson 1987; Sveningsson & Alvesson 2003). Schwalbe and Mason-Schrock (1996: 119) suggest that "identity work is a kind of semiotic bricolage wherein people create themselves as social objects by fabricating signs of the self out of whatever resources they can find. Though if necessary, people will also create the tools—the signs, codes and rites of affirmation—that allow them to make of themselves whatever they would like to be." For example, identity work may include displays of dress, office decor, or use of other personal objects (Elsbach 2003). Other forms of identity work include "physical isolation, passing as normal, dissociating from similarly stigmatized others, offering a "cover story" based on an alternative identity, and aligning with management's goals" (Padavic 2005: 116). In their study on male temporary clerical workers, Henson and Rogers (2001) argue that male temporaries invoked cover stories, such as actor or writer, to strengthen their challenged sense of masculinity by minimizing the significance of their temporary job. In their study of homelessness, Snow and Anderson (1987) describe how homeless individuals disassociate from other individuals who are

homeless. Snow and Anderson identify categories of homeless: street people, refugees, mass-disaster victims, those who are viewed as “holier-than-thou” based on having a job, and so forth. Homeless individuals associate themselves with more positive categories, while at the same time disassociating themselves from the more negative stigmatized categories. These types of identity work allow individuals to construct, reconstruct, and avow personal identities, while also persuading other people to believe in those identities. In chapter five, I further develop and apply the concepts of identity and identity work to the experiences of female defendants of intimate partner violence.

Discourse and Narrative Analysis

One of the ways to explore identity and identity work is through discourse analysis. Discourse analysis calls attention to the situated uses of language. It examines how language, considered in its full context, becomes meaningful for its users. Ransom (1993) characterizes discourse as “...structured ways of knowing which are both produced in, and the shapers of, culture.” Social discourse provides “the narrative conventions available for constructing the individual and collective stories that are constitutive of people’s social identities” (Fraser 1989: 165). Foucault (1972) argues that through discourse people create knowledge and that discourse holds a constitutive power that assists individuals as they construct their personal narratives. Though this explains the significance of discourse to the personal narrative, it does not speak to how discourse constitutes personal narratives.

Under an interactionist framework, people learn about themselves through interactions with others. An individual’s understanding of who he or she is and the meanings assigned to his or her experiences are constructed by drawing on prevailing discourses, but also, the individual either reinforces or rejects dominant discourses through his or her personal narrative. In this way,

an individual is both a “subject through discourse” and “subjected to those discourses” (Bacchi 2005: 205).

A central aspect of Foucauldian discourses is power—which discourses are understood as legitimate and which individuals can contribute to discourses? Foucault was particularly interested in looking at forms of discourse that not everyone had a right to use. Though multiple discourses often focus on a single topic, the discourses carrying the most power are “hegemonic” or “dominant” discourses. Dominant discourses of intimate partner violence include culturally accepted assumptions about male perpetration and female victimhood. In chapter four I examine how the responses of others to the female defendants in this study reflect hegemonic victim and perpetrator discourses. The “official” police narrative that positions the female defendants as offenders, however, counters this narrative. Then, in chapter five, I show how the women perform identity work that reflects hegemonic victim discourses. Finally, in chapter six, drawing on intimate partner violence discourses, I focus on the construction and adoption of a shared “danger narrative” by police officers and argue that mandatory arrest laws generate shifts in who officers perceive as at-risk for danger and who officers believe is dangerous at situations of intimate partner violence.

FEMINIST THEORY AND CRIMINOLOGY

Feminist scholars maintain that there is no one feminist theory. Rather, there are multiple feminist perspectives: socialist, Marxist, liberal moderate, and radical feminist—all of which are represented in the criminological literature (Eigenberg, Mullings and Scarborough 2000). However, there are commonalities across the perspectives that scholars often use to identify feminist scholarship; I use many of these views to structure this project.

Feminist criminologists argue that it is necessary to take a more inclusive perspective than that offered by traditional criminology (Daly and Chesney-Lind 1988). Early texts

examining women and crime shared a number of common concerns. Walklate 2007: 84) identified three of the concerns from early works: first, feminist criminology should raise the visibility of women within criminological knowledge; second, feminist criminology should address women's relationship with crime not only as offenders, but also as victims; and third, feminist criminology should aim to understand crime as a male-dominated activity produced not as a result of sex differences, but as a product of gender differences.

To achieve the goals identified by early feminist criminologists, Caulfield and Wonders (1994) offer five contributions of feminist scholarship to criminological research and practice. Their first contribution is the centering of gender as an organizing principle. Caulfield and Wonders contend that this means more than simply adding women into analysis. Instead, scholars must examine how gender affects social life and interactions in every sphere, including within the criminal justice system. For example, this means examining the ways that the criminal justice system constructs and reinforces masculinity and femininity as social categories. Additionally, feminist criminologists argue that "male criminological accounts of 'reality' need to be de-centered in order for women, not men, to be able to describe and name their experiences" (Einstadter and Henry 2006: 265). Rather than performing comparisons between men and women or expecting men's experiences to also represent women's experiences, researchers must examine women's experiences moving through different stages of the criminal justice system.

Caulfield and Wonder's second contribution is a focus on power in shaping social relations. Feminism is only one of a number of theoretical perspectives that stress the importance of power; however, feminists emphasize an examination of power based on "the relationship between patriarchy and the power to define reality" (Caulfield and Wonders 1994: 218). The authors assert that once individuals understand that those in power define reality from

their own vantage point, the individual can take a more critical look at his or her own life. As the U.S. continues to be a patriarchal society, those in power, and thus defining reality, are frequently men. In the context of the criminal justice system, a focus on power may take a number of forms. For instance, researchers integrating this contribution into criminological research may examine: the relationship between power and the ability to define the meaning of crime, harm, and victimization; the gendering of law and differential treatment accorded women under the law; or the ways the state reinforces stereotypes about women based on traditional gender norms (Caulfield and Wonders 1994).

Thirdly, Caulfield and Wonders argue that criminological research needs to explore how social context shapes events and people's understanding of them. Caulfield and Wonders contend that mainstream criminology attempts to categorize people's lives (as is evidenced in the use of words like "male", "female" or "black", "white." Rather than grouping the experiences of all individuals sharing particular characteristics, feminists argue that researchers must see people for all of their characteristics. "Women are never just "women"; they are also rich or poor, dark or light, working at home, working at a job, or working the streets" (Caulfield and Wonders 1994: 222). Feminists also encourage researchers to examine the ways institutions and social structures shape individual life. In terms of criminological research, examining the experience of a woman questioned and arrested by all female police officers may differ from the experience of a woman questioned and arrested by all male police officers. Ultimately, Caulfield and Wonders (1994) assert that if researchers attempt to analyze crime and justice issues apart without considering contextual factors, they risk distorting their participants' realities.

The fourth contribution of feminism to criminology is "the recognition that all social reality must be understood as a process, and that this understanding requires the development of

methods that take this into account” (Caulfield and Wonders 1994: 223). Feminist scholars frequently employ reflexivity within their research. Reflexivity refers to how researchers reflect on and critically examine the research process (Fonow and Cook 1991). Many scholars associate qualitative research methods as most fitting for researchers to account for this feminist contribution. “In general, many feminists prefer qualitative methods, not because they can more accurately uncover scientific “truths” and generalizations, but because they are better able to consider reality as a process—always changing, always in the process of being constituted (Caulfield and Wonders 1994: 223-224). Caulfield and Wonders cite Carlen’s (1988) work as an example of feminist criminological research that successfully examines social reality as a process. Carlen conducted ethnographic analysis, using interviews, to understand women’s involvement in crime. “She discovered that for some women, there was simply no incentive to conform to law [... and the social] conditions [around the women] implicitly licens[ed] them to get what they could by any means necessary” (Caulfield and Wonders 1994: 224). Use of qualitative methods, in this example, provided a far better opportunity for getting at the diverse and rich responses women gave regarding their motives and criminal behavior.

An emphasis on social change as a “critical part of scholarship and practice” is the final contribution (Caulfield and Wonders 1994: 225). Feminists are not alone in linking “theory to action” (Caulfield and Wonders 1994: 226); however, feminism pays particular attention to the targets of social change. While a number of perspectives, including feminism, argue for social change in public spheres, feminism adds that social change must also be personal; “structural change cannot occur unless change first occurs within individuals” (Caulfield and Wonders 1994: 228). Thus, feminist criminologists make links between research and policy outcomes, educational curriculums (including within the criminal justice curriculums), and personal growth.

Incorporation of Feminist Contributions

The five contributions outlined above were instrumental to this study. First, I incorporated the experiences of women and men into this research by focusing on two different groups affected by mandatory arrest laws. I focus exclusively on women in terms of individuals whom police arrest, in part because of the gendered nature of intimate partner violence. I examine a gendered experience in the context of a gendered crime. Additionally, incorporating the experiences of both male and female police officers contributes to my study of gender in this research as I am able to examine both their shared experiences and those that differ based on gender.

To gain a more comprehensive perspective of the effects of mandatory arrest laws, I chose to include the experiences of both individuals arrested under these laws, as well as those who experience the laws requirement when making arrest decisions. The introduction of mandatory arrest laws, alone, introduces additional power dynamics into a situation already based in power and control between intimate partners. A full analysis of power is beyond the scope of this study; however, I examine power in a number of ways. First, in chapter four, I explore the power others have on the ways female defendants view themselves as either victims or offenders. Then, in chapter five, the identity work female defendants perform to repair their identities serves as a way the women can exert power over themselves and against those who labeled them as perpetrators of intimate partner violence. Finally, in chapter seven I point to the power struggle both groups in this study experience as a result of the mandatory arrest law.

The importance of context and process are evident throughout my study. In consideration of context, in my analysis I examine how different groups experience similar situations differently. Moreover, I examine the ways the narratives of my participants are both shapers of context and shaped by context. In other words, the inclusion of various contextual features in the

narratives of the groups in this study impacts the analysis. Similarly, the context within which the experiences of respondents occurred (for example, under mandatory arrest laws) is also significant. In terms of process, I describe in detail my incorporation of both feminist and qualitative methods in chapter three. In line with feminist principles, I chose to rely on qualitative methods so that I could obtain the richest data possible and better understand the diverse experiences of my respondents.

The impetus for this study was social change. My main interest was in understanding and subsequently improving responses to intimate partner violence. This study centers on structural social change through its focus on law and policy and on personal social change through its focus on the effects the law has on individual decisions. In particular, I explore the ways lawmakers can change mandatory arrest laws to improve responses to intimate partner violence.

Additionally, I examine how mandatory arrest laws affects the ways the groups in this study think about intimate partner violence and the criminal justice system and make decisions based on these attitudes.

CONCLUSION

In summary, I approach the study of mandatory arrest laws drawing on the perspectives of symbolic interactionism and feminist criminology. Symbolic interactionism makes it possible to better understand the interactions that female defendants and police officers have in the context of the mandatory arrest law. Additionally, I am better able to examine what it means to be a victim or perpetrator of intimate partner violence within the context of mandatory arrest. Finally, symbolic interactionism is particularly helpful as I make sense of the identities of my respondents and the narratives they construct. Feminist criminology is useful considering the dramatic increase in women arrested following implementation of mandatory arrest laws. The

focus on gender provides a strong center for the study of the impacts of these laws on experiences within the criminal justice system. Additionally, through its urge to critically consider the experiences of groups with attention to the role of gender, power, context, process, and social change, feminist criminology allows me to both challenge and enrich broader knowledge on intimate partner violence and mandatory arrest laws.

This research addresses the following questions derived from the theoretical framework presented in this chapter:

1. How are female defendant and police officer identities created, accepted, spoiled, and repaired in the context of intimate partner violence and mandatory arrest laws? In what ways do the responses of others to their arrests for intimate partner violence impact how female defendants understand their sense of self, their identities, and their arrest experiences?
2. How does arrest for a “gendered crime” affect the experiences of female defendants of intimate partner violence? How does gender enable and/or constrict identity development in the context of arrest?
3. How does Colorado’s mandatory arrest law affect the ways police officers understand intimate partner violence? How does the mandatory arrest law affect responses by police officers to intimate partner violence?
4. How do female defendants and police officers understand the limitation of discretion that is central to mandatory arrest laws as beneficial or detrimental? Are mandatory arrest laws effective in terms of the law’s original goal of protecting victims?

Having laid out the theoretical framework for this project, in chapter three I move to a detailed discussion of the methods I employed.

CHAPTER III

METHODS

INTRODUCTION

Scholars have expressed the need for increased qualitative research on topics related to mandatory arrest, specifically in cases in which women are arrested (Mills 1998; Rajah et al. 2006). Accordingly, I use interviews and participant observation to better understand the lived experiences of individuals directly affected by the mandatory arrest law. Specifically, I am less interested in aggregate level trends and more interested in what happens to those individuals most affected by these laws—those who are mandatorily arrested and those who are required to make the arrests. Extant qualitative research examining mandatory arrest laws has largely centered on the experiences of two populations: men identified as perpetrators of intimate partner violence, or women identified as victims of intimate partner violence (see for example Bohmer, Brandt, Bronson and Hartnett 2002; Sherman and Berk 1984; and Stephens and Sinden 2000). In an effort to more fully understand the effects of the mandatory arrest law while also giving credence to the voices of understudied groups, I examine the perspectives and experiences of women who have been identified as perpetrators of intimate partner violence and of police officers compelled to make arrest decisions under the mandatory arrest law. Conclusions about mandatory arrest laws that ignore these two groups result in an inaccurate and distorted understanding of issues related to intimate partner violence.

Over a period of two and a half years, I completed 66 interviews in the state of Colorado, where a mandatory arrest law for intimate partner violence is in place. Specifically, I spoke with thirty-one women arrested as perpetrators of intimate partner violence and thirty-five members of Colorado's law enforcement (i.e., patrol officers, detectives, and Sergeants). In this chapter, I

first discuss the methods used and explain these in this research project. Next, I provide an overview of recruitment practices, a discussion of how the data collection process unfolded, and an explanation of the effects I may have had on data collection and analysis. Following this, I outline the steps I used to analyze my data. Finally, I provide descriptive statistics of my respondents and conclude by identifying methodological limitations of this study.

QUALITATIVE METHODS

Qualitative research is oriented to understanding the complexities and nuances of particular contextual experiences. Qualitative methods lend themselves to understanding “the meanings and social processes that operate within [a given situation and context]” (Miller 2011: 51). This project employs qualitative methods to investigate the complex and sensitive issue of intimate partner violence within the current context of mandatory arrest laws. Using qualitative methods provides “rich” data allowing for deep and critical understandings of the ‘lived experiences’ of people dealing with intimate partner violence (Lofland, Snow, Anderson and Lofland 2006; Rubin and Rubin 2005). Furthermore, qualitative interviewing permits researchers an understanding of the social worlds of respondents from their own points of view (Kvale 1996; Miller 2011); the interviewee’s responses can reveal emotions, experiences, and the meaning he or she makes of these things (Miller 2011).

Denzin (1989) suggests a number of compelling reasons for the use of a qualitative approach. First, I aim to understand how multiple groups understand and experience mandatory arrest laws. Use of qualitative methods allows for conversation between participant and researcher, providing either party the opportunity to ask questions and clarify issues (Kvale 1996). Second, as this project incorporates an understudied population (i.e., female defendants), it is largely exploratory in nature. Finally, qualitative methods emphasize the researcher’s role as an active learner who can tell the story from the participants’ view rather than as an ‘expert’ who

passes judgment on participants (Creswell 1998: 18). In line with feminist methodology, giving voice to the respondents of this research is paramount. Female defendants and law enforcement personnel experience intimate partner violence and mandatory arrest laws in different and unique ways, and the use of qualitative methods allows participants to give their own accounts. Furthermore, Miller (2011: 51) suggests that “the narrative accounts within in-depth interviews provide insight into culturally embedded normative explanations [of events and behaviors, because they] represent ways in which people organize views of themselves, of others, and of their social worlds.” Thus, qualitative interview data is particularly well suited for addressing the goals of feminist methodology and the aim of better understanding how gender and gender inequality shape the experiences of those involved in or with crime and the law.

Use of qualitative methods provides a clear opportunity for understanding the perspectives of different stakeholders. “When you are studying controversial issues, you want to obtain all sides” (Rubin and Rubin 2005:68). Research examining the experiences and characteristics of men arrested as perpetrators of intimate partner violence is common (See for example Claes and Rosenthal 1990; Sherman and Berk 1984; Waldo 1987). Research based on interviews with both female defendants as well as law enforcement “helps ensure balance” and provides greater depth to the research overall (Rubin and Rubin 2005: 68). Ultimately, the use of qualitative inquiry best fits the goals of this study and lends itself to the tenets and principles of feminist methodology, which were fundamental in the shaping of this study.

FEMINIST METHODOLOGY

There is a long history of debate and no real consensus about what actually makes a research method feminist (DeVault 1999; Hesse-Biber 2012). However, scholars who examine what is most often recognized as feminist research have come to agree that feminist methods challenge status quo forms of research and consider the experiences of women and other

marginalized groups. In 1983, Stanley and Wise argued that feminist research is conducted “on, by, and for women.” Most feminist scholars argue that traditional science operates within a male-dominated paradigm (Harding 1993; Hartsock 1998; Reinharz 1992). It is the task, then, of feminist scholars to uncover the often hidden or ignored realities of diverse groups of women, paying close attention to the concerns of women (Hesse-Biber 2007; Maynard and Purvis 1994).

Within criminology and criminal justice, the experiences of women in numerous social positions (as victims, offenders, or professionals) have historically been ignored. Early attempts at including women into studies ended up simply adding gender to regressions equations, thinking about gender as “just another variable”, rather than considering gender as an organizing principle. Feminist scholars condemned this “add women and stir” approach by claims that simply adding women to preexisting or imposed structures did not allow for the close examination of women’s issues, experiences, and concerns that was necessary (Hesse-Biber, Leavy, and Yaiser 2004; Maynard and Purvis 1994). As a result, over the past several decades, feminist scholars have endorsed the application of a more comprehensive and complete set of feminist principles to issues of crime and justice.

One of the accepted tenets in feminist methodology is consideration of power differentials (Caulfield and Wonders 1994). Often, scholars emphasize the importance of the researcher’s own experiences as integral to the research. Acknowledgement of this impact, often referred to by scholars as reflexivity or positionality, “is the tendency of feminists to reflect upon, examine critically, and explore analytically the nature of the research process” (Fonow and Cook 1991:2). Examining one’s research process reflexively highlights the ways one’s own values and beliefs influence the research process and research outcomes (Etherington 2007). Central to

reflexivity, then, is an examination of the relationship between the researcher and the respondents.

Feminist research is mindful of hierarchies of power and authority, and emphasizes the importance of acknowledging and minimizing power differentials between the researcher and the respondents during the research process. Initially, scholars presumed that when both researcher and respondent were women, the two shared experiences by nature of their status as women. They assumed, as a result, that power differences were nonexistent. Furthermore, scholar suggested that because of the shared sameness between researcher and respondent, a strong, automatic rapport would lead to greater understanding of the experiences of all women (Miller 2011). However, feminist scholars argue that these assumptions are untrue and identify several ways such differences translate into a power hierarchy between researchers and participants.

In many cases, scholars have assumed that researchers have power over their respondents based on class, race, and gender. More specifically, they assume that researchers have: (1) economic and educational advantages and (2) white and/or male privilege (Armstead 1995; Bloom 1998; Stacey 1988). In addition to differences based in sociodemographic factors, feminist scholars also contend that the researcher has greater power throughout the research process by virtue of making choices and decisions about the content and direction of the research (Sprague 2005). For example, the researcher typically determines and constructs the research process. Moreover, the researcher controls the interpretation and analysis of findings, including their presentation to outside parties. Feminist scholars advocate for a non-exploitive relationship, in which the person studied is neither seen, nor treated, simply as a source of data (Maynard and Purvis 1994), and the researcher and respondents maintain a nonhierarchical relationship to the greatest extent possible.

Some feminist researchers have adopted an “interactive methodology” in their attempts to break down power imbalances between the researcher and the respondents (McDermott 1992). Feminist methodology attempts to engage participants in a reciprocal relationship in which the research is collaboratively conducted by researcher and respondent. Respondents are active, knowing subjects rather than passive objects of study. Bloom (1998: 18) suggests a number of ways to accomplish this:

Feminist researchers strive for egalitarian relationships with their respondents by making space for [their respondents] to narrate their stories as they desire; by focusing on issues that are important to respondents; by returning transcripts to the respondents so they can participate in interpretation; and by respecting the editorial wishes of the respondents regarding the final product or text.

While feminist scholars widely support the above list, a number of scholars have described more comprehensive strategies through which to engage respondents. For example, Jones (2007) discusses the option of interviewing over a long span of time so that both researcher and respondents may revise the narratives produced until satisfied. Additionally, Bigby (2000) suggests seeking information in multiple ways. Of Bigby’s strategy, DeVault and Gross (2012) note that by including multiple sources of data, Bigby “was able to produce case studies that included the [respondent’s] own perspectives and filled out their stories with supplementary information from others”. This particular technique is most useful in cases when individuals wish to participate in a study, but cannot provide all of the information the researcher wants to collect or do not want to be interviewed (DeVault and Gross 2012). Finally, DeVault and Gross (2012) note the possibility of strategic disclosure by the researcher. Strategic disclosure occurs when a researcher’s chooses to share personal information or reveals “research interests and political commitments” (Devault and Gross 2012: 181). Scholars who have used this approach insist that the rapport they held with their respondents was not generated through their visible

similarities, but rather because the researcher and respondent could engage in a kind of shared knowledge building based on shared experiences (DeVault and Gross 2012).

Reflexivity is now a widely recognized tool for exposing the dynamics of power operating throughout the research process. Reflexivity encourages researchers to recognize and dismantle the hierarchical relationship often present between themselves and the research participants. While I have described a number of strategies incorporated into research on a regular basis, this list is far from exhaustive. As feminist methodology continues to strengthen and grow, so too do the approaches for integrating it into the research process.

A final feature of the feminist approach to research worthy of mentioning given the particular concerns of this study, is the emphasis on action and social justice. Fonow and Cook (1991: 6) argue that feminist scholars must take an “active role in the struggle for women’s liberation” and “in more systemic ways through a focus on the policy implications of specific research findings.” An examination of research on mandatory arrest laws reveals that most extant research has neglected the perspective of women arrested for intimate partner violence. Disregarding the voices of this group within the discussion of mandatory arrest and more broadly intimate partner violence is detrimental to a comprehensive understanding of the impact of these laws. As the rate of women arrested for intimate partner violence has significantly increased following implementation of mandatory arrest laws, it is critical to better understand how this group experiences this law. Situating this research within a feminist framework provides a focus on gender and emphasizes the experiences of an understudied perspective—in this case, women arrested as perpetrators of intimate partner violence.

RESEARCHER POSITIONALITY

Drawing on the feminist methodology used in this study, the literature on positionality, also referred to as reflexivity, suggests that researcher identity (e.g., race, class, religion,

education) and experiences shape, among other things, what s/he views as important topics for study, how participants respond to questions in face-to-face interviews, and how s/he interprets data (see Archer 2003; Valentine 2002; Vanderbeck 2005). The power relationships between the researcher and the researched can affect not only the theoretical framework within a study, but may “control the design of the study, and can inform how the study is conducted, analyzed, and written up” (Hesse-Biber and Yaiser 2004: 72). While I, as a researcher, may hope to produce knowledge that is detached and objective, claims of this type are open to doubt when acknowledging the tenets of positionality.

As a young, White, heterosexual, middle-class, and educated woman who identifies with feminism, clearly my own “social background, positionality, and assumptions affect the practice of [my] research” (Hesse-Biber and Yaiser 2004:115). Scholars have long debated issues around conducting research on a group to which the researcher belongs in some manner. This insider/outsider status may be based on participation or membership within a social or community group, or on the participant’s perceptions of the researcher’s sociodemographic characteristics (i.e., race, class, gender). Deutsch (2004) discusses how both the insider and outsider status of a researcher may be helpful. For example, when the researcher and respondents share qualities or group membership in common, it may allow participants to feel comfortable and therefore lead to greater disclosure and deeper insights. Additionally, Deutsch points out that as an insider, the researcher may be privy to more intimate knowledge about the group. On the other hand, outsiders enter particular settings on a temporary basis for the purposes of conducting research. In some cases, as an outsider the researcher may be given greater opportunity to ask questions that will result in greater depth and detail. Researchers

suggest that because respondents do not assume the researcher already knows the answers to the questions asked, the respondents are more willing to answer and then explain responses.

When researchers are part of an “outsider” category in relation to their participants, they have used a number of approaches to bridge the differences between themselves and their participants. For example, “matching” interviewer-respondent characteristics (e.g., race, age, gender, or sexual preference) is one technique. Additionally, researchers, particularly feminist scholars, have suggested inviting participants to collaborate in the development of research agendas (Kirsche 1999). Finally, some scholars suggest establishing a sense of reciprocity as a means of overcoming “outsider” status. Specifically, to establish more of a non-hierarchical relationship, while also working to locate similarities and acknowledge differences, the researcher answers questions about his or her own identity (Letherby 2003).

I experienced both “insider” and “outsider” elements with both of my interview groups. With female defendants, being a woman myself was often helpful. For example, women frequently stated during their interviews, “you know what I mean.” Our shared sex established a sense of shared experiential understanding. In contrast, several female defendants seemed tense because of my level of education and, at times, my socioeconomic status. Women within this sample mentioned my level of education as something they “wished” they could have and made comments about my use of a car, while they used public transportation. Thus, my shared gender classification allowed me to act as an “insider”; however, my perceived differences in education and social class categorized me as an “outsider”.

Though some of the women noted my level of education or social class, this did not prevent most of them from openly sharing their experiences with me. For many of the women, recounting their stories was visibly difficult. Several women cried throughout the interview

process, some asked me for advice, and others verbally explained how painful and embarrassing their relationships and the process of arrest were. It seemed that, for some of them, the interview served as a therapy session and I was the therapist. While I appreciated the trust they had in me and the openness with which they talked to me, I took the sensitive nature of the research seriously. Almost all of the women in my sample of female defendants reported feeling wrongly arrested and revictimized by the criminal justice system. Thus, it was important for me to prevent any further revictimization during the interview process. Kirsch (1999) argues that it is important for researchers to recognize and acknowledge their status as a researcher and not as a trained therapist. Accordingly, if women seemed particularly troubled or voiced a need for help, I provided a list of resources instead of acting in the therapist role myself.

While the status of female defendant did not present an “easy-to-see” power differential within the researcher-respondent relationship, law enforcement is a traditionally powerful position within society. Therefore, while the law enforcement officers in this study were not interacting with me in an officer-criminal relationship, their role as police officers was still powerful in my mind. Consequently, during interviews with police officers, the negotiation of power and building of rapport looked much different than with my sample of female defendants. For example, my level of education often served as a benefit during interviews with this sample. My participation in graduate school seemed to provide credibility for my interest in this research and gave the sense that I was knowledgeable about topics related to the project. While this was helpful, the fact that I was not a member of law enforcement remained important in a number of situations. For example, some of the police officers I interviewed were reticent about answering questions I asked and hesitated when criticizing the mandatory arrest law. My civilian status

may explain this, or officers may have believed I would not understand what or why something was said because I lacked background information on law and criminal justice.

Finally, I shared my white skin color with the majority of the participants in this study. This status, when at first considered, places me as an “insider” to the groups I interviewed. And, in many cases, I did not recognize overt ways that this shared racial status affected my interactions with participants. However, upon greater consideration, I did note that participants (both from different races and those that shared my white status) explained, in greater depth, situations or trends having to do with races other than white. For example, when one white officer described his interactions with the Hispanic community, he spoke specifically of the different types of fears or concerns the community had. This particular officer may have assumed that because of my white skin, I was less aware of challenges racial minorities faced in the community with regards to intimate partner violence. Additionally, when I spoke with several Hispanic female defendants, they spoke of cultural differences and/or reflected and explained distrust of the police in terms of their racial minority status. Thus, race created an interesting status for me as both an “insider” and an “outsider” and, in some cases, I was placed in the “outsider” status even by individuals who were also white.

In addition to my personal characteristics, I must also note my assumptions leading up to the start of this study. Based on previous research and my personal beliefs about intimate partner violence, I began this project interviewing only women who believed they had been wrongfully arrested for intimate partner violence. With the dramatic increase in female arrests following the implementation of mandatory arrest law, I assumed that many, if not most, of the arrests of women were unjust and problematic. This initially led me to a more restricted sample: only women who felt they experienced wrongful arrest. Following several initial interviews, I

realigned my research methods with the tenets of feminist methodology by including the experiences of diverse groups of women; I opened my sample of female defendants to *any* woman whom police had arrested as the perpetrator in a situation of intimate partner violence. Additionally, in an effort to overcome my preconceived biases, I incorporated several sources of data into my analysis. By collecting data from a variety of sources, including interviews, observation, and official statistics, I gained access to a broader understanding of the issues. Though initially law enforcement officers were not included in my research plan, I introduced them shortly after beginning interviews with female defendants so that I could better understand not only the “factual” nature of arrests for intimate partner violence under the mandatory arrest law, but also the ways different groups construct narratives about the arrests. Furthermore, I engaged in data triangulation by comparing the responses from both of my interview samples, with my observations from police ride-alongs and the statistics I gathered, in order to increase the validity of my findings. This process ultimately increased the validity of the study and hindered my personal assumptions from complicating the study findings.

I adopted a number of strategies to account for any effects my identity or the statuses I held might have on participants. First, I paid careful consideration to the construction of my interview guides. My use of an interview guide allows for flexibility through its semi-structured format, but ensures collection of the same general areas of information from each interviewee. When I created my guides, I spent a lengthy amount of time composing my questions, to avoid the inclusion of leading questions and to instead allow for detailed explanations and general responses from all of my participants. Secondly, I offered participants copies of their transcripts for review, in addition to access to final products from the research. Though I attempted to include respondents in the research process in this way, none of the respondents in this study

accepted my offer and therefore, they did not have the opportunity to challenge my analysis of the data. Notably, many participants, particularly members of law enforcement, did request access to the final products from my research. Finally, I engaged in acts that would lend themselves to the kind of reciprocal relationship advocated by feminist researchers. I used both my knowledge about legal practices around intimate partner violence and my financial resources to benefit respondents. For example, many of the female defendants in this study had not seen the police reports associated with their arrests. Accordingly, during the scheduling of interviews, I offered to purchase and bring with me copies of the reports for the women to take. Three female defendants did accept this offer. Additionally, during interviews with female defendants, the possibility of “sealing” their cases often came up. Sealing is the practice of making court records or charges publicly inaccessible. In other words, if the women sealed their files, future employers, friends, and family would not see their previous arrests or charges for intimate partner violence. In some cases, women had heard about this option, but were unsure about the process. In other cases, respondents had never heard of sealing. When respondents had not heard about sealing, I explained the purpose of sealing and described the benefits (i.e., that the public could not see the charges) and drawbacks (i.e., it is costly). In all cases when sealing was introduced, I offered to email participants following our interviews with information about the process; six respondents accepted this offer.

Lastly, depending on the location of the interviews, if food and/or beverages were available, I offered to purchase participants either or both. Most often, respondents rejected this offer. However, in some cases, the police officers insisted on purchasing beverages for me, often noting my student status as justification for their offers. These interactions reinforced the

negotiation of power occurring between me, as the researcher, and my respondents, even if presented outwardly as simply kind, considerate gestures.

The choices I made during attempts at engaging participants in a participatory and egalitarian model of research reflect several things about the power relationship present in this study. First, my choices about how to engage in reciprocity (described above) emphasize my consciousness of the conventional power I, as researcher, held over the respondents in this study—particularly in the case of female defendants. My heightened sensitivity to avoiding an exploitive or manipulative relationship with this sample underscores my perception of them as disempowered. I had not, however, considered that my participants may have their own reasons for participating in the research. I disregarded the power participants had in determining the nature of the relationship, what they shared with me, and whether or not to even engage with me in this research. Additionally, because of my acute awareness toward the sample of female defendants, I often failed to think about or deal with the ways that, as a civilian, police officers could disempower me within the study. The authority and power the government grants to active police officers by nature of their occupation situated this group in a position of power. Thus, despite my efforts to remove issues of power from the research, this study highlights the complex power dynamics within research relationships and reinforces the contention of many researchers that it is impossible to ever fully erase the power differential between a researcher and the respondents (Acker, Barry and Esseveld 1991; Stacey 1988). Judith Stacey (1991) argues that engaging in personalized relationships between researcher and respondent only masks the power differences and actually places the research participants at risk of objectification, manipulation and betrayal. Ultimately, even though the researcher may wish to establish an egalitarian

relationship with respondents, in the end, the project—what is asked, what is recorded, and how it is interpreted and presented—still belongs to the researcher (Stacey 1991).

METHODS

Recruitment Strategies

I established a set of eligibility criteria for each sample to choose participants to interview. Criteria for defendants were women, at least 18 years of age, who law enforcement personnel had arrested as the perpetrator in an incident of intimate partner violence following Colorado's most updated mandatory arrest law was implemented in 1994. Recruitment of female defendants continued throughout the duration of the research (May 2008-June 2011). I used several methods of recruitment for this research. First, I sent fliers to approved treatment providers of mandated batterer treatment classes within the designated county.² The fliers requested participation of women meeting the set of eligibility criteria established for this project. Because many women were court-mandated to attend the treatment classes, I notified each woman who contacted me that participation in my research was not part of class requirements. Though treatment classes were the primary method of recruitment, I also employed online advertising, and unsolicited snowball sampling among respondents also took place. I worked to recruit female defendants from the same county in which my police sample patrolled. However, several of the women recruited through court-mandated treatment attended classes in different counties than where their arrests took place. Additionally, the use of online advertising drew in several women outside of the county from which the police sample stemmed. The final sample included 25 female defendants arrested in the same county from which the police sample was pulled, and six women arrested outside of this county.

² See Appendix A for the flier used in recruitment of female defendants.

The recruitment strategies I employed were critical in generating this sample. Because women are statistically more often victims rather than perpetrators within intimate partner violence, this sample was particularly difficult to reach. Though I gave great attention and time to identifying and recruiting female defendants, it was not unusual for a woman to wait to hear about the experience of another participant before committing to meeting me for an interview.

The only eligibility requirements for law enforcement respondents were that those individuals interested in participating needed to be sworn peace officers³ from either Rock Canyon Police Department or Mountain View Police Department⁴. The lack of additional requirements for officers was intended to garner a sample of officers with a range of experience. I attempted to create a sample diverse in the length of officer experience, gender of officer, number of departments within which an officer has worked, and the locations in which an officer has worked. This variation allowed for a deeper exploration of the nuances of the police subculture, the evolution of understanding around mandatory arrest by peace officers, and the various ways this law has been, and continues to be, enacted. To achieve this diversity, I depended heavily on snowball sampling.

Recruitment of this sample took place within two police departments—Rock Canyon Police Department and Mountain View Police Department— both relatively equal in department and community size, and both reporting the highest numbers and rates of arrests for intimate partner violence in the county I studied (see Table 2.1).

³ A broad definition of peace officer is used for the purpose of this research. A peace officer includes current patrol officers in addition to individuals who were at one time patrol officers, but may have since moved into other sectors of police work, for example various detective units.

⁴ Both departments have been assigned pseudonyms.

Table 2.1: Comparison of Rock Canyon Police Station and Mountain View Police Station

	Rock Canyon	Mountain View
Department Size	171 sworn officers, 100 civilian support personnel	142 sworn officers, 65 civilian support personnel
City Population	98,889	87,712

Each member of the law enforcement sample is a sworn peace officer and has served within the patrol realm at some point in their law enforcement careers. I recruited police officers using police department listserves, emails⁵, and snowball sampling. While each of these recruitment strategies was important in developing this sample, snowball sampling was perhaps most crucial. The Police Chief from each participating department guaranteed that upper administration would not ask officers about their participation in my study; however, the environment in law enforcement is quite cohesive, leading to significant apprehension about meeting with me. For this reason, having an officer who had already met with me discuss the project with a fellow colleague often proved quite helpful. This vouching process provided me with greater credibility and allowed hesitant officers to develop more trust in me. Ultimately, as hoped, I obtained a sample of law enforcement personnel with a variety of experiences.⁶

Interviews

I employed semi-structured, in-depth interviews with both samples. While quantitative methods, as discussed above, are often close-ended and subsequently limiting for participants, the use of a semi-structured approach to interviews allows the respondents to guide where the research goes. This approach to inquiry clearly allows for each respondent's perspective to be heard, following the principles of feminist methodology. Prior to interviews, I obtained

⁵ See Appendix B for the email used in recruitment of police officers.

⁶ See Respondent Characteristics below for an in-depth discussion of the diversity achieved within this sample.

informed consent from each respondent.⁷ Though I used a guide with questions, by structuring the interview flexibly, participants could direct the topics of discussion and the questions I asked to those most important to their own experiences.

I designed the interview guides for this project with the goals of the project in mind. Broadly, I asked female defendants about the incident for which they were arrested, their evaluations of treatment by criminal justice personnel, their experiences within the criminal justice system (e.g., with lawyers, judges, probation officers), their experiences within jail and post-release from jail, their knowledge of mandatory arrest laws before and after being arrested, and their beliefs about the effectiveness of mandatory arrest laws.⁸ I asked police officers about their individual background in law enforcement, training in law enforcement, department policies and practices around intimate partner violence, typical action taken in incidents of intimate partner violence, and attitudes towards mandatory arrest in intimate partner violence.⁹

Participants chose the settings of our interviews following my suggestions. I interviewed female defendants in library study rooms, meeting rooms within their treatment providers' building, at parks, and within cafes. Interviews with members of law enforcement most often took place within police department meeting spaces, but also occurred in coffee shops and restaurants. Interviews with female defendants ranged from one hour to over three hours. Interviews with law enforcement personnel ranged from forty-five minutes to one and a half hours. I completed all interviews face-to-face and digitally recorded interviews with participant permission. In total, I recorded the interviews of 30 of the 31 female defendants and 32 of the 35 interviews with law enforcement. Notably, recording interviews is controversial within the

⁷ See Appendix C for the consent form given to female defendants. See Appendix D for the consent form given to police officers.

⁸ See Appendix E for the interview guide used with female defendants.

⁹ See Appendix F for the interview guide used with police officers.

realm of research. Some researchers believe that recording interviews has a negative effect on the interview because the participant may feel “constrained” by the presence of the recorder (Weiss 1994:53) or that the researcher may give the interview less attention, instead depending on the recorder to capture the participant’s response (Weiss 1994). On the other hand, many researchers endorse recording interviews. Lofland et al. (2006) suggest that audio-recording is particularly important in the case of flexible and open-ended interviews, as is the case in this study. Rather than paying less attention, proponents of audio-recording argue that the interviewer must give his or her full attention to the respondent so to develop appropriate and necessary probes, understand and respond to participant questions, and be aware of topics that have been covered or left unquestioned. I agree with proponents in that recording interviews allowed me to focus more clearly on what the participant was saying. In the cases when digital recording was not an option, I was often distracted and at times overwhelmed by writing copious amounts of notes on what participants said and questions I hoped to ask. Either a paid academic transcriptionist or I transcribed verbatim each of the interviews that were digitally recorded.

Observation

While interviews are the primary source of data for this project, I also did eight ride-alongs (approximately 50 hours) with police officers. Collecting observational data allowed for “deeper *immersion*” [emphasis in the original] into the roles and responsibilities of officers while on duty (Emerson, Fretz and Shaw 1995: 2). By performing ride-alongs with officers, I was able to understand what officers experience as meaningful and important regarding their work, specifically regarding domestic violence. I made observations in the form of comments, brief accounts, and in-depth field notes during ride-alongs with officers from the two departments participating in interviews. My field notes included remarks about in-the-field use of mandatory arrest laws, including how officers interact with individuals at the scene; how officers explain the

situation and the mandatory arrest law to individuals; procedures and explanation around officer decision-making; and other details relevant to understanding the implementation of mandatory arrest laws. Performing ride-alongs clearly illustrated for me the added constraints and pressures created by mandatory arrest laws and the differences in officers' interpretations of the concept of probable cause at scenes of intimate partner violence. I used observational data to more fully understand the process by which officers make arrest decisions when intimate partner violence is present, and to inform findings derived from interview data.

Statistics

To supplement the qualitative data and get a sense of basic numbers and rates, I examined official statistics from an organization that collects and analyzes all intimate partner violence-related police reports from the county in Colorado within which my research took place. This information allowed me to further examine female arrest rates under Colorado's mandatory arrest law, rates at which dismissals of arrests occur, and the primary reasons for dismissals of female perpetrators of intimate partner violence. Below I report statistics from 2005-2009, the years for which the most detailed data was available for my consideration.

When examining female arrest rates, I was able to identify the changes in arrest rates, by police department, of both men and women (see Table 2.2). Data showed that while Mountain View Police Department's percent of total intimate partner violence cases that had female defendants stayed relatively consistent during the time of this study (between 22-23% with the exception of 2006), Rock Canyon Police Department experienced greater variability (between 21-33%).

Table 2.2: Arrest Rates by Sex of Defendant and Police Department

	Females	Males
2005		
Rock Canyon	82/355 23%	273/355 77%
Mountain View	111/485 23%	374/485 77%
2006		
Rock Canyon	70/334 21%	264/334 79%
Mountain View	74/406 18%	332/406 82%
2007		
Rock Canyon	91/363 25%	272/363 75%
Mountain View	98/441 22%	343/441 78%
2008		
Rock Canyon	101/334 33%	233/334 67%
Mountain View	111/487 23%	376/487 77%
2009		
Rock Canyon	104/318 27%	214/318 73%
Mountain View	108/482 22%	374/482 78%

Note: These statistics are based on all formal reports including: arrest, book and release, summons, and warrants

Looking at rates of dismissal, cases in which no further legal action was taken after the arrest, between male and female perpetrators points to the decision-making skills of police officers in the police departments of study. Strong cases are those in which the prosecutor believes he or she can successfully bring a perpetrator to justice. If the prosecutor dismisses charges, it may indicate that s/he believes there is not strong enough evidence for the arrest or that the particular person arrested was acting criminally. I found that over the period for which I examined statistics, dismissal rates of women were consistently higher than those of men (see Table 2.3).

Table 2.3: Dismissal Rates by Sex of Defendant and Police Department

	Females	Males	Female to Male Dismissal Ratio
2005			
Rock Canyon	31/82 38%	50/273 18%	38/18 2.1:1
Mountain View	32/110 29%	43/376 9%	29/9 3.2:1
2006			
Rock Canyon	25/70 36%	58/263 22%	36/22 1.6:1
Mountain View	20/74 27%	49/332 15%	27/15 1.8:1
2007			
Rock Canyon	28/91 31%	46/272 17%	31/17 1.8:1
Mountain View	24/98 25%	33/343 10%	25/10 2.5:1
2008			
Rock Canyon	35/101 35%	45/234 19%	35/19 1.8:1
Mountain View	34/112 30%	50/376 13%	30/13 2.3:1
2009			
Rock Canyon	34/101 34%	41/218 19%	34/19 1.8:1
Mountain View	21/107 20%	36/376 10%	20/10 2:1

Note: These statistics are based only on arrests actually made

DATA ANALYSIS

Analysis of collected data consisted primarily of coding the information obtained in the interviews. “The essence of coding is the process of sorting your data into various categories that organize it and render it meaningful” (Lofland et al. 2006). I analyzed my data using a grounded theory approach (see Charmaz 2000). Grounded theory suggests that theory development occurs throughout the research process. In other words, the researcher does not make assumptions about data findings, but rather, “the researcher’s interpretations of data shape his or her emergent codes” (Charmaz 2000:514). Initially, I was interested in the unintended

consequences resulting from mandatory arrest laws. While this topic was present in interviews with female defendants and several members of law enforcement, I found that each of my samples introduced other topics that I had not considered prior to my first seven to ten interviews. For example, though not included in my original interview guide, participants spent extensive time describing their interactions with and attitudes toward the other women jailed with them. Subsequently, I restructured my interview schedules in order to incorporate questions that would explore the claims, beliefs, and perspectives brought up by my respondents. Strongly influenced by grounded theory (Glaser and Strauss 1967; Strauss and Corbin 1997), this inductive form of analysis allowed me to modify the focus of each interview depending on the individual being interviewed and his or her role in the research project (i.e., female defendant or law enforcement).

Throughout data collection, I looked for patterns and emerging themes (Lofland and Lofland 1995). Reexamining field notes and transcribed interviews, I continually refined themes as additional data was gathered. After lengthy comparison of themes within and between interviews, toward the end of my data collection I developed concrete categories within both samples (Lofland et al. 2006). Then, I hand-coded each interview using the categories I had derived from the interviews. Initially my coding involved broad categories, such as: knowledge/understanding; accountability; discretion; and consequences. However, as I continued to “sit with” my data, I became more focused on how women navigated their lives following their arrests, how law enforcement managed the emotions involved in training for and making mandatory arrests, and how both groups spoke about mandatory arrest laws for intimate partner violence. I used these emergent questions to guide me as I reread interviews numerous times. After reading each interview, a number of conceptual codes and categories surfaced from the data. Following Charmaz’s (2000) discussion, these codes were kept “active” throughout the

research and data analysis processes so that I could make extensive and frequent comparisons within and between interviews.

For example, my interest in how participants evaluated the mandatory arrest law led me to note the advantages and disadvantages each of my samples identified with regard to the law. As I reviewed the initial interviews, the congruity between the negative consequences mentioned by both female defendants and police officers was notable. This pattern continued to emerge with continued interviewing. Specifically, the negative consequences most often cited were unintended results of the law that stemmed from the limitation of discretion. Accordingly, I read the transcripts looking explicitly for discussions of discretion and how participants associated discretion with their own behaviors, attitudes, and responses to the mandatory arrest law. I recorded memos about how and when respondents used the term “discretion,” and what particular language they used when speaking about the choices, or lack thereof, they or others had. In this study, the in-depth interviews provided rich data; however, the comparative nature of the data between female defendants and police officers further enriched my analysis. My ability to juxtapose the perspectives and experiences of both samples facilitated identification of both shared and different experiences and attitudes toward mandatory arrest laws.

RESPONDENT CHARACTERISTICS

Before moving to my analysis, it is important to describe the characteristics of each of my samples. In this section, I provide basic demographic information for the 31 female defendants and 35 police officers whose experiences I include in this dissertation.¹⁰

¹⁰ See Appendix G for a table of all female defendant participants with basic demographic and relevant arrest information. See Appendix H for a table of all law enforcement participants with basic demographic and relevant law enforcement information.

Female defendants

The age of the 31 female defendants in my sample at the time of arrest ranged from 21 to 54, with a mean age of 33 years old. This sample reflects the racial and ethnic diversity of the county studied; 81% (n=25) of the sample was white and 19% (n=6) of the sample was non-white. Three participants (10%) in this sample identified as Hispanic/Latina, two (6%) as biracial, and one participant (3%) identified as Filipino. The lack of racial diversity may be, at least in part, explained by the characteristics of the location in which this study took place. Specifically, the county from which both samples were drawn is 78.8% White (non-Hispanic); 13.7% Hispanic or Latino; 4.3% Asian; 2.4% bi-/multi-racial; and 1.1% Black (U.S. Census Bureau, 2011). The diversity of the sample thus mirrors the diversity of the county fairly closely. The women were not directly asked about their sexual orientation; however, all of the women reported police involvement in situations involving male partners (one woman also reported having experienced violence in a same-sex intimate relationship during her interview).

The economic status of the female defendants in this sample varied. At the time of interview, all of women were either employed or enrolled in higher education per the terms of intimate partner violence court sentencing and probation. The majority of women (n=24) reported middle class socioeconomic statuses based on their employment in such fields as sales, customer service, food services, nursing, and education. Five women said they held unstable temporary employment (e.g., as day laborers or through temporary employment services) or were waiting to complete the mandates of their arrests before seeking permanent, higher-paying employment or education. The remaining two female defendants characterized their employment as high-paying at a large national corporation (n=1) and high-status within the government sphere (n=1).

Law enforcement personnel

As mentioned previously, two police departments participated in this research. Of the 35 members of law enforcement interviewed, 22 individuals came from Mountain View Police Department and 13 worked for Rock Canyon Police Department. At the time of the interviews, 77% of respondents were active patrol officers (n=27), 17% of respondents were detectives (n=6), and the remaining 5% were Sergeants (n=2). Additionally, 66% percent of this sample was male (n=23) and 34% was female (n=12). Length of experience in the field ranged from 2 months to 35 years, with a mean of 15.2 years of experience among all respondents. This sample also lacked racial diversity, as all but one participant was white. The single non-white participant identified as Hispanic. As was the case with the female defendants in this study, the lack of racial diversity in police officers is, at least in part, explained by the composition of the country from which participants were recruited.

STUDY LIMITATIONS

At the beginning of this chapter, I discussed the benefits of conducting interviews using feminist methodology as the primary research method for this study. However, there are several limitations associated with these choices. Perhaps the most critical concern to this project is that this research does not use a random sample to allow for generalizability of results. Consequently, the experiences represented in this dissertation cannot be generalized to all women arrested for intimate partner violence, nor to all peace officers working under mandatory arrest laws. Although this is a shortcoming, I did not construct the goals of this research with broad generalizability in mind. Rather, this case study identifies with “the ‘thick’ description of events” (Gerring 2007:49) and consequently permits a deeper understanding of mandatory arrest laws as a complex issue in Colorado. Though perhaps not generalizable, the findings from this study contribute to the national conversation around intimate partner violence, mandatory arrest laws,

and reentry. For example, since the implementation of mandatory arrest laws, researchers have largely ignored the experiences of women. Many studies mention the rising population of women arrested for intimate partner violence following mandatory arrest laws (e.g., Barata and Schneider 2004; Chesney-Lind 2002; Henning et al. 2006; Hirschel and Buzawa 2002; Mignon and Holmes 1995); however, few examine the perspectives of women arrested regarding the circumstances under which their arrests occurred. Furthermore, no extant research, to my knowledge, examines the ways women manage the consequences of their arrests. This lack of attention toward women's experiences with mandatory arrest laws as a whole (during the incident, while interacting with the criminal justice system, and especially following sentencing) is problematic given the dramatic increase of female defendants. Additionally, this research contextualizes the experiences of women arrested for intimate partner violence as they reenter their communities. The interviews in this research examine the challenges female defendants of intimate partner violence face following release from jail and how they manage such difficulties. Finally, while police subcultures have been studied broadly, considering the need for mandatory arrest laws in the first place, it is important to examine the influence these laws have had on encouraging consistent responses to intimate partner violence by police officers.

Some researchers advocate for long-term and on-going relationships between the researcher and respondents (see for example Heyl 2001). This may include multiple interviews in an attempt to gather what Charmaz (2000: 514) calls "extensive rich data." Though I did engage in follow up contact with two female defendants in this study and two police officers, these interactions were at the participants' requests. In all cases, the participants wished to clarify or add to their original interviews. In most cases, however, conducting multiple interviews with either of my samples was impractical. At the time of our interviews, most of the female

defendants were completing sentencing mandates and talked about wanting to “move on.” Additionally, a number of them cried during the interviews voicing how difficult it was to talk about their arrests and relationships. When I did attempt to contact a few respondents from this group, usually to provide them with information, as described above in terms of reciprocity, the women often did not respond to my emails.

In regards to interviews with law enforcement, I frequently conducted interviews either directly before or directly after their work shifts. In some cases, I actually interviewed respondents during their shifts, with approval of their superiors. Officers frequently described their schedules as hectic, at times had ear pieces in their ears in case they were needed “on the streets,” and, in general, it was difficult to schedule the interviews. However, I tried to obtain as much detail as possible in the interviews I did conduct with law enforcement, and supplemented these interviews with participant observation and official statistics.

An additional concern with the methodological choices made in this research, is the lack of diversity. Due to the case study format of this project, I sought samples for both groups from the same geographic region. While allowing for deeper investigation into the topics of this research, this did necessitate the use of individuals within a particular region. Additionally, as introduced by one of my female defendants, and mentioned by a number of the police officers interviewed, inclusion of, or consideration about, same-sex couples would further allow me to examine the nuances and established structures around the mandatory arrest law. Worthy of mention, is that in some ways, the lack of diversity is actually a benefit. Existing literature on intimate partner violence, especially in terms of women’s use of force, typically focuses on minority groups (racially and based on sexual orientation). Because my work primarily

represents the white woman's experience of intimate partner violence under mandatory arrest laws, this research represents an understudied group and adds important information to the field.

An additional limitation of this study was the possibility of "going native." The phrase "going native" describes the development of a sense of over-rapport between the researcher and the respondents. This term carries negative connotations because it stands in contrast to more traditional expectations of objectivity. If a researcher "goes native," s/he is thought to have over-embraced aspects of the culture or group being studied. As I noted previously, I began this project with the experiences of female defendants at the center of my focus. I entered the research with a great sense of sympathy for the female defendants in the study and identified with their concerns (not based on my own experience, but on a social justice level). However, because I could not see myself in their positions, going native was less of a concern in terms of my sample of female defendants. However, this issue did arise within my police group. Several times officers, detectives or sergeants mentioned my research and sociological background as helpful skills within policing. One respondent specifically told me that his department could "use someone like [me]." Similar examples arose during the police ride-alongs I completed. At the end of ride-alongs, though aware of my academic background and interest in staying in academia, officers sometimes asked when I was going to become a police officer. I usually laughed and explained that I thought I was better suited for academia for a number of reasons. There were times, however, when becoming a police officer seemed appealing. During one particular ride-along, I engaged directly with citizens on behalf of the police. Because there was a language barrier, I acted in an interpreter role to aid in communication between the officers at the scene and the citizens requiring assistance. Additionally, based on my experiences with the police, my friends, at times, asked me legal questions about avoiding trouble, their personal rights during

interactions with police, and the structure and expectations of police departments. I realized that I became defensive when people made negative comments about the police and, at the same time, was more critical myself when I encountered or saw interactions between police and civilians.

To decrease the possibility of “going native,” I was clear with police respondents about my intentions during ride-alongs. For me, participant observation was about immersing myself in the police culture, but I had to learn how to remove myself. Engaging in overt participant observation made it easier for me to separate my roles as participant and observer. I was better able to reduce the chances of becoming so involved in the group that I stopped observing and simply became a participant.

Despite the limitations of this research, the research design outlined is most fitting given the goals and purpose of this project. The implications of these findings are substantial for criminal justice and public health practitioners, police departments, advocates for individuals involved in intimate partner violence, legislators, policy makers, and intimate partner violence intervention strategists. This study has the ability to clarify police responsibilities and suggest response alternatives for combating intimate partner violence. Additionally, the information gleaned from this research can be used to guide current officer training around intimate partner violence, officer interactions with citizens, treatment of intimate partner violence within the criminal justice system and following release (e.g., in court-mandated treatment classes) as well as the issues faced by women who have been arrested for intimate partner violence offenses. Ultimately, this data informs decisions of legislators deciding whether mandatory arrest laws should be passed.

CHAPTER IV

FITTING THE MOLD: A CONSIDERATION OF COMPETING VICTIM AND OFFENDER NARRATIVES IN INTIMATE PARTNER VIOLENCE

INTRODUCTION

One of the major objectives of this research is to analyze the experiences of women who police identified as perpetrators of intimate partner violence. I set out to examine what influences and processes affect the ways female defendants make sense of their arrests, how they subsequently understand their arrests as just or unjust, and finally, how they manage resulting consequences from the arrests. In their interviews, female defendants talked extensively about the reactions of others to their arrests, making it clear that these reactions were central to the sense-making process they all engaged in after their arrests. In this chapter, I consider these reactions from people, including family, friends, criminal justice personnel, and fellow jail inmates, and illustrate how these reactions reflect hegemonic victim and offender discourses and offer competing narratives for the female defendants to choose between as they make sense of themselves in the context of arrest for intimate partner violence.

VICTIM AND OFFENDER DISCOURSES

Symbolic interactionists argue that individuals are not, by nature, victims or perpetrators. Instead, the victim status or offender status is “conferred upon them as they are interpreted, organized, and represented through social interaction” (Holstein and Miller 1997: 26). Part of these statuses is the dictation of how a victim or offender should act, and how the individual is subsequently perceived. Accordingly, researchers have identified are sets of characteristics associated with both the notion of an “ideal” victim status and an “ideal” offender status, characteristics that I lay out below before applying them to my work analysis.

The “Ideal Victim”

Victim discourse is both inclusive, from the perspective that anyone can claim the position of victim, and selective, in that some individuals, are more likely than others to be than others to be positioned and accepted as victims. Dominant social discourse provides a lens through which individuals understand what a “victim” is and how she or he should behave. Individuals who meet these expectations are more likely to be seen and accepted as victims.

While a number of scholars have theorized about the traits of the “ideal victim” in crime, Nils Christie’s (1986: 18) description provides the foundation for most other conceptualizations. Christie’s concept of the “ideal (crime) victim” refers to an individual who is worthy of and receives a complete, legitimate, and unambiguous victim status. He argues that the “ideal victim” is weaker in relation to the offender; is vulnerable, respectable, and subordinate; and does not contribute to his or her own victimization. Building on Christie’s work, other scholars argue that the “ideal victim” is best understood in terms of his or her innocence and lack of wrongdoing in the context of a particular incident of victimization (Lamb 1999; Sank and Caplan 1991).

In the context of intimate partner violence, the notion of women as undeserving victims of men’s violence is not new in public social discourse; it first gained attention in the 1970s with the introduction of the women’s rights and victim right’s movements. Davies, Lyon, Monti-Catania (1998) and Loseke (1992) argue that, especially during the beginning the women’s movement, intimate partner violence discourses focused on the image of the “pure victim.” While similar to Christie’s “ideal victim” in a number of ways, the context of intimate partner violence provides additional considerations for conceptualization of such an individual as a “pure” or “real” victim. This discourse represents intimate partner violence victims as, among other things: (1) adhering to traditional gender roles and being economically and emotionally

dependent on their abusers; (2) passive and not violent themselves, except in the case of self-defense; and (3) fearful as a result of the violence and abuse they experience. Additionally, in her discussion of victims of intimate partner violence, Loseke (2003: 79) suggests that:

We tend to reserve the status of victim for people we feel sympathy toward and we feel sympathy when our evaluations lead us to conclude that morally good people are greatly harmed through no fault of their own.

Holstein and Miller (1997: 27) support this, contending that a “victim” is the object of “harmful, unfair treatment.” They explain that:

Calling someone a victim encourages others to see how the labeled person has been harmed by forces beyond his or her control, simultaneously establishing the “fact” of injury and locating responsibility for the damage outside the “victim” (Holstein and Miller 1997: 29).

Thus, regarding a person as a “victim” within the context of intimate partner violence both deflects responsibility from that person and simultaneously assigns it to someone else (Holstein and Miller 1997).

The “Ideal Offender”

Just as there are “ideal victims” there are “ideal offenders” (Christie 1986). Of central importance is recognition that, within popular discourse, there is a polarization of the offender and the victim. Madriz (1997: 79) contends that crime is represented in terms of “victims as the lambs and criminals the wolves, with victims as innocent and criminals guilty.” “Ideal offenders” are depicted as strangers who are powerful, bad, and extremely violent (Berns 2004; Christie 1986). Additionally, the “ideal offender” excludes individuals who have previously been victimized themselves (Christie 1986).

Perpetrators of intimate partner violence complicate this description, as they are never strangers to their victims. Additionally, scholars argue that because it is difficult for people to think about their neighbors, friends, and family members as abusers, the media focuses instead

on attention on the victim (Berns 2004). Consequently, the dominant portrayal of intimate partner violence in popular media is of victims and centers on what they, as victims, can or should do to end the abuse. When the focus does turn to the perpetrators of intimate partner violence, the focus is often on what causes them to abuse. Because of the difficulty in defining “normal” people as abusers, people often want to understand what led them to abuse. Berns (2004) suggests that people tend to feel most comfortable identifying factors such as alcohol and childhood abuse as explanations for intimate partner violence. Ultimately, though perpetrators of domestic violence do not fit all of the characteristics associated with the image of the “ideal offender” (in particular, the “stranger” element), most of the traits of the “ideal offender” continue to be associated with intimate partner violence abusers (i.e., powerful, violent, and/or dangerous).

In the remainder of this chapter, I draw from the experiences of female defendants of intimate partner violence to identify and analyze the messages they received from others about their arrests. Through their narratives, they demonstrate the ways their family, friends, coworkers, and certain personnel within the criminal justice system construct them as fitting of a “ideal victims,” while arresting officers are simultaneously defining them as offenders (albeit not always “ideal offenders”). I argue that, in many cases, the presence of the mandatory arrest law for cases of intimate partner violence both enables and constrains the ways others construct the women as “victims” or “offenders.”

NARRATIVE 1: “THIS IS NOT HER FAULT”: PROPOSING VICTIMHOOD

Polarized Partners

During interviews with female defendants, respondents suggested that other people, outside of the arresting officers, presented four distinct, yet related, messages to them. In the

first of these, people positioned the women as diametrically opposed to their male partners. Family, friends, and some criminal justice personnel framed the women's relationships with their partners as antagonistic; it was "him versus her," rather than "them."

For example, some women recalled the blatantly negative statements others made about their partners. These negative statements reinforced the women's roles as good partners, deserving of a "victim" status, within their relationships. Julie, a 34-year-old white woman, reported that she was arrested she and her boyfriend got into an argument. As the incident escalated, Julie recalled raising her hand to her boyfriend. In response, Julie's boyfriend grabbed both of her wrists and would not let go. Julie bit his hand so that he would release his grip and she was later arrested (police deemed her boyfriend the victim and did not arrest him).¹¹ Julie discussed the response she received from a deputy at the jail following her arrest: "The deputy was like, 'Well, maybe you've learned now this guy's a piece of shit.'" In considering the power dynamics present in this statement, the social position of the deputy, as a member of law enforcement, provides additional credibility to his response. The deputy possesses what Max Weber (1958) referred to as "legal-rational authority." This type of authority is granted through an organization or a ruling regime and is a largely tied to legal rationality, legal legitimacy and bureaucracy. In the above excerpt, the deputy frames Julie's boyfriend as unworthy of her, implying that Julie, despite being the one arrested, is the better partner in the relationship. Additionally, the deputy's negative assessment of Julie's boyfriend extends beyond the incident during which police arrested Julie; when he says "maybe now," he makes broader claims about her boyfriend by suggesting he has acted in this manner previously, but that Julie has overlooked such behavior. Ultimately, the deputy minimizes Julie's role within this single incident of

¹¹ Summaries of the female defendants' incidents are provided in Appendix I.

intimate partner violence based on consideration of the relationship overall, generally defining Julie as the victim and her partner as the offender.

While the deputy in Julie's incident made claims about Julie through criticizing her boyfriend, other people positioned the female defendants in opposition to their male partners by making claims about the women themselves. Vanessa, a 25-year-old white woman, described an interaction she had with a female officer as they gathered items from the apartment she shared with her boyfriend. Because police arrested Vanessa, she spent time in jail. Following her release, an automatic protection order prevented Vanessa from returning and staying at their shared apartment, where her boyfriend continued to live. The female officer talked to Vanessa after visiting the apartment. Of the officer's response, Vanessa recalled: "She was like, 'Oh, my God.' She's like, 'This is horrible. You could do so much better.' Gave me her card. 'Call me whenever you need.'" The officer makes claims about Vanessa's boyfriend's lack of respect for their home, and ultimately about his respect toward Vanessa. She indicates that, in her mind, Vanessa's boyfriend is the "bad" partner relative to Vanessa, telling her that she could "do so much better." She concludes by giving Vanessa her card, and telling her to call in future times of need, positioning them as allies on the same side.

Naomi, a 27-year-old biracial woman, suggested the individuals where both she and her partner worked acted in ways that defined her relationship as polarized. Each individual chose only one partner to support. Of the support Naomi received from her coworkers and supervisors, she said that she felt "lucky [to] have the entire department on [her] side" and that "not one person was on [his] side." Naomi continued by describing the lengths to which her coworkers were willing to go to outwardly demonstrate their support for her in contrast to her boyfriend: "I had four [superiors] write letters for me, telling the judge and the D.A. how delusional [he] is,

and how, you know, just kind of sick he is.” The overwhelming support from her colleagues and their willingness to write letters on her behalf reinforced for Naomi the sense that there were two sides and that she was on the good side (the side of the victim), and her partner was on the bad (offender) side.

Other women described family reactions to their arrests. Police arrested Evelyn, a 44-year-old white woman, after her boyfriend called the police during an argument they had while breaking up. Evelyn recounted the high emotions at the situation and admitted that she did break one of her coffee mugs against the wall during the incident. Following her arrest, Evelyn’s father said:

Well it’s the age-old thing. You see a snake on the road, ‘Oh what a cute little snake.’ You go over and pet it and it bites you. Well you knew it was a snake. You picked it up and you got bit.

The metaphor itself, through its description of an individual offering love and the recipient, the snake, attacking in response, suggests Evelyn is good and her partner is bad. The metaphorical connection of her partner and a snake evokes personality characteristics such as manipulation and slyness. Evelyn’s father not only positions the partners as opposing one another, but also makes claims about the types of people the two are. Because Evelyn is loving and her boyfriend is unkind and manipulative, Evelyn better fits the victim status and her boyfriend the offender status.

Lastly, Leah, a 35-year-old white woman, expressed the sentiments of her family following her arrest. She explained, “My family didn’t judge me for [the arrest]. The only thing they judged me on was allowing him to control me. Other than that, they didn’t really judge me for anything else.” Her family’s judgment that her husband had the ability to control her suggests that he had been the dominant partner and Leah was the subordinate partner. Leah’s

stepfather used another animal analogy to characterize Leah's husband's behavior, first asking Leah about her own relationship to her dog, then claiming that there was a similar dynamic operating in her marriage.

He goes, "Why do you have such a good dog?" I said, "Because I've trained him." He said, "Exactly." He said, "Your dog knows exactly how to behave when he's around you. He does everything you ask him to do. He sits. And he wants to do it because he's rewarded when he reacts properly." And my dad goes, "[Your dog's] not the same animal when you're not around. But, when you are, he is. What do you think [your partner] did to you all those years? He was training you." He's right. That's humiliating. That's like brainwashing.

Leah's stepfather uses the analogy of dog training to describe the extreme power imbalance between Leah and her husband. In this example, he suggests that Leah's husband is the owner and that Leah is his property, leaving Leah powerless within the relationship. Toward the end of the example, Leah's stepfather makes claims about the relationship as a whole when he says, "all those years." This reduces Leah's responsibility in the incident and additionally regards the partners as opposed within the relationship. This example is characteristic of an intimate partner violence relationship wherein one partner acts abusively toward the other partner as a means of exerting power and control to establish dominance. Leah's husband's use of manipulation to "brainwash" her reflects mental and emotional abuse, which positions him as the offender attempting to maintain power and control over Leah, who serves as the victim through her status as the subordinate partner.

These excerpts illustrate not only a dichotomy within the relationships, but also convey a message of "he did this to you." The basis for these messages is the understanding of the partners within a two-person relationship. However, people easily translated this from simply a relationship within which the parties are opposed, to one in which one partner, the woman, was the victim and the man the perpetrator.

“You really don’t deserve to be here.”

The second message the female defendants in this study reported hearing was that they had been unfairly or wrongly arrested. Though a variety of people expressed these messages to the female defendants, individuals in positions of power (e.g., treatment providers, probation officers, and law enforcement) were the primary groups cited by the women. Sydney, a 22-year-old white woman, recalled that her arrest occurred after she and her boyfriend had been drinking with friends. Her boyfriend became confrontational, and to get him to move away from her, she slapped him. When police arrived, Sydney’s friend told one of the officers that “[the incident] is not [Sydney’s] fault. This is [her boyfriend’s] fault.” Sydney’s friend clearly identifies one partner (Sydney), as the victim and the other partner (Sydney’s boyfriend) as the offender or cause of the incident. By removing responsibility for the incident away from Sydney and reassigning it to her boyfriend, Sydney’s friend better positions Sydney as the victim. However, police disregarded Sydney’s friend’s claim and arrested her for engaging in physical violence (slapping her boyfriend). In this case, Sydney’s friend presented Sydney as a victim, but the officers’ decision to arrest Sydney introduced a competing narrative about her culpability in the incident. Because Sydney had a closer relationship with her friend, in comparison to the responding officers who she had never met, Sydney gave more credence to the victim narrative and understood her situation as unfair.

During interactions with a local intimate partner violence shelter, advocates supported Sydney’s attitude about her arrest as wrongful. Following her arrest, Sydney sought information and support from the shelter. Of her experience with the advocates at the shelter, Sydney explained that they had clearly said to her: “If we don’t think that we can help you, we’ll tell you to go somewhere else.” After talking with them, Sydney stated that “[the advocates] thought that

[she] was the victim instead [of the perpetrator]” and that they told her: “We’re definitely writing a letter [to the courts] for you. We’re really sorry that this happened.” The apology offered by the advocates illustrates their view of Sydney’s arrest as undeserving and her subsequent categorization as the victim. Their alliance with Sydney, clearly challenges her status as a perpetrator. Sydney concluded this discussion by describing the ways the shelter identified her as the victim. She said:

The woman at [the shelter] had me go through all these categories of abuse, like emotional and all this stuff. And she immediately put [my boyfriend] into this category of a really abusive person. I mean I’ve been reflecting on that a lot, and I mean I can see that a lot better now than I did before.

Sydney indicates that the advocate performed an assessment on her overall relationship and determined, based on the assessment, that Sydney was the victim. Sydney’s final statement reveals that she accepts the victim status and began to view her relationship in terms of herself as victim and her partner as offender.

In a similar experience, Jennifer had police officers question her status as a criminal during her booking at the county jail. Jennifer, a 35-year-old white woman, reported that she had hit her husband with a “wrench” or some type of “tool” when he was “grabbing,” “pushing,” and swinging her around. She used the tool to stop his attack. She recalled an officer at the jail telling her, “you’re not the kind of person who needs to spend any length of time [in jail].” In his statement, the officer makes claims about Jennifer by comparing her to the other inmates at the jail. Through his assertion that she is undeserving of time in jail, he indicates that she does not fit the characteristics of an offender. By saying that she is “not that kind of person,” the officer supports the notion that there are certain characteristics that make someone “offender-like.” In this way, rather than drawing on hegemonic victim discourse, and fitting “victim” characteristics

to the women as a way to challenge their arrests, this officer draws on the hegemonic offender discourse, arguing that Jennifer does not fit offender characteristics.

Jennifer's employer positioned her as the victim by responding to her arrest with offers of support rather than more typical stigmatizing responses that one might expect when an employee is arrested (for example, termination of employment). Jennifer explained: "He told me, 'You take as much time as you need. And if you don't feel like coming to work, it's ok. Just tell me what you need.'" In encouraging Jennifer to take care of herself and to prioritize the legal and personal ramifications of her arrest, Jennifer's boss acknowledges the hardships she faces. Jennifer's boss positions himself as an ally to Jennifer, which would be unlikely if he viewed Jennifer as the abusive partner within her situation. Instead, his sympathy and compassion support Loseke's (2003: 79) assertion that people "reserve the status of victim for people we feel sympathy toward." His sympathy and understanding for Jennifer's situation reveal his belief in her status as the "true" victim. Furthermore, by acknowledging the difficulties Jennifer may face as a result of her arrest, Jennifer's boss (as was the case with earlier examples) suggests that she is a victim not only in the immediate case of intimate partner violence, but also a victim of the criminal justice system through their wrongful arrest of her as the offender.

Shana, a 37-year-old white woman, also reported experiencing sympathy as a result of her arrest. Shana explained that she had an affair, and that her husband responded by threatening to call her employer. He had the phone in his hand and continued to taunt her. When she attempted to take the phone from him, she scratched him. Shana said that both of the police officers who arrested her, and those who processed her at the jail, explained that though she did not fit an offender status, the presence of a visible injury on her husband was the cause for her arrest. However, both officers talked to her as though she was a victim.

The [jail]...they said, “well you’re so nice, and you know we’re really sorry.” [...] So, they assured me, “you’ll be let out tomorrow.” So they take me—this one police officer and I, the gentleman who took me up to [the jail]—was very sweet. And we had a nice little conversation. And he handcuffed my hands in front so I wouldn’t be uncomfortable. And we talked. And actually when he dropped me off at [the jail], he said, “be really good to her you know...she’s nice and she doesn’t really belong here.”

Shana suggests that the officer that transported her to jail positioned her as noncriminal, and at times specifically as a victim, through his words and actions. For example, she categorizes all of their interactions through noting his kind and sympathetic treatment. Such characteristics are aligned, in existing literature, with treatment of victims, as opposed to abusers and/or criminals (Loseke 2003). Additionally, Shana recalls the officer instructing other officers to “be good to her.” This represents his attempt at protecting her, which strengthens her position as noncriminal, while also situating her as meeting traditional gender norms as a delicate, nonviolent, and passive woman. Thus, the officer draws on dominant discourses of victimhood (Davies et al. 1998; Loseke 1992) and reveals his acceptance of Shana as the victim when he shows concern for her comfort (which would arguably not be a consideration if he thought she was the offender) within his own presence and after he transferred her into the jail. Finally, when the officer said “she doesn’t really belong here,” the officer more directly portrays Shana as a victim since, as was the case with other women, only noncriminal people are unworthy of jail time and in cases of intimate partner violence, these are the victims.

Shana recalled a second instance during which law enforcement officials questioned her status as a perpetrator, but in this case, she indicated that the officer pointed to her husband’s bad nature as a way of suggesting he caused her to get arrested. Shana explained:

The gentleman who fingerprinted me, he’s like, “well, what are you doing here?” And I said, “well, blah, blah, blah.” And he said...he called my husband at the point...at that point a “pussy.” He said, “He’s a pussy for doing that to you.”

The officer in this excerpt clearly draws on gender as he insults Shana's husband by calling him a "pussy." In this context, the officer suggests that Shana's husband is unmanly for allowing officers to arrest Shana, when he (Shana's husband) knew that police should arrest him. Shana's husband's failure to accept the consequences of his actions led the officer speaking with Shana to view her husband as weak and cowardly. Furthermore, when the officer criticizes Shana's husband for "doing that to [her]," he indicates his evaluation of her husband as causing her arrest. Her husband acted upon her. Ultimately, his condemnation of Shana's husband and assignment of responsibility for the arrest to Shana's husband, reveal the officer's belief in Shana's status as an undeserving victim and her partner's status as the offender.

Lastly, Mariah, a 27-year-old Latina woman, discussed the responses of her family and friends in terms of their cultural beliefs about Mariah's actions (she slapped her boyfriend in the face) as self-defense.

Half of them are Latin and they...it's like society allows one weapon. Like culturally we're allowed one weapon to fight, to fight the violence of sexism and to fight, you know, patriarchy. And that's slapping a man in the face. So, I'm not being judged at all on that side. In fact, everybody's just like super supportive and like flabbergasted that I have to go through all of this, while he can get away with shoving, pushing, uh, emotional, physical, sexual abuse.

Mariah's family and friends align Mariah with a broader trend of violence against women (generated through sexism and patriarchy) to make sense of her arrest experience. They suggest that Mariah's actions are justified because they are in the context of "fighting the violence" of sexism and patriarchy. Furthermore, Mariah suggests that their responses of "support" and being "flabbergasted" by her arrest demonstrate their perception of her as the victim, not the perpetrator. Her family and friends place blame for her injustice of arrest on the criminal justice system who allowed Mariah's abuser to "get away with" acting abusive.

The messages of victimization and wrongful arrest I described in this section drew heavily on normative constructions of gender, victimhood, and existing discourses of intimate partner violence more broadly. Members of the criminal justice system, their partnering agencies, and family members and friends conveyed messages that positioned the women in diametric opposition to their partners, characterizing one (the woman) as the victim, and the other (her partner) as the abuser/offender. People often reinforced their messages of victimhood toward participants through efforts of support. Indeed, most people chose to ally with the female defendants in this study, as opposed to their partners.

“It’s going to be okay.”

As the experiences of the women in this study were reframed and women were positioned as victims instead of perpetrators, they frequently encountered messages of encouragement, endurance, and survival. Numerous times, people told the women that authorities would release them from jail within a short period of time. Jacqueline, a 44-year-old white woman, said her cellmate explained, “Oh, it’s your first time? Oh, you’ll be outta here by Sunday.” Similarly, both 37-year-old Shana and 21-year-old Aya described similar encounters where they were told, “you’ll be let out tomorrow” and “don’t worry.” People around the women in this study suggested that the women’s lack of experience in the criminal justice system would benefit them. The lack of criminal history of female defendants in this study positioned them as morally good people in general. Respondents recalled people showing them concern, compassion, and sympathy when they did not know procedures and/or demonstrated fear about their first experience in jail. The women’s history of moral goodness, coupled with the sympathetic and encouraging responses from others, enables participant to more easily view themselves as good people who are experiencing something bad. This shifts responsibility from them and allows them to more easily adopt a victim narrative.

Ruby, a 44-year-old Asian/Pacific Islander woman, recalled a similar message coming from the female officer who fingerprinted and photographed her at the jail. Ruby explained that on the night of her arrest, she and her son's father had been arguing and he pushed her. She said that things then escalated and they both began pushing each other. Ruby reported that after police arrested her and took her to jail, the woman who fingerprinted showed sincerity and compassion through her message of encouragement. Of her experience, Ruby said, "the gal goes 'sweetheart...sweetheart, oh my gosh, um, you're going to be fine. You've never been in trouble. You'll be out. Give it 'til two o'clock tomorrow afternoon.'" Like the women described above, the female officer points to Ruby's lack of criminal history. However, of additional interest is the reference the woman makes to Ruby as "sweetheart." Implicit in this phrase are qualities of compassion and kindness by the woman toward Ruby. Additionally, by referencing Ruby as "sweetheart," a phrase typically thought of as endearing, the woman reveals her judgment of Ruby as deserving of sympathy. Her offer of reassurance and encouragement is reinforcement of the support the officer had for Ruby.

Lastly, perhaps a deeper example of the endurance and survival message can be seen in Meredith's case. While in jail, Meredith demonstrated a strong sense of anxiety over how her arrest would negatively impact her future and the career she had chosen for herself. During her interview, Meredith stated that a female guard pulled her aside and told her, "it's going to be okay." Then, the guard spoke candidly to Meredith about her own past arrest "for something with her husband]." The guard completed her story by declaring her ability to become a police officer even with her past arrest experience. She left Meredith by saying, "you'll get through this." This interaction between Meredith and a member of law enforcement serves as a poignant example of the message of endurance. The manner in which the guard separated Meredith from

the other female inmates, shows how the guard thought differently about Meredith compared to the other women. Because the guard offered Meredith a personal example, she reveals a sense of camaraderie with Meredith, which is typically reserved for friends and family. Had the guard not had compassion for Meredith, instead seeing her as deserving of an offender status, she would likely not share personal information with Meredith. So, while Meredith believed her situation was dire, the interaction with this particular guard provided her a more positive message from which to draw as she made meaning of her arrest.

For Jacqueline, Shana, Aya, Ruby and Meredith, along with many others in this study, messages of endurance and survival served as reinforcement of their “true victim” status. The support others extended to them indicated to the women that, within their relationships, and within the incident of intimate partner violence for which they were arrested, their designation as abuser by the criminal justice system was inaccurate.

Strategies for Accomplishing the Victim Identity

Women made use of the messages they received about being victims and their ability to get through the arrest experience to develop strategies about how to present themselves as victims. Often, these strategies were collaborative efforts between the women and others who similarly viewed the women as victims. Consider, for example, Leah, who I discussed in the first section of this chapter. Leah spoke about the strategy her batterer treatment class provider offered her: “Sometimes no action is the best action. Is the best poison. Don’t react. That’s all [your partner is] trying to do.” Leah continued by agreeing with her provider, stating, “I think she was right. He’s trying to get me to react.” Leah’s treatment provider offers a way for Leah to position herself as a victim, and maintain it, within the relationship with her partner. By not engaging in violence or in any behaviors perceived as combative within the relationship, Leah can be more easily identified as a victim. By presenting herself as the calm, rational partner, and

not responding to her partner even when provoked, Leah performs the role of the victim. This strategy points to the importance of presentation of self throughout the criminal justice process, and is likely an acknowledgement that women can behave in ways that evoke the victim status much more easily than men because stereotypical victim characteristics more often reflect feminine gender norms.

Sydney, a 22-year-old white woman, explained that following her arrest, the judge ordered her to complete an alcohol evaluation. During her interaction with the alcohol evaluator, Sydney spoke about her boyfriend's past criminal history, which included charges related to alcohol. The woman completing her evaluation stated, "Clearly you're not the one with the alcohol problem, and we need to get it on the record that he has done all of this stuff in the past." The evaluator not only juxtaposes Sydney with her partner, but also indicates that by making her partner's alcohol use and past deviant behavior public, Sydney's own behavior might be minimized or reinterpreted as situational (specific to the intimate partner violence incident), in contrast to the chronicity of her partner's bad behavior. This strategy, then, is one of pointing attention to the history of the relationship and assessing the behavior of both partners in this context, rather than relying only on the behavior exhibited during the intimate partner violence incident that brought them to the attention of the criminal justice system.

In Meredith's case, her lawyers suggested a victim identity could better be accomplished through specific language. When describing the incident she had with her boyfriend that led to the police being called, Meredith stated:

And then we kind of had like an argument I guess. Like disagreement. I've been told throughout this process not to use like the word fight or even argument just because that makes it sound like... Even just from my lawyer and stuff. 'Cause if you say you had a fight, people take that a different way.

The role of the person who told Meredith to use the word “disagreement” instead of “fight” is significant in this interaction. As a lawyer, one is supposed to protect and defend his or her client. Considering this, one can view use of the word “disagreement” from a strategic approach, rather than as a claim toward achieving fact and objectivity (though it may be both). Meredith’s lawyer advises against use of certain language that evokes images of physical force and violence. He instead directs her to use the word “disagreement,” which softens the incident and makes the interaction between the partners more normalized—something that happens in every relationship. This strategy, then, might broadly be characterized as one of normalization.

Aya, a 21-year-old woman who identified as white suggested that her lawyers were enabling her to establish a victim identity through their efforts at claiming her actions as self-defense. She said:

My lawyer do – they’re going to try to get everything dropped because the only thing I really did was self-defense, and hit him open-palmed after emotional abuse and him dumping water on me. And he dislocated my shoulder and locked me in my room.

Through referencing her lawyer’s work to “get everything dropped,” Aya suggests that her lawyers do not believe her arrest was right or just. She provides rationale for this belief in her explanation of self-defense. This assertion acknowledges her participation in the event, but aligns her with traditional discourses of victimization; her actions were only in response to harm towards her. Interestingly, her word choice when describing the actions she performed may indicate coaching or a certain competency about what types of behavior the criminal justice system views as meeting characteristics of an “ideal offender.” This points to the severity of her violence and implies that she caused less harm than, for example, punching him with a closed fist. Aya draws on the self-defense argument which, historically, has been a common strategy used by

women accused of violence towards their partners. She also describes her actions in a way that effectively minimizes the harm she would be capable of causing.

In this section, I demonstrated how other people offer the women strategies that will help them to present themselves as victims, rather than offenders. Specifically, participants in this project, presented themselves in a manner consistent with victim discourse, they minimized their acts of violence, normalized the violence within their relationships, and evoked claims of self-defense to justify their behaviors. Each of these strategies allows the women to present their situations and thus, themselves, in ways that align them with a victim, rather than offender, status.

NARRATIVE 2: “YOU’RE UNDER ARREST”: IMPOSING CULPABILITY

As described above, the female defendants in this study had many people around them who perceived them as the victims. However, arresting police officers, those who provide the “official narrative” under the mandatory arrest law, identified the women as offenders by virtue of arresting them. These officers supported their original arrest decisions by identifying ways that the women me characteristics of the “ideal offender,” including describing the women as violent and noncompliant, and positioning them as undeserving of sympathy.

Offenders are Violent

When discussing their interactions with the arresting officers in their cases, a number of women reported that they were arrested because of their use of physical violence. For example, Paige, who was 24 years old when police arrested her, explained that she had called the police because her ex-boyfriend was destroying some of her household items when collecting his belongings after the ending of their relationship. Paige said that she did slap her ex-boyfriend’s arm to stop him from stepping on her belongings, but that when police arrived at the scene, there were no visible marks. Paige recalled the following exchange between herself, her ex-boyfriend, and the responding police officers:

The cop is like, “Well, what’s happening?” and [my ex-boyfriend was] like, “I’m just trying to get my stuff... and she’s over here hitting me so I can’t even finish getting it.” And [the police were] like, “She hit you?” And [my ex-boyfriend] goes “Yeah.” I go, “I slapped him on his arm.” And [the police] go, “You’re going to jail.” To me. And I was like “What?” And so they go, “Yeah, it’s domestic violence and we’re going to arrest you.”

The officers indicate that Paige’s use of physical force was cause for her arrest, despite the fact that there were no visible injuries or signs of violence (which suggest that the slap may not have caused serious harm). However, because Paige’s ex-boyfriend asserted that she was “hitting” him and Paige admitted to slapping him, the officers used the collaborative claim of violence as the basis for their arrest. In this case, Paige’s violence alone identified her as the offender.

Meredith, a 27-year-old biracial woman, also spoke about the importance responding officers gave to the presence of physical violence. Meredith explained that she and her boyfriend were having a “disagreement” and that it escalated when he asked her to leave and she would not. She said that it “didn’t get too physical” and that they were “more like wrestling” because she did not want him to call the police. Like in Paige’s case, Meredith reported that her police report noted that she had used physical violence against her boyfriend: “Cause I know it says like I kicked him. And I didn’t kick him.” Though Meredith disagreed with the police report, she stated that her boyfriend’s lip was visibly cut when police arrived:

Which, like, I guess he had had like a cut on his lip. And, so that was visible. And I had bruises on me, but those weren’t visible and obviously don’t show up. [...] They just thought maybe I hit him or something.

Meredith indicates that both she and her boyfriend experienced injuries during the incident for which police arrested her. She suggests that because her boyfriend had visible evidence of his injury, but that her bruises had not shown yet, the police interpreted the situation in her boyfriend’s favor and identified her as the perpetrator of violence. Though Meredith implies her uncertainty about the cause of her arrest at the end of her excerpt when she says that “they just

thought maybe I hit him,” ultimately she suggests that the visible nature of her boyfriend’s injury (compared to her invisible or unseen injuries) situated her as more violent and dangerous than her boyfriend.

While Meredith believed that police arrested her because her boyfriend had visible injuries, Shana, a 37-year-old white woman, stated that the police made clear to her that they were arresting her because of both the visible injuries her husband sustained and their responsibility to make an arrest under the mandatory arrest law. Of the incident, Shana explained that in response to her husband’s threats to call her employer and blackmail her by giving him personal information about Shana, she attempted to take the phone from him. She said that during their altercation, she scratched him. When police arrested her, Shana recalled that they clearly indicated the reasons for her arrest:

They said, “I have to take one of you. We have to take one of you. When there’s a domestic call, somebody has to leave. . . . We have to take one of you. And the one is you, because he has the injury and you don’t.”

When the officers told Shana that they “have to take one you” they refer to the requirements of the mandatory arrest law. In her case, the sign of visible injury on her husband may have not only confirmed for officers that a crime had been committed, and therefore an arrest was necessary, but also that Shana was the perpetrator in the incident. Ultimately, the arresting officers make clear that because Shana does not have visible signs of injury, but her husband does, they are deeming her the offender.

In the above examples, participants reported the ways police situated them as perpetrators based on their actual or perceived use of force against their partners. In the cases of Carol and Jennifer, whom I discuss below, the introduction of weapons into the situation positioned the women as violent and dangerous, but also as having intent to commit harm. Jennifer, a white

woman who was 27 years old when police arrested her, said that when she used a “T-shaped tool” to get her husband to let go of her, she “ended up scratching him with the tool on his chest and it left a purple mark.” She explained that she and her husband were arguing in their garage and she “threw [his motorcycle jacket] on the ground and kicked it.” In response, her husband was “grabbing [her] and pushing [her] with one arm behind [her] back.” Jennifer said that when her husband “swung [her] around,” she noticed his toolbox and reached inside with her one free hand and grabbed the tool and began “trying to hit him,” but indicated that it was in self-defense. Of the incident, Jennifer said, “I ended up with a lot of pressure marks around my chest and you know, the side of my body. Um, but, there was no bruising or anything like that that was immediate. “ Though Jennifer recalled being injured, she reported that her use of a weapon led to the bigger charges and that was why police arrested her:

I didn’t actually physically attack him. I attacked an inanimate object, where he actually physically assaulted me. But because I picked up what they considered a weapon, it drew a bigger charge.

During her interview, Jennifer made clear that her husband committed most of the harm, but that there were no visible injuries, outside of red pressure marks, on her. Because she had used a tool, which officers identified as a weapon, she was defined as the person who took the violence to a higher level; her actions were more volatile and potentially damaging than his. Ultimately, regardless of her reasons for using the tool, police officers arrested Jennifer because they perceived her as having the potential to cause the greatest harm.

Carol, a 54-year-old white woman, described how her threat of violence by holding a knife, led to her arrest. Of her relationship with her male housemate, Carol said that she was largely dependent on him. On the particular night of her arrest, she recalled that he was frustrated about the broken air conditioner in the house and was “verbally screaming, yelling,

cussing, traveling between room to room, following [her] as if it was [her] fault.” She recalled going to the kitchen to get some food and “he continued to be verbally abusive.” She said:

I responded by picking up a chef’s knife out of the knife block and from across the room pointing it in his direction. He kept asking me to give him the knife or to put down the knife and I did not do so because when I picked up the knife, he stopped yelling.

Carol then explained that she went to the refrigerator and got some fruit and began cutting it up.

Carol said after eating she put the knife down and went to fold clothes. To her surprise, police officers arrived at her home yelling, “Carol, put down the knife!” Of her exchange with the responding officers, Carol said:

They just wanted to know where was the knife. They wanted me to put down the knife, which I didn’t have in my hand when they got there anyway. Um, they didn’t—I don’t think they asked me any other questions.

Though Carol caused no physical harm to her housemate and did not have any weapons in her possession when they arrived, ultimately, police arrested her for “menacing,” a charge reserved for weapons-related crimes. Based on the way the police officers entered the situation and on the questions they asked Carol, which all focused on the presence of the knife in the situation, it is clear that Carol’s reliance on a weapon set her apart from her housemate who was verbally harassing her. The introduction of a weapon raises the possibility of additional harm; it seems possible that police officers are more sensitive to weapons (or, as in this case, household tools that could be used as weapons) because they see the damage weapons can do as they do their job. A weapon, thus, becomes central to the way police view and respond to a crime scene.

Finally, Claire provides an example different from all of the other women in this study. She described having experienced arrest for intimate partner violence on two different occasions and reported that the responding officer at her second situation positioned her as the offender because of her first arrest. When describing an interaction with an officer at her second arrest,

Claire said, “The way that he treated me was not nice in any which way. He, uh, because of my first DV, which he constantly kept mentioning. You know, constantly kept telling me.” During her interview, Claire later explained that the officers did note visible injuries on her partner at the second incident. However, her recollection of the officer’s “constant” mention of her previous intimate partner violence arrest suggests that his primary focus was on the fact that she had a prior record for a violent crime. Claire’s first arrest for intimate partner violence situates her as a dangerous person capable of committing violence. Because of her previous arrest, Claire was seen as undeserving of sympathy or the status of victim. In this example, police rely on criminal history to determine who the offender is at the scene. Identifying offenders by focusing on individuals with criminal history is one of the most common policing strategies in this era of risk aversion.

Offenders are Noncompliant

In addition to messages about their use of force, the visible injuries they caused, and their use of weapons in the situations, police officers also provided messages, albeit at times nonverbally, about the ways the women’s noncompliance, during the police investigation at the scene, affected the arrest. This set of messages is of interest considering that both traditional gender norms and the victim discourse dictate that women should act obedient and accommodating. Accordingly, the women’s deviation from this expectation may have influenced officers’ perceptions of them as either the victim or the perpetrator.

During her interview, Jacqueline, a 44-year-old white woman, explained that she had called police for information in her relationship. She did not want police officers to come to her house, but they indicated that because of the mandatory arrest law, they were going to respond. Jacqueline recalled that during her incident, she ended up scratching her husband while trying to get him away from her. She reported that upon the arrival of the police, the officers treated her

as if she were the victim. She said that they were “compassionate” and “sympathetic.” However, after one of the officers interviewed Jacqueline’s husband, he “saw the nail marks on [her] husband’s arm and came back and completely turned his attitude and story around.” Jacqueline recalled:

He came back and first of all started saying “your stories don’t match”. Secondly, he’s like, “and you’ve left information out. [...] He pretty well harped on [the fact that I had left out information], like I was trying to hide. So then he started sorta suggesting that I was hiding information and trying to switch the story around, ya know. So not only does [my husband’s] story kinda take precedence and that’s the true story and mine was kinda the false story, they didn’t match.

Jacqueline’s explanation of her arrest experience indicates that police took multiple factors into consideration when making her arrest. Though Jacqueline indicates that the officer changed his opinion of her after seeing the scratch on Jacqueline’s husband’s arm, she insists that this was not the issue on which the arresting officer focused his attention. Instead, she implies that it was her perceived noncompliance (the officer’s belief that Jacqueline had intentionally left information out of her account of the situation) that led to her arrest.

In addition to the above example, Jacqueline also described interactions with the arresting officer which positioned her as confrontational. Jacqueline explained that when the officer returned from talking to her husband, he began trying to “make a case” against her. In response to his assertions that she had said certain incriminating things about herself, Jacqueline said she “started getting louder with him” because “he started really pissing [her] off.” Ultimately, Jacqueline told the officer, “‘I don’t like the attitude here. I want to talk to your boss and I also want to talk to my lawyer.’ And he said, ‘We can do that after this and this, because you’re under arrest.’” In this exchange, Jacqueline challenges the officer’s authority to which he reasserts himself; a clear power struggle occurs. Ultimately, both of her acts of noncompliance represent

challenges to her feminine identity and, consequently, her victim identity because she fails to meet the norms of a submissive and passive woman.

Sunny, a 40-year-old white woman, also challenged the authority of the police. In her case, Sunny explained that the police had been to her home twice in the same day because she and her live-in boyfriend were arguing. Sunny began drinking alcohol between the first and second incidents and of the second police response, which her boyfriend called in, she said:

The cops came in and asked me what happened. I told them. And then they went back down and they came back up. And he was trying to ask me other questions. At this point I was really upset and I said, “Look, if you’re going to arrest me, arrest me. If you’re not...” This is me mouthing off to him a little bit. I said, “please leave.” And he kinda rolled his eyes and then he walked down the stairs. And then the big police man came up and goes, “Ma’am turn around.”

Sunny acknowledges the ways she challenged the officer’s authority. The police officer’s response of rolling his eyes shows his annoyance with her and suggests that, for this officer, Sunny’s challenge positioned her less as less deserving of a victim status because she presented herself in an assertive manner earlier.

Carol, whose case I described in depth previously, illustrates a different form of noncompliance, which she explains was complicated by her heightened emotions. She recalled crying and feeling “frightened” (consistent with the dominant victim discourse) when police officers questioned her. However, as a result, she struggled to answer the questions police asked of her. Carol reported that the police officers sent her a clear message about her inability to address their questions in a way they deemed sufficient.

I could not speak correctly to recount the events exactly as they happened and I began talking about my divorce and that husband and, um, my housemate and that frustrated the male officer who got more gruff. I, um, was crying. I don’t remember, other than being very frightened. The—he got progressively more gruff as I could not easily answer his questions and eventually I was told that I would be arrested. [...] I don’t remember him saying anything else except him getting frustrated because I couldn’t easily report the incident.

Though Carol attempted to cooperate, she ended up talking about issues unrelated to the incident for which police were responding. When she mentions the way the officers “got progressively more gruff,” she reveals the officers’ frustration about the way she was complicating their job of determining what the reality of the situation was. Furthermore, Carol’s recollection that the officer did not attempt to ask her follow up or clarifying questions indicates a lack of compassion for her. Therefore, her failure to appropriately respond likely affected the ways the officers viewed her as undeserving of the victim status.

Finally, Cindy, a 37-year-old white woman, explained that the arresting officer in her situation demonstrated clear anger toward her because he believed she had failed to follow his instructions. Cindy reported that the police were needed on two separate occasions on the night of her arrest. During their first response, police did not make an arrest, but told Cindy to “get what [she] needed and leave.” Cindy left, but later returned to her boyfriend’s home with her mother as a witness. The situation escalated again. Of the police response for the second incident, Cindy recalled: “The cop came back the second time, he was really pissed off and he said, ‘Didn’t I tell you not to come back here?’” After her arrest, Cindy and the officer had another exchange in the police car. About this interaction, Cindy said:

I know he was angry and he was telling me stuff like, you know, “This is bullshit. You know, you shouldn’t, you shouldn’t have came back.” And, he was mad. You could tell he was just angry. And, wasn’t even—I was trying to ask him—‘cause I was upset. I was crying really bad and I said, “Why? Why am I being arrested?” And he’s like, “You shouldn’t have came back. I told you not to come back.”

The officer clearly places blame on Cindy. This is reinforced through Cindy’s description of the officer as “angry” and “mad” and through his use of profanity, all of which illustrate the seriousness of his tone. Additionally, these things emphasize her status as an offender, rather than a victim, because she is undeserving of his sympathy. Ultimately, he indicates the attitude

that her failure at following his original instructions (to not return to the scene) was the cause of her arrest; had she complied after the first incident, his assistance would not have been needed a second time.

CONCLUSION

For Foucault (1972), discourse provides a means of producing knowledge about a particular topic through interaction with others. This knowledge, suggests Hall (2001:73), is constructed as “meaning, and meaningful practice is constructed within discourse.” As the female defendants in this study worked to understand and make sense of their experiences, family members, friends, coworkers, and individuals within the criminal justice system provided their own evaluations of the women’s experiences; these judgments took the form of the four discourses presented in this chapter. Davies and Harré (2001:263) contend that as a result of participation in these discursive practices “[a]n individual emerges through the processes of social interaction, not as a relatively fixed end product but as one who is constituted and reconstituted.” Accordingly, the women in this study drew on the discourses presented to them as they constructed, developed and presented their identities (this is discussed in chapter five).

The messages people presented to female defendants in this study strongly draw on larger cultural discourses of victimhood and offending. Often, the discourses provided to women through interactions with family, friends, and criminal justice system personnel outside of the officers who arrested them, countered the symbolic message the women received during their arrests and instead offered ways for the women to view themselves as victims. First, people framed the relationships of the women as polarized wherein the partners were diametrically opposed. This provided women an avenue through which to see themselves and their partners as diametrically opposed; one of them was the victim and one of them was the perpetrator. Second,

people framed the women as the victims in their incidents of intimate partner violence. Those around the women apologized for the arrests the women experienced and frequently demonstrated overt sympathy toward the women. These signaled the women that they were in fact victims and reflect traditional conceptualizations of “pure” and “true” victims. Third, many women were provided with messages of endurance or survival. Compounding their identities as “true” victims, individuals worked to encourage the women. Finally, a fourth message, one of strategy, provided the women avenues through which to effectively establish themselves as victims.

In contrast to the above messages, when police officers arrested the women as perpetrators of intimate partner violence, they drew on hegemonic offender discourse by positioning the women as violent and noncompliant. The officers drew on the physical use of force by respondents, the visible injuries respondents admitted to causing or were perceived to have caused, and the respondents’ used of weapons. Additionally, the officers, at times, grew increasingly frustrated with women when they acted noncompliant in some form. As this represents the women in ways that are not “ladylike” and break traditional gender norms, the officers may have been more easily able to view the women as offenders, rather than as victims.

The significance of this chapter lies in the notion that once a discourse becomes available to individuals, it can then be appropriated or rejected. In this study, female defendants drew heavily on dominant discourses of victimhood in the creation of their personal narratives and identities. By drawing on victim discourses, the women were able to shape and reframe their experiences of arrest. The meanings women assigned to their experiences of arrest for intimate partner violence and following their releases from jail arose not from language alone, but from institutional practices, power relations, and social positions held by those with whom they

interacted (Bacchi 2005). In the next chapter, I illustrate how, by accepting the messages and discourses provided by others, the female defendants engaged in identity work to construct identities that fulfilled socially acceptable images of victims, rather than perpetrators.

CHAPTER V

RECLAIMING A VICTIM IDENTITY THROUGH IDENTITY WORK

INTRODUCTION

This chapter reveals how female defendants arrested as perpetrators of intimate partner violence use distancing, counterstories, and transcendence as they engage in a process of identity recovery. The women work to reclaim their identities as both acceptable and as fulfilling societal expectations of “good women” by pointing to the ways they meet norms of noncriminality and traditional gender norms. Importantly, positioning themselves in these ways also reflects hegemonic victim discourses, which I discussed in depth in the previous chapter. Below, I begin by presenting a discussion of the ways society constructs crime, specifically intimate partner violence, as a gendered phenomenon. Then, I provide a brief review of the existing literature on identity work and stigma management. Finally, I explore the ways the female defendants in this study position themselves as meeting standards of good women through distancing, counterstories, and transcendence (Goffman 1963). I conclude this chapter by discussing how the identity work performed by female defendants situates them in ways conducive to encouraging others to view them as victims, rather than perpetrators, of intimate partner violence.

CRIME AS A GENDERED PHENOMENON

A gender binary based in polarized notions of masculinity and femininity dominates mainstream society in the United States. Traditional gender norms for women include nurturance, passiveness, sensitivity, gentleness, and conformity (traits which, in the last chapter, I illustrated scholars assign to victims). In contrast, norms for men include traits of aggression, violence, competitiveness, and independence (Connell 1987; Palan, Areni and Kiecker 1999). Because

society has constructed a clear distinction in acceptable social norms, a number of scholars have asserted that individuals must perform or “do” these norms everyday through interaction with others (Garcia 2003; West and Fenstermaker 1995; West and Zimmerman 1987) in order to meet standards of femininity or masculinity.

Crime may serve as a vehicle through which men assert qualities meeting normative conceptualizations of masculinity (e.g., aggression, violence, risk-taking, and toughness) (Adler 1975; Britton 2011; Cohen 1955; Messerschmidt 1993; Norland, James and Shover 1978). According to society’s constructed gender binary, however, qualities of femininity (e.g., passive, subordinate, and gentle) are much less consistent with common characteristics of crime. In discussing socialization of boys and girls, Cohen (1955:164) states that “[s]ince mother has been the principal agent of indoctrination of ‘good,’ respectable behavior, ‘goodness’ comes to symbolize femininity, and engaging in ‘bad’ behavior acquires the function of denying his [a boy’s] femininity and therefore asserting his masculinity”. Consequently, women who enact criminal behavior may experience informal punishment (e.g., ridicule, gossip, and criticism) in addition to formal punishment (e.g., loss of children) as a result of violating socially accepted gender norms. These forms of punishment often draw on the gendered element of the violation, as when women lose access to their children after an arrest for intimate partner violence (thus reinforcing challenges against her feminine identity).

Researchers consistently show that boys and men perpetrate the majority of crime, and especially violent crime (Britton 2011; Davidson 2009; Messerschmidt 1993; Walklate 2004). According the Uniform Crime Report, in 2010, police arrested men for 74.5% of all crimes, while arresting women for 25.5% of total crimes (U.S. Department of Justice 2011). And, when examining violent crime specifically, men were arrested 80.5% of the time, while women

accounted for only 19.5% of arrests (U.S. Department of Justice 2011). Central to this chapter, intimate partner violence is dominantly male-perpetrated. Statistics from the National Crime Victimization Survey collected between 1993-2008 find that approximately “99% of the intimate partner violence against females in 2008 was committed by male offenders” (Catalano, Smith, Snyder and Rand 2009: 2). However, the frequency of arrests for female perpetrators of intimate partner violence dramatically increased following the implementation of mandatory arrest laws (Hamberger and Potente 1994; Martin 1997; Miller 2001). Because society associates the characteristics of intimate partner violence (i.e., violence and aggression) as masculine qualities, women arrested as offenders of this gendered crime may experience heightened challenges to their identities.

PERCEPTIONS OF VIOLENCE AMONG DIFFERENT GROUPS

Scholars have challenged stereotypical images of abused women through their work. One image, in particular, that scholars question is that of the passive, subordinate, and helpless victim. Such scholars contend that this image describes only White, middle-class women. Thus, society views women who resist or actively fight against their abusers as challenging this accepted image, and consequently characterize them as “bad women.” An examination of broader social and cultural beliefs reveals that race and social class play an important part in the distinction between “good” and “bad” women. Ultimately, this affects how society understands acts of resistance, or fighting back, by women (and also the women themselves) in the context of intimate partner violence.

Research shows that Black women fight back at greater rates than White women (see Collins 2000 and hooks 2001). This knowledge supports the stereotypical image of Black women as “aggressive, resilient, and immune to the effects of violence” (Potter 2008: 53) and affects the ways the women understand themselves within their situations of intimate partner

violence. Rogers, McGee, Vann, Thomson and Williams (2003) reported that White women more easily recognize themselves as “victim,” while Black women often need help to realize that they have been “victimized.”

Potter (2008), in her interviews with battered Black women, illustrates how the women compared themselves to both battered and non-battered White women. She suggests that most of her participants described themselves as “Strong Black Wom[e]n,” while they perceived White women (both battered and non-battered) as “weak.” Thus, Potter suggests that for most of her respondents, “‘Black woman’ was synonymous with ‘strong woman’.” Potter argues that for the women in her study, resistance against their abusers provided a way by which they could gain agency. Thus, for many of the women, they did not see themselves as victims, but rather as empowered through their acts of violence.

Additionally, Richie (2000: 1136) argues that poor women of color are “most likely to be in both dangerous intimate relationships and dangerous social positions.” Richie (1996) studied low-income or working class battered Black women who were being detained in jail. She found that the battered Black women in her study also did not identify as battered. Because the women fought back against their abusers or did not feel subordinated by the men they knew, they did not view themselves as victims of abuse.

In comparison to the groups studied by other scholars, the vast majority of women in my study recognized themselves as victims and did not see themselves as violent. My respondents understood their behaviors as self-defense, not as “resistance” or “fighting back.” Accordingly, while the experiences of all white women cannot be generalized, the majority of women in my study engaged in identity work and stigma management. By doing so, the women worked to

reclaim identities grounded in nonviolence, showing how they met traditional gender norms, and more closely aligning them to the stereotypical victim image.

IDENTITY WORK AND STIGMA MANAGEMENT

In this study, after police arrested women for intimate partner violence they experienced labeling (as criminals) and subsequent stigmatization. Stigma refers to an attribute that calls into question an individual's character following the designation of that individual as possessing a deviant identity, either achieved (rule-breaking behavior) or ascribed (one occupied at birth) (Goffman 1963). Importantly, it is possible for an individual to abandon an achieved deviant identity (such as that of criminal). In the case of an offender designation, the women actively resisted the label of "criminal" and its associated stigmatization in order to protect their personal and social identities. For the women in this study, their resistance took the form of stigma management identity work, i.e., activities through which they aimed to form, repair, maintain, strengthen, or revise their identities so that they matched the ways the women understood themselves within the incident of intimate partner violence.

Distancing occurs when an individual either withdraws from individuals without the stigmatized trait or they outwardly differentiate themselves from those without the stigmatized trait. Associational distancing occurs when an individual separates from associates who others have negatively evaluated (Snow and Anderson 1993). In their work on the homeless, Snow and Anderson (1993: 215) describe two forms of categorical associational distancing: "disassociation from the homeless as a general social category, and disassociation from specific groupings of homeless individuals." Ultimately, all forms of distancing allow the stigmatized individual to make a statement about his or her own identity through negative claims about other individuals embodying the negative or unwanted identity. In this study, the female defendants engaged in

associational distanced through defensive othering (Schwalbe, Godwin, Holden, Schrock, Thompson, and Wolkomir 2000). Defensive othering refers to actions taken by members of a secondary group (i.e., criminals) to distance themselves from fellow members of the secondary group. Using the homeless as an example, Schwalbe et al. (2000) argue that when a homeless individual disparages other homeless people as “lazy bums” they engage in a form of defensive othering. Thus, defensive othering involves an individual “accepting the legitimacy of a devalued identity imposed by [a] dominant group,” but then claiming that while the identity does apply to Others, it does not belong to him or her.

Additionally, many female defendants presented counterstories to narratively present themselves in more socially valued identities. Nelson (2001) suggests that counterstories aim to correct what master narratives get wrong; they repair damage to an identity. In this study, rather than accepting the identity of “criminal” or “abuser” which police assigned to the women through their arrests, the women accessed counterstories through the ways they understood themselves and their experiences of intimate partner violence and arrest. “Counterstories don’t just offer a different but equally viable way of representing you. To one degree or another, they resist a representation” (Nelson 2001: 154). Thus, individuals enact counterstories to catalyze a shift in the ways others view them.

Finally, the female defendants in this study negotiating their discredited identities, through transcendence, which “involves not the erasure of the previous self but the expression of an alternative better self” (Warren 1980: 64). Transcendence ultimately enables an individual to avoid his or her stigmatized characteristic by outwardly presenting an improved version of one’s self. The use of transcendence serves as an attempt to protect and destigmatize one’s negative attribute by pointing to ways he or she has used the stigmatized behavior to a positive end.

Individuals engaging in transcendence may, for example, use the knowledge they gained through their personal experience managing stigma to assist others facing a similar fate. In addition, individuals may frame transcendence as the appropriate actions one takes within a socially valued space (e.g., completing a higher education, superior job performance, or excellence in sports) (Warren 1980). Such achievements allow those labeling the deviant to overlook the stigmatizing transgression, thereby discrediting the attached stigma.

RECLAIMING A VICTIM IDENTITY

Research supports both the notion that criminality is often associated with gendered traits of masculinity and that intimate partner violence, in particular, is most often perpetrated by men. However, the implementation of mandatory arrest laws has challenged these facts, as the number of women arrested for intimate partner violence has increased dramatically. This trend creates a particular challenge for women arrested for intimate partner violence, as their femininity, which aligns them as victims, is often questioned when their arrests categorize them as criminal and/or offender, both of which reflect masculinity. Consequently, women adopt various strategies in attempting to reclaim the identities lost upon arrest¹².

REJECTING THE MASCULINE THROUGH DISTANCING

The thirty-one female defendants included in this study frequently employed defensive othering as a means of distancing themselves from masculine characteristics. Participants most often condemned the other female offenders based on: (1) the perceived severity or danger level of an offender or (2) based on the frequency of an offender's criminal behavior. By differentiating themselves from women they perceived as criminals who embodied masculine traits (such as aggression and violence), respondents reaffirmed the ideological construction of

¹² Specifically, 28 of the 31 women clearly employed one of the three forms of identity work discussed in this chapter. Twelve of the 31 women used more than one of the forms described here.

criminality as exemplifying masculinity, and also recast themselves as meeting norms of femininity (i.e. gentle, passive, delicate, naïve). By distancing from other women based on their statuses as “career criminals,” a label pointing to the extensive nature, and often frequency, of one’s criminality, respondents positioned themselves as inexperienced and noncriminal.

Many of the women I interviewed rejected their own association with masculine traits by disparaging women who exemplified violence or aggression, and who were ultimately seen as capable of danger (Adler 1975; Britton 2011; Messerschmidt 1993). For example, Cindy, a 37-year-old white woman, distanced from those around her at the jail based on her perception of the danger they might cause her:

Awkward. Yeah, a bunch of weirdos. It was uncomfortable because you don’t know what those other people are there for. And just—I was scared. I was scared to death. And you’re around these criminals, and you’re not even a criminal.

Cindy clearly engages in defensive othering by rejecting the label of “criminal” for herself, but attaching it to those around her. By regarding others as “weirdos,” Cindy claims her own normalcy. She implies that “weirdos” are capable of danger, violence, and aggression, which, given her assertion of her own normalcy, positions her as timid and scared (qualities associated with femininity). Presenting herself in this way distances Cindy not only from masculine characteristics, but also from the traits associated with offenders.

Vanessa, a white woman who was 25-years-old when arrested, engaged in defensive othering based on the severity of the crimes the women around her had actually committed. When describing her experience in jail, Vanessa reported that initially, police officers placed her in the maximum security area of the jail where the most violent and dangerous offenders reside. However, jail guards quickly relocated her to a different, lower-level area. Of her experience in maximum security, Vanessa said, “there’s maximum security where I was. Yeah, I mean, I was

in there with some pretty scary chicks.” Here, Vanessa draws heavily on the labeling process (Fine 1994) in her understanding of the women surrounding her in jail. By noting the “maximum security” status of the area, and pointing to the fact that she was moved to a lower security area, Vanessa minimizes her own danger level. In contrast, Vanessa demonstrates her acceptance of the other women as dangerous. Thus, defensive othering, for Vanessa, meant distancing herself from individuals the police deemed capable of violence and injury (as designated through the offender’s security level).

Rachelle, a 38-year-old white woman, provided a poignant example of categorizing others as dangerous and threatening, by paralleling the feelings she experienced during her transport to jail with another female offenders as equivalent to a little girl.

I had to ride in the police car with this crazy, drugged-out lady. And the lady was erratic. She was all drugged up. She was rockin’ back and forth. And she hit me with her head when they turned and everything. She said, “Bitch, watch out” and all that. So then I was scared about that. It was like a little girl, you know, freakin’ out. It was just a real bad experience. I was really scared.

Rachelle emphasizes the woman’s unpredictable behavior through when she calls the woman “crazy” and “erratic.” Rachelle indicates that these qualities about the woman, in addition to her impaired state and her confrontational demeanor, led Rachelle to feel frightened. As a result, Rachelle refers to herself as “a little girl.” This categorization exemplifies qualities of helplessness, innocence and naivety, traits that are frequently associated with femininity (Connell 1987; Palan et al. 1999). Positioning herself in this way shows how she abides by gender norms and suggests that the woman with her in the car was performing the unfeminine. Rachelle identifies the other woman as filling the offender status through the traits she displays, but suggests that she is different from the other woman, and therefore, does not fit the offender label.

Lastly, Shana, a 37-year-old white woman recalled her experience by discussing her presentation of self when interacting with other women in jail. Though she reported that most of the women were “nice,” she indicated that she did experience an internal reaction to the women and acted based on that response. Of her experience, Shana said:

If I had been at odds with any of those girls...that could have been a really scary situation. I mean, I could have really been hurt if the leader happened to dislike me...so I just was really meek and submissive. 'Cause I don't want to get my ass kicked.

Shana rejects the offender association by positioning herself as following traditional gender norms (i.e., “meek and submissive”). She indicates that had any of the other women not liked her, they may have acted violently toward her. By referring to getting her “ass kicked,” Shana demonstrates her belief that the other women were capable of physical harm. She implies that she is only capable of serving as a recipient of the violence, not as an actor. Thus, she is not violent, capable of danger, or aggressive.

Distancing from particular traits or behaviors was certainly a strategy utilized by a number of women. However, some women also distanced from others based on their extensive or frequent criminality. Respondents frequently distanced from women who had been arrested on multiple occasions and labeled them as “career criminals.” The female defendants in this study indicated things about themselves by judging the other women who more closely illustrated traits of masculinity. Specifically, participants pointed to the extensive knowledge and experience the other women had in terms of knowing people at the jail, knowing differences between jail facilities, and having a general understanding of how the criminal justice process worked.

Meredith, a 27-year-old white respondent, declared, “I mean some of the other people in [jail] were like career criminals. You could tell. They knew all of the people that worked at the

jail.” Meredith uses the level of familiarity those around her have with staff at the jail as a way of determining who fit the “career criminal” label. When she uses the term “career,” Meredith indicates that the other women had extensive criminal histories. Her designation of those around her as “other people” reveals that she, on the other hand, had no criminal history and therefore did not fit the label she had designated to others.

Loretta, a 48-year-old white woman, used defensive othering by drawing on the knowledge of her cellmate in terms of her knowledge between different jails’ amenities and facilities more generally.

[My cellmate] was prepared. She had actually turned herself in to serve out a sentence. So she was well versed on which prison, which jail’s facilities have this versus this jail faci...this one has better food, but that one has better exercise equipment and all that and other free time...recreation stuff. I was like, “Oh my God.” It’s like okay, this is very educational. And I forgot what she was in there for and that. But it was like her second time. She knew...she knew a good amount of people.

In addition to her knowledge of people within the jail, Loretta emphasizes her cellmate’s knowledge of different jail facilities. She suggests that her cellmate was well experienced through her multiple experiences in jail. Furthermore, when Loretta says that her response to her cellmate’s knowledge was “Oh my God,” she reveals her own negative judgment about her cellmate’s knowledge and experience. Finally, she implies that she did not have this same knowledge and experience when she refers to the information as “educational.” This effectively allows Loretta to highlight her own noncriminality and naivety.

Finally, in a similar fashion to Loretta, Samantha, a 36-year-old white woman, clearly enacted defensive othering by labeling the other female offenders as people she would not associate with outside of the jail. Of these women, Samantha explained: “I didn’t feel like these were my peers. [S]ome of these women have been in jail quite a few times, probably could give me some good advice.” Samantha’s designation of the other women as not being her “peers”

reveals her perception of them as different and subordinate to her—clearly illustrating defensive othering as she justifies her assessment by pointing to the other women’s criminal histories. Additionally, Samantha makes claims about the women through her mention of the women abilities to give her “advice.” Advice is generally provided by individuals whom others believe have previous experience or in-depth knowledge about a particular topic. Therefore, like Loretta, Samantha effectively positions herself as unknowing and naïve to the experience of arrest and jail, by positioning the Other as having an extensive criminal background.

RECLAIMING THE FEMININE THROUGH COUNTERSTORIES

In the previous section, I illustrated how women distanced from traits of masculinity through defensive othering based on the severity of crimes Others committed and the frequency with which Others engaged in criminal behavior. In this section, I describe the identities the female defendants in this study drew on in their counterstories to help them reestablish themselves as meeting traditional gender norms. Casting themselves in ways that illustrate their feminine characteristics revealed how the women viewed themselves as good people, as opposed to as criminals or offenders. Nelson (2001) argues that people generate counterstories to resist master narratives. A “master narrative” is a culturally accepted story associated with a particular identity. She suggests that master narratives not only assist individuals in understanding their own identities, but that individuals also draw on master narratives to constitute other’s identities. Nelson argues that some master narratives serve as a source of oppression whereby certain identities are constructed as more valuable and less valuable. As a result, she contends that “the master narratives resisted are those that are generated by oppressive forces within an abusive power system, and which impose on a subgroup an identity that marks its members as morally defective” (Nelson 2001: 157). In this section, the three counterstories respondents presented (i.e.

good mother, good partner, and good person) reveal the ways the women view themselves and allow the women to resist the label imposed on them by police and the broader criminal justice system.

Good Mother

Traditionally, gender roles and expectations related to the family dictated that caretaking of children was the primary responsibility of women. Societal connotations characterize motherhood (and also femininity) as loving, gentle, devoted, selflessness, nurturing, and protection (Stearney 1994). As women have entered the workforce, societal expectations of mothers, unlike fathers, have increased and now women wishing to be deemed “good” mothers must meet standards of child-centered parenting, known as intensive mothering, regardless of occupational constraints. In her book, “The Cultural Contradictions of Motherhood,” Sharon Hays (1996) explains that “intensive mothering” is defined by three themes: (1) “the mother is the central caregiver”; (2) such mothering requires “lavishing copious amounts of time, energy, and material resources on the child”; and (3) “the mother regards mothering as more important than her paid work” (p. 8). Scholars contend that a woman’s status as a mother often determines her social identity. Given the centrality of motherhood to a woman’s identity and the ways associated characteristics of motherhood accentuate feminine qualities, it is perhaps not surprising that the women drew on this role as a way of reclaiming their victimhood. However, of importance are the ways many of the women emphasized how they met ideals of intensive motherhood, which enabled them to enhance their claims at femininity.

For example, Paige, a white woman who was 24 years old when police arrested her, referred to her identity as a mother by describing the ways her son was her first priority and main concern when she and her son’s father argued. Of the incident, she recalled:

When the police came it had escalated I was like...cussing, yelling. I don't know if I was cussing 'cause my son was there. And, but I have...I have his little record player with his earphones, so I wasn't so worried. But my whole thing was...[my son] never...saw us fight, ever once like never saw any confrontation, so it was always in the back of mind like he could come out any minute you know? So, I was...I remember bein...like...ah...worried I just wanted him to get out, ya know? I just wanted [my son's father] out. And he wouldn't.

Paige explains that her goal throughout her relationship with her son's father, but especially during the incident for which police arrested her, was for her son to never see nor hear the fighting. When she says, "my whole thing," she indicates that for her, her son was her priority in the incident. She took specific measures to protect him and prevent him from experiencing fear.

In another case, Rachelle, described above, pointed to the ways she met societal expectations of a good mother by highlighting her dedication, love, and desire to protect her children when she was arrested. Of her arrest experience, Rachelle explained that several of her children were in the house crying and yelling for her as police handcuffed her and removed her from the home. Rachelle recalled:

[The police] said I was erratic and irrational. But my thought to that is: I think any mother would be like that, protecting her cubs. It's like a lion protecting her cubs. They were taking me away from my kids, and my kids were sittin' there. You know? Hearin' me and seein' me. And I've never been away from my kids ever. My entire life. I've been their sole provider.

Rachelle rejects identity characteristics such as "erratic and irrational" which were attributed to her by responding patrol officers at her home, instead asserting her position as a mother. She uses the analogy of a mother lion, an animal socially understood as fiercely protective of its cubs, as a means of representing her intense dedication to her own children. Rachelle is able to not only position herself as a mother, but as a woman meeting the expectations of intensive mothering (Hays 1998). In addition to her dedication, she also draws on her role as the "sole provider" for her children, and reinforces this when asserting that she had "never been away

from [her] kids.” Ultimately, Rachelle works to reclaim a socially acceptable identity by describing the ways she meets societal definitions of a good mother.

While many women spoke about their skills as mothers during their arrests in order to better position themselves within the acceptable societal framework of femininity, Claire, a 27-year-old white woman, instead spoke about the actions she took following her arrest. She described the experience of losing custody of her children as a result of her arrest and explained that she was willing to do whatever she needed to in order to regain custody.

That’s why I took all these classes. I did it all voluntarily. Still didn’t do nothin’. I mean, I still don’t have ‘em. I took him [her ex-husband] to court six different times since then already. I’m getting ready to go do it again. I’m hoping that I can get him to realize and understand what’s going on with the situation and where I’m at today. You know, ‘cause I’ve done a lot of things I did, I did—I did a lot of different types of classes and health classes. And I even went to parenting counseling and all that stuff. Cost me a beaucoup of money. I’ll tell you what. But, I did do it.

In her statement, Claire not only reveals that through their continued court visits her ex-husband labeled her as a deficient mother, but that the court also questioned her ability to perform the tasks necessary for mothering. She actively rejects these labels by describing the many actions she has taken (e.g., the classes she completed) to prove herself and instead reveals the way she views herself in terms of her identity as a good mother. Despite the fact that Claire struggled financially, she took the classes “voluntarily.” This points to the dedication she has toward her children. Her willingness to do whatever was necessary to reclaim custody of her children positions her not only as a mother, but also as a good one.

Valerie, a 39-year-old white woman, discussed her role as a mother throughout her interview. She explained that her son was not living with her for a while, but that he had moved back home and that she now understood herself in terms of her identity as a mother. Valerie

demonstrated this by first describing how her son's presence influenced her behavior in terms of her relationship with her boyfriend:

[My boyfriend and I] got through the holidays and uh and it was pretty good...a little tense. And then he went to the bar one night and I didn't want to go. My son was home I wanted to spend some time with him. Super responsible parent. And we went from you know footloose and fancy free to my son moved home, and now I'm responsible and I'm home. And he's got homework and structure and I don't think that sat really well.

Valerie identifies herself as a "responsible parent" based on her dedication to her son and her view of him and his needs as a priority. She amplifies her claims by suggesting that prior to her son coming to live with her, she had little worry, but once he was there she immediately altered her behavior.

Later in her interview, Valerie reiterated the ways she was a good mother by describing her willingness to put herself in danger in order to prevent her son's harm. She recalled that her boyfriend had been drinking and became violent. She went to her son's room, where he had been sleeping, and gave him specific instructions on what he needed to do in order to stay safe.

She recalled:

I said, "[Son], I don't care what you hear...I don't care what you hear, do not come out of your room." I said, "lock your door. Do not come out of your room." And he said, "what if I hear..." "I don't care what you hear." Which is the hardest thing in the world to tell your kid. 'Cause I didn't know where [my boyfriend] was going to take [the incident]. We had other guns in the house, and he'd bee-lined for our bedroom.

In a final example, Valerie demonstrated her attention and prioritization of her son after her arrest. She notes her concern for her son, over herself, through her decision to not ask for her case to go to trial, instead accepting the prosecutor's criminal charges. She said:

So I looked at the laws and you're looking at almost two years per offense. So, in the wheeling and dealing for court, I agreed—this is the only thing that's just biting my ass right now—I agreed to let it drop because I didn't want to put my son through court. I didn't want—he was the biggest witness.

In this final passage, Valerie reports that though her acceptance of her charges, without going to trial, are now causing problems for her, she made this choice to protect her son. She indicates that the needs of her son, even when considering the results of her arrest, outweigh her own. Throughout her discussions of her son and the ways she embraced her identity as a mother, Valerie also emphasized the traits of love, care, dedication, loyalty, and protection toward her son.

Julie, a 34-year-old white woman, took on the identity of “othermother” to her boyfriend’s son, even though he was not biologically her child (Collins 2000). She explained that not only did she take care of his son, but that she also had positively affected her boyfriend’s parenting skills:

I was always the buffer because when we met, his son was six. And he thought he would put him in timeout for like 30 minutes. And I was like, "you don't understand. Like this is not like my degree in psych, this is not me being a teacher, this is like...you can't do that. He's like, "I didn't know that." But anyway, he's you know I was like the saving like— someone his kid could talk to, “My dad’s so angry. My dad’s so mean.” And didn’t know how...he was raised by a farmer where, you know what, if you’re not doing what I want, I’m going to flick you in the ear and tell you to straighten up or pull your head out or whatever. Not a very like nurturing, loving, compassionate guy. And so then I served as the buffer so that was like keeping me in the relationship. Well, and I wasn’t staying for the kid, but I felt like I was helping their relationship. And I feel like the mom was more comfortable when I was there but then it became like well [his son] could only come over when [I] was going to be over. And then the family court investigator where she’s like, “Do you play these games, all these games you have do you play with your dad or with [Julie] or both?” And he was like, “Mostly with her.”

Julie repeatedly mentions her role as a buffer between her boyfriend and his son. She indicates her interest is in buffering the child from too aggressive discipline by his father and implies that she plays an integral part in guiding the father-child relationship. She put her own relationship needs secondary to her role as an othermother (i.e., staying in the relationship, giving the child priority). Additionally, she talks about her perception that the boy’s biological mother endorsed her as an “othermother” through her belief that the woman felt “more comfortable” when Julie

was at the house. This directly speaks to her identity as an othermother. Finally, she reports that even the child talks about her in an active-parenting role (i.e., someone in whom he confided and could play games).

Good Partner

The excerpts above illustrate the efforts made by female defendants in this study to reject the label of criminal, which police assigned to them by designating them as perpetrators. Instead, the women draw on their understandings of themselves as mothers. Though many respondents constructed counterstories based on their identities as mothers, not all women in this study were mothers and other women enacted multiple counterstories. Women also commonly insisted that they were good partners to their boyfriends and husbands. Respondents cited this identity by describing the ways they fulfilled a caregiver role. While the women most often discussed this status in terms of behaviors they took prior to their arrests, some women, who remained in relationships with the men police had deemed victims during their incidents, boasted their continued acts as a “good partner.”

Evelyn, a 44-year-old white woman who identified her partner as the abuser in the relationship, often spoke of her love for her partner and the ways in which she fulfilled her role as partner. She stated, “this is insane for all I gave and loved that I’m now, you know, feeling like I’m this horrible person.” Evelyn stated that at one point in the relationship, she had typed a letter affirming her love for her partner. She noted the letter stated she loved her partner “very much and will not break up with him again. And I...I...I say this in earnestness to let him know how much I love him.” As a means of making this official, she had the letter notarized. For Evelyn, this letter seemingly is a physical representation of her love for her partner, and thus symbolizes her commitment to the relationship and to being a good partner.

Evelyn additionally made claims about her femininity by emphasizing the feminine traits she possessed within her relationship and accentuated her role as caretaker of her partner.

Just how much compassion and love I felt for him. And how deeply rooted I got in his life. And yes, we all become their moms if we get close enough to them... Why do we all hurt the people that we love the most? So, um, I was, I was in shock and baffled by the fact that he was able to verbally and physically be that way that day, or the days prior, based on how I had loved him.

Evelyn, like a number of other respondents, not only demonstrated her understanding of her own identity via her description of acting as a caretaker, but she additionally worked to exemplify the ways she met that standard. She suggested that being a mother, even if to a partner instead of a child, is still the identity she wished to attribute to herself, highlighting the behaviors and feelings she exhibited (i.e., caretaking, love, compassion). Evelyn emphasizes her identity as a good partner by drawing on the noncriminal caretaker status in which she loved her partner, even when he acted “verbally and physically” violent toward her, further signifying her dedication and loyalty.

Aya, a 21-year-old woman who identified as white, described the support, financially and emotionally, she provided for her boyfriend. She mentioned a few times that she allowed him to live with her without contributing full rent because he did not have a job. However, she enacted the bulk of the “good partner” counterstory when she recalled the events leading to her arrest. During her interview, Aya said that she and her boyfriend had argued about attending couples counseling. Aya wanted her boyfriend to attend, but he was resisting the idea. The argument escalated and Aya left the residence. Shortly after she left, however, her boyfriend contacted her stating that he had taken a number of medications that were not prescribed to him. She explained that she wanted to take him to the hospital, but that he would not go with her. She reported calling his mother, who was a nurse, but stated that his mother did not answer the phone. From

this point, Aya recalled the incident escalating and ending in a dual arrest of both she and her boyfriend. She said:

I tried to get his phone and we ended up, like, wrestling for his phone for a little bit. He wouldn't give it to me. He grabbed my phone, and that's what this charge is of obstruction of telephone service—it was when he took away my phone – he took away my phone; I was trying to call his mother. And, then I ended up grabbing his phone, and then they arrested me for his phone. And then I ran outside with my computer, and I called on the phone the nurse at [Rock Canyon Hospital], and she said to call 911. So, I called 911 'cause I was scared that he had taken something; he was really lethargic. I didn't know if he was tired, or what was going on. They asked me what happened. I told them. They sent the paramedics and the police.

Aya first positions herself as a good partner through her interest and enthusiasm toward doing whatever was necessary to strengthen her relationship with her boyfriend (couples counseling). She supports her counterstory of “good partner” by demonstrating her efforts and willingness to engage physically with her boyfriend in order to get him the care and medical attention he needed. Her inclusion of the details of who she called and how she followed the instructions of a medical authority illustrate the great extent to which she sought help for him. For Aya , though these events ultimately led to her arrest, she uses them to construct a counterstory of how she served as a good partner to her boyfriend.

Unlike other participants who spoke mostly in terms of abstract concepts such as love, compassion, caretaking and concern as a means of demonstrating the good partner counterstory, Loretta constructs herself as a good partner through the tangible things, like shelter, that she provided to her boyfriend.

'Cause I never thought I'd be arrested either, by anybody. Let alone by someone I had in my house and that was basically getting a free ride from me. You've been getting a pretty good ride here. You're living in a house you're not even paying for. And it's a decent house, so it's not like it's a dump.

Loretta worked to recover her identity by describing the way in which she provided for her partner financially, in addition to housing him. Specifically she alluded to the fact that she not

only allowed him to live with her, but that she also took care of all costs associated with him living with her (e.g., groceries, utilities). She presented her understanding of caretaking by drawing on more practical and functional elements, i.e., the fulfillment of her partner's needs. Ultimately, the use of counterstories by respondents allowed them to purposefully self-define themselves and to demonstrate how they met traditional gender norms.

Good Person

In the final counterstory, the female defendants structured their identities around assumptions of criminality as constituting a failure at femininity. Respondents constructed identities that emphasized the ways they were law-abiding and obedient people. Such narratives served as reclamations of feminine gender norms centered on innocence, conformity, and lack of experience.

Though Meredith, mentioned previously, engages in Othering within her narrative, she does so as a means of emphasizing the ways she conforms to the law. She stated: "I'm just another prisoner, or criminal, to [the police]. Which I'm not. Like I've never been arrested before. I've never done anything wrong." Meredith indicates that the police challenged her "good person" identity, but by professing herself as never doing wrong she reveals the ways she views herself. Additionally, this construction positions her as meeting traditional gender norms as she contends that she has not acted inappropriately or engaged in criminal behavior. She indicates the opposite is true; she conforms to the law as seen in her acceptance of her submissive civilian position.

Ruby, a 44-year-old Asian/Pacific Islander woman, recalled her behavior from childhood as a way of constructing herself as a good person. She said:

[The arrest] felt like a nightmare. I've never been arrested ever in all my life. Nor have I ever been in trouble with the law. I mean, I was never even in the principal's office in high school. I'm a straight A student. Almost became valedictorian.

Ruby's mention of her status as a "straight A student" and as "almost valedictorian" construct her as exceeding the expectations other had of her. Not only was she a good student, she was a great student. She reinforces this by describing how she maintained this identity throughout her life—the police have never arrested her nor has she "ever been in trouble with the law."

Ultimately, Ruby is able to establish herself as a law-abiding and conforming person throughout her life and this assists her in rejecting the identity of criminal that police assigned her upon her arrest.

Many women, like Meredith and Ruby, drew on their lack of experience with the criminal justice system as a way to establish themselves as noncriminal and thereby "doing" femininity. However, other women constructed the identity of good person by describing the ways they persisted to follow the law, even after arrest. For example, Amber, a 21-year-old white woman, explained that she began treatment before the judge had mandated her to do so.

I never had a speeding ticket and...and just... It's just...it's really not like me at all. I started going to like the Monday night classes, which my lawyer had told me to go. Start early. So I started like early.

Amber uses her narrative to establish the ways the incident for which police arrested her are out of character for her. She draws on her past of noncriminality and suggests that even after her arrest, she continues to do what the law and criminal justice personnel (i.e., her lawyer) tell her to do. Her obedience reinforces her identity as a good person and points to how she fulfills traditional female gender norms.

In a similar fashion, Jacqueline, a 44-year-old white woman, referred to herself as an individual who conforms. When discussing meeting the mandates of her sentence, Jacqueline pointed to the speed with which she followed instructions, saying:

I got out of court and went straight to probation ‘cause that’s what I was supposed to do. That’s who I am. I follow rules. ‘Cause I’ve never been under arrest for anything in my 44 years of living.

Jacqueline makes clear indications about her view of herself when she says, “that’s who I am” in reference to following rules. She claims that she went to her probation officer directly after court and justifies this by saying “‘cause that’s what I was supposed to do.” This allows Jacqueline to support her counterstory. She respects and follows the law without question because it is a piece of her identity.

Finally, Leah provides a poignant example of the steps female defendants were willing to take to assert themselves as good, law-abiding people. Leah explained that her boyfriend was manipulative and both physically and verbally abusive prior to the incident during which police arrested her. As a result, after her release from jail, Leah requested the judge allow her to move, with her family, to another state where she could receive better support. The judge granted the request; however, because of complications with paperwork, Leah was unable to permanently move and had to complete her sentencing mandates (i.e., batterer treatment classes) in Colorado. Leah had already taken some of her belongings to the other state, but was determined not to miss any of her mandated classes. Of her efforts to juggle moving back to Colorado, while continuing her classes, Leah said:

There’s no way I’m about to mess up now at this point. I mean, I’ve always blown clean [on my alcohol tests]. Everything’s been—I’ve never missed a class. Nothing. I even went down to [the other state] to get some stuff and like left on early Saturday—Sunday morning. Arrived at the ranch. Picked up my stuff. Drove back on Monday. Made it back in time for my class. I was not messing with this class.

Leah points to her clean alcohol tests and perfect attendance in her batterer treatment class to demonstrate the ways she is not criminal or negligent. She discusses her efforts at fulfilling her identity as a good person by describing how she drove to another state and back within less than two days as evidence of her dedication to her identity as a law-abiding and obedient person.

The female defendants in this study constructed a variety of “counterstories” through their narratives in order to emphasize the ways they followed traditional gender norms of women (as passive, obedient and submissive). Thus, each of the counterstories the women employed (i.e., good mother, good partner, and good person), allowed the women to repair their spoiled identity by resisting the oppressive labels placed on them by police and the criminal justice system.

TRANSCENDING THE OFFENDER IDENTITY

Transcendence “involves not the erasure of the previous self but the expression of an alternative better self” (Warren 1980: 64). Transcendence enables an individual to avoid a stigmatized characteristic by outwardly presenting an improved version of one’s self. In the case of my study, the female defendants professed that they had experienced the consequences of their arrests and did not want others to face a similar fate. The women spoke about their desires to turn their experiences into something positive through teaching and helping others.

Frequently, participants focused their efforts on other women in similar positions to themselves. Most often, this meant women whom police had also labeled as criminal through an arrest for intimate partner violence. Through this third type of identity work, women are able to continue their caregiving identity by extending the care they give to children and/or partners, described in the above section, to others.

Twenty-one-year-old Hannah, mentioned above, revealed her intent to help others by using her negative attitudes for something good. She explained:

I want to do something constructive with all this feeling. I'm thinking that some of the women in my group have gone on to [the local intimate partner violence safe shelter] and one of them is going to volunteer at the courts just helping people navigate through all the mess of the courts. I'm thinking about ways that I can take my anger and all this frustration about what happened to me and turn it into something positive.

In her passage, when mentioning her anger and frustration at “what happened to [her],” Hannah indicates that her arrest was unfair and unjust. This phrase reveals the ways she view the arrest not as a result of her own actions, but instead the actions of others against her. Because of this, she reports having negative attitudes toward the criminal justice system and she reinforces this when she refers to the court system as “[a] mess.” Though initially Hannah references helping the local safe shelter, which primarily assists female victims of intimate partner violence, her addition of the court or criminal justice arena, broadens the groups she is willing to work with and includes people like herself, who police arrested, but who do not believe their arrests were justified. Hannah says that she wants to turn her experience into something “constructive.” This illustrates transcendence, as the opposite choice would be for Hannah to act out against the system. She indicates that rather than make the latter of these choices, she wants others to benefit from her experience. Therefore, she shows an improved version of herself.

Sydney, a white woman arrested at 22-years-old, spoke unmistakably about her hope to help others. She began by describing how several of the women in her court-mandated batterer treatment class had taken restraining orders out against their partners—the men who had been deemed victims by police. Of this she said, “it makes me really want to go fight the system and help all these girls in my class.” She explained that her arrest has helped her to “notice cop things more and why is this happening to all of these people? And it, um, it's really made me

think that it's gone a little bit overboard in [Rock Canyon], just with like cops everywhere doing all of these things." Sydney broadened her statement by explaining how her arrest had influenced her career aspirations: "I was thinking of law school before and now I'm like really...I want to go do it and be like a DA or something. I don't know. I just really want to help other people get out of this." Sydney contends that she has learned from her arrest experience and states that she would like to be in a position of power to do something to help others who find themselves in similar situations. Specifically, she indicates her desire for a literal role reversal as she declares her intent to be a district attorney (DA). Like Hannah, within her passage, Sydney provides a judgment about her own experience as negative when she aligns herself with those individuals she desires to help. Ultimately, she makes clear that her desire is "to help other people," which highlights her feminine qualities of care and concern.

Vanessa, a 25-year-old white woman, exhibited transcendence through her desire and active efforts toward working within the criminal justice system. Vanessa expressed discontent with her arrest and insisted that police should not have arrested her. She justified her feelings by describing how the police officers with whom she interacted failed to adequately explain to her what was happening or inform her of her rights. Vanessa said she felt "lucky" because she had "a lot of family support" and "a high-paying, well to do, well renown lawyer." But, she recognized not everyone had those resources and as a result she was preparing to take the Law School Admission Test so that she could help other women who had similar experiences to her own.

I met a lot of girls while I was in there who...ya know...I'd love to do this work and then do pro bono work for some clients who, like probation just does not work. 'Cause it is a money hungry system that just sucks them back in. Umm, and people never get out of it. Umm, and there's just a lot of sad situations that people that just really have minimal resources...and that's really where I'd like to be able to put myself.

Vanessa indicates that many women with whom she interacted following her own arrest experienced similar situations to her own. She further notes that some women are in poorer economic situations than she is and are therefore unable to afford quality criminal justice services. As a result of her experience, she indicates that she would like to assist other women who find themselves arrested for intimate partner violence. She exemplifies empathy and the desire to help others, which illustrate the ways she fills traditional gender norms. Finally, transcendence in this way allows her to situate herself as having learned from her arrest and becoming a better person as a result.

While both Sydney and Vanessa employed transcendence in roles of power after arrests have taken place, Jacqueline, a 44-year-old white woman, spoke of her desire to improve the mandatory arrest law as a way of helping others. In her interview, Jacqueline spoke of the ways police used her acts of self-defense (after her husband “football tackled” her against a wall) to make her arrest. As a result, she held negative attitudes about both the police and the mandatory arrest law that required police to arrest either her or her husband even though neither wanted the arrest made.

I mean we really need to...I hope this, I hope this study has, ya know, um, I'd love to see it and if you do intend to have it do anything in the future towards legislation... I'll be in touch for a hard copy that I can send to one of the...a few of the legislatures in our state.

Jacqueline reiterates her dissatisfaction with the law when she questions whether I, as the researcher, intend to generate change of the mandatory arrest law by “do[ing] anything” with the products of this study. Though she initially includes me in her hopes for change, she reclaims her role within the act of transcendence by asserting her intent to send the products to legislatures around the state. In this way, Jacqueline shows her promise as a better person in the future through not only her intent, but also planned efforts, to make change across the state.

While most respondents demonstrated transcendence in relation to women arrested for intimate partner violence, this was not the case for all of the female defendants. Kylie, a 23-year-old white woman, professed her desire to talk with teenagers about her experiences. She wanted to prevent them engaging in similar situations to her own, and also to help them realize that they are not alone in the troubles and difficult situations they may experience:

It's more, like I look at it as one day, when I get everything dropped, and I can, I really want to go and explain my situation to teens or younger—kids that are younger than me. So they can look out and say, "Hey," you know, "she's gone through it. I don't wanna go through it." You know, try to get 'em to stay outta the trouble. And maybe from my experience maybe it might help them.

Kylie explains transcendence through the lens of education and positions herself as the noncriminal educator. She suggests that her arrest experience for intimate partner violence would serve as the subject matter from which she would teach. Moreover, she explicitly identifies her hope that such education "might help [others]." This represents transcendence as Kylie turns her negative experience of arrest for intimate partner violence into something positive—something others could learn from and avoid.

Through transcendence respondents defined themselves as agents of change. They demonstrate what they have taken away from their arrests for intimate partner violence and express the desire to help others based on their experiences. In this way, the women continue to put forth their identities as caregivers who follow traditional female gender norms. However, instead of caring for a child or partner, here the women show concern for the treatment of others in similar positions to themselves. Ultimately, the women negotiate their own identities by enabling others to do the same. For the participants in this study, their efforts at transcendence exhibited traits of assistance, guidance and responsibility toward helping others—all of which allow them to act out femininity.

CONCLUSION

Traditionally, society has understood women as the victims in incidents of intimate partner violence. However, following implementation of the mandatory arrest law, rates and proportions of women arrested as perpetrators increased dramatically. As a result, women arrested as perpetrators face onerous challenges to their identities as police arrest them for a crime commonly associated with normative male characteristics, including violence, aggression, and danger. The female defendants in this study resisted association with these traits by distancing from the criminal identity and recasting themselves in more positive, self-affirming and socially acceptable images emphasizing their femininity.

To reclaim their identities as feminine, the women engaged in distancing, used counterstories, and showed how they had transcended the criminal status. First, women distanced themselves from the assigned identity of perpetrator by condemning the women surrounding them in jail based on the perceived severity of crime committed or history of one's criminal experience. Specifically, upon arriving in jail or first coming into contact with other arrestees, women initially engaged in defensive othering as a way of resisting or rejecting traits of masculinity which position them as fitting stereotypes of criminality. Then, following their jail experience, and often upon release back into their communities as they negotiate the consequences of their arrests, respondents moved toward reclaiming identities centered on feminine qualities through the use of counterstories that connected them to being good mothers, good partners, and/or good people. Finally, respondents act on their social identities by demonstrating the ways they had moved past the criminal identity. Through transcendence the women illustrated the better selves they had become, which helps others to look past the criminal label. Each of these forms of identity work allows the women to constitute themselves in ways

that accentuate their feminine qualities (i.e., passive, law-abiding, loving and nurturing) and identities (i.e., as a caretaker). Ultimately, presenting identities that successfully accomplish femininity allowed the women to show how they more closely met traits of a victim, rather than of an offender.

CHAPTER VI

THE POLICE DANGER NARRATIVE IN INTIMATE PARTNER VIOLENCE

INTRODUCTION

In the preceding chapters, I examined the effects of the mandatory arrest law on women arrested as perpetrators of intimate partner violence. In this chapter, I explore how police academies, departments, and broader cultural forces establish and reinforce the element of danger at both the occupational and organizational levels with regards to intimate partner violence. I contend that a danger narrative exists for police officers within the context of intimate partner violence. “Danger narrative” refers to the ways officers talk about and understand their perceived and experienced danger during responses to intimate partner violence. While a danger narrative has been present in the past, the implementation of mandatory arrest laws has shifted the ways police officers understand and respond to danger in situations of intimate partner violence.

I begin by providing examples of the ways state accredited police academies and two city police departments construct the danger narrative within trainings, policies, and procedures. Then, I discuss how adoption of the danger narrative affects how police officers think broadly about intimate partner violence. Next, I point to two specific shifts mandatory arrest laws have generated within the danger narrative: (1) who police officers view as at-risk of experiencing danger at scenes of intimate partner violence; and (2) who police officers view as potential sources of danger at scenes of intimate partner violence. I conclude this chapter by describing the ways police officers minimize the prominence of the danger narrative, better allowing them to respond to requests for assistance, meet the requirements of the mandatory arrest law, and also assure their own safety.

LITERATURE

Scholars contend that people use narratives to construct and make sense of their lives (Brown 2006; Ford and Ford 1995). As in one's personal life, narratives similarly serve as a sense-making tool in organizations (Boje 1991). Within organizations, internal and external stakeholders tell and re-tell narratives amongst and between themselves to make sense of situations. O'Connor (1997) argues that narratives are especially evident within organizations and groups with a strong sense of community and loyalty. She suggests that this might include work groups, departments and divisions, and in sanctioned catch points like scheduled meetings and briefings (O'Connor 1997). Exploring narratives operating in the policing profession should, therefore, be quite productive given the tradition of solidarity and cohesion often characteristic of police departments (Chan 1996; Reiner 2010). By identifying the narratives of the policing institution, researchers can better understand the culture and practices of the police, and the ways individual officers experience the narrative in their daily lives.

Polyani (1985: 12) suggested that narratives "are told to make a point, transmit a message, offer moral evaluation or implied critical judgment about the world tellers share with other people." For example, individuals may use a narrative to educate, to scare, to prepare, or to inform. Through narrative analysis, researchers may understand and analyze not only the purpose behind the narrative, but also the importance of particular elements, stories, and events in professional settings.

Gee (1996) refers to discourse as the "socially accepted association among ways of using language, other symbolic expressions, and artifacts, of thinking, feeling, believing, valuing and acting that can be used to identify oneself as a member of a socially meaningful group or 'social network'" (p. 131). In the case of police work, and specifically in responses to intimate partner

violence, dominant discourses include culturally accepted assumptions about risk and danger (Christensen and Crank 2001; Paoline 2003; Skolnick 1994). Ochs and Capps (1996) note that one function of narratives is the ability to resist and challenge dominant discourses; however, in this chapter, I demonstrate how the danger narrative supports and reinforces a dominant policing discourse.

Risk and Danger in Police Work

Both risk and danger in police work have received extensive attention. In their study on police work in a non-urban setting in the United States, Christensen and Crank (2001) found that two aspects of police culture emphasized by officers are self-protection and violence.

Additionally, in his fieldwork with police officers, Skolnick (1994) found that the perceived risk of danger was so prevalent that it could create emotional barriers that impede an officer's ability to perform his or her expected duties.

Furthermore, researchers have long considered the risks and dangers faced by police officers specifically during responses to intimate partner violence. During the 1960s and 1970s, police officers and scholars alike widely viewed intimate partner violence as a principal contributor to police deaths, assaults, and injuries. During that time, Parnas (1971: 543) argued that “[t]he danger quotient is high for both the disputing parties—a very large percentage of aggravated batteries and homicides are a result of intra-family violence—and to the officer—more officers have been killed or injured responding to these kinds of incidents during the last ten years than in responding to any other traditional police call for service.” This message was formalized through training manuals issued by the International Association of Chiefs of Police (IACP) (1976) that made claims about the danger police officers faced at scenes of intimate partner violence:

Intervening in wife assault cases is a formidable task. The police officer is exposed to the

threat of personal injury every time he responds to a family disturbance call...Police officers must be aware of the danger involved in disturbance calls. Since 1966, 157 officers have lost their lives responding to disturbance calls.

However, since the early 1980s, researchers argued that situations of intimate partner violence are not nearly as dangerous to police officers as was previously thought (Garner and Clemmer 1986; Konstantin 1984; Margarita 1980). In the remainder of this chapter, I draw on interviews with police officers and participant observations to better understand how the danger narrative in the context of Colorado's mandatory arrest law impacts the ways officers think about and respond to situations of intimate partner violence.

CONSTRUCTING THE DANGER NARRATIVE

Police officers often broadly characterize their occupational environment as laden with the presence of risk and danger. Accordingly, they come to recognize avoidance of danger as central to their police role (Paoline 2001, 2003; Reiner 2010; Skolnick 1994). In the location of this study, police trainings and officer response protocols heavily underscored the presence of danger at scenes of intimate partner violence. When becoming a certified peace officer, each state requires cadets to meet a set of Police Officer Standards and Training (P.O.S.T.) requirements prior to certification. To obtain P.O.S.T. certification, officers attend state accredited police academies. Officer Jones, a white female officer at Mountain View Police Department and in the field for 7.5 years, recalled that her academy training only briefly discussed intimate partner violence, but that the material trainers did cover focused almost exclusively on officer safety. Of her training on intimate partner violence at the police academy she said:

Um – it was part of the academy. I dunno if it was really a significant part. Um, I don't think we spent too much time on it. But they definitely went over it. You know, the risks and kinda a few things to look for.

Officer Jones' reference to the "risks" of responding to intimate partner violence reveals the academy's message to cadets prior to their certification as police officers: at scenes of intimate partner violence, officers face the possibility of injury. In describing the material the academy discussed in terms of investigation and response techniques, Officer Jones suggests that the training was incomplete and minimalistic. The prominence given to officer safety, as compared to police investigation, supports the notion that, above all else, police must protect themselves.

Officer Moore, a white male officer at Rock Canyon Police Department and in the field for 13.5 years, also acknowledged the significance of the danger narrative within his academy training. He pointed to the concrete measures of risk management and preparedness tactics that trainers taught. He explained:

You know, if you've got an aggressor and that aggressor is under the influence, and not to mention the heightened emotions in the moment, that's part of why historically [domestic violence] cases are high-risk for cops. And that's one of the first things you learn in the academy is that you park away from the residence, you make a sneak-and-creep kind of approach, uh, you listen for what's going on, and then you make entry.

Officer Moore makes a factual claim—that intimate partner violence is high-risk for police officers—which is integral to the narrative officers hear in training (despite research that disputes the validity of this). Officer Moore also suggests that while rational people are less likely to hurt police officers, parties involved in incidents of intimate partner violence may be impaired and be experiencing heightened emotions interfering with their ability to think clearly. The latter scenario thereby makes them unpredictable and more dangerous. Finally, Officer Moore describes some of the specific techniques taught in training that reinforce the danger narrative. Specifically, his mention of the "sneak-and-creep" approach reinforces the unpredictability of situations of intimate partner violence as he suggests this type of approach allows officers to plan

their entry by “listen[ing] for what’s going on.” This reveals how the adoption of the danger narrative is enacted in officers’ daily work routines.

In addition to the occupational training cadets received at state level training academies, after certification police officers often also underwent training within their departments. Police departments strongly reinforce the danger narrative through their trainings, policies and response protocols. Officer Smith, a white male veteran of 31 years at Mountain View Police Department and in the field for 31 years, reiterated the construction of intimate partner violence as dangerous by discussing the two-officer mandate his department required of police officers during responses to intimate partner violence. Of this mandate he stated, “Domestics are always two officer calls, at least two officer calls. That’s officer safety. Strictly officer safety.” The presence of this mandate alone reveals the seriousness with which the department views the potential for danger at these situations and conveys a symbolic message that officers must be prepared to protect themselves and one another. This protocol implies that through strength in numbers, police officers can decrease the opportunity for perpetrators and victims to act violently towards the officers. Both of the police departments I studied required at least two responding police officers at scenes of intimate partner violence.

Officer Brown, a white female at Rock Canyon Police Department and in the field for 23 years, described a modification her department made to this rule:

[W]e have definite policies, and procedures, and safety tactics that we take when we go to domestics. We never allow an officer to go in by themselves. They always have to wait for cover. Unless they think there’s something life-threatening going on, then they have to make a judgment call. But if it’s a domestic and you go – and you’re sneakin’ around and you don’t hear anything – you have to wait for a cover officer. It’s just the mandate that we have.

Officer Brown’s narrative reveals that dispatchers may immediately send any available officer (even one who is alone) to situations of intimate partner violence to protect the victim in life

threatening situations. The “cover” (or second) officer to the scene is sent to protect the first officer. While the policy of sending two officers shows the danger narrative in action, the allowance Officer Brown’s department gives to the rule that officers wait for cover indicates that the victim’s safety can outweigh the officer’s safety in the most severe of situations. Thus, the danger narrative is not only present, but also guides officers in their decisions at situations of intimate partner violence.

Officer Murphy, a white male at Mountain View Police Department and in the field for 7 years, discussed the danger narrative in terms of the way institutions outside of the criminal justice system constructed the danger narrative in policing. He also provided insight into how the narrative functions as officers make assumptions about who they will find at scenes of intimate partner violence. Of the narratives effect, he said:

I would say domestic violence is probably, like I said, the most dangerous because you walk in there—and I don’t know if you’ve read stories and some of the stuff on TV about, you know, cops going to a domestic and they get shot going up to the door. ‘Cause they know, the perpetrator knows, that they’re gonna get arrested. They might be a career criminal that has nothin’ to lose. And, let’s go out in a ball of fire. So, you know, especially when you hear a physical domestic call, you’re already parkin’ half way down the block. You’re walking three yards to get to the front door. Takin’ a look through the windows and kinda listening, hearing, seeing.

Officer Murphy suggests a number of points in his discussion of responding to intimate partner violence. First, through his mention of television programming, Officer Murphy indicates that the danger narrative receives broader cultural support. This speaks to why the danger narrative may be so prominent and suggests that the police training and procedures are not solely responsible for the transmission of the narrative. Television programming may act as a public endorsement for the danger narrative and helps to convey it throughout society. Additionally, through referencing a perpetrator’s knowledge of arrest, Officer Murphy draws a direct connection between mandatory arrest laws and the danger narrative, implying that the laws have

increased the danger officers face when responding to intimate partner violence. He also points to how the danger narrative prepares officers for findings at scenes. His mention of “a career criminal with nothin’ to lose” suggests that police anticipate responding to someone willing to engage in serious violence, instead of a couple who had an argument that got out of hand. Finally, Officer Murphy provides examples of several techniques (parking away from the home, and using the senses of sight and hearing to learn more about the incident) officers use to increase their own safety. Ultimately, every time officers respond to intimate partner violence, by entering the scene the way the academies and their departments train them to, they enact the narrative, whether or not they actually encounter danger. In doing so, the officers’ own actions reinforce the idea that it is dangerous to respond to intimate partner violence.

Exposure to the danger narrative is prevalent at all levels of the police culture. The state-level training academies introduce individuals to the danger narrative before cadets even enter the field or respond to official calls for assistance. Then, through trainings and departmental procedures, individual departments repeatedly reinforce the danger narrative and its prominence at scenes of intimate partner violence. Officers indicated that the danger narrative is widely supported culturally and affects how they think about intimate partner violence, the type of person they expect to find at scenes of intimate partner violence, and subsequently how they prepare to respond to intimate partner violence. In the next section, I point to the specific ways police officers enact the danger narrative and discuss how the danger narrative affects the mentality of officers who have adopted this narrative.

ADOPTING AND ENACTING THE DANGER NARRATIVE

In the previous section, I described how police academies, departments, and outside institutions construct the danger narrative in cases of intimate partner violence. Additionally, I

illustrated how police departments continually reinforce this narrative through their departmental policies and procedures. In this section, I explore the enactment of the danger narrative and discuss how this narrative affects officers' views of intimate partner violence.

Officer Hill, a white female officer at Rock Canyon Police Department and in the field for 18 years, discussed both her adoption of the danger narrative and its prominence for her, by describing her mentality when responding to intimate partner violence. She explained:

I mean every call that you go on the radio, or any call that you respond to, is always an unknown. But in the back of my head, that's what I think. An officer was killed; you got to be extra careful. I mean, for me, that's what domestic calls just bring up.

The presence of the danger narrative is evident in Officer Hill's differentiation between the unpredictability of situations of intimate partner violence versus other calls. She draws specifically on the increased possibility of danger for officers as the cause for this distinction, which reveals her adoption of the danger narrative. Finally, by referring to an officer who was killed at a scene of intimate partner violence, Officer Hill illustrates how the danger narrative affects her views about the types and severity of danger and violence officers experience. Rather than assuming she might experience only minor harm, Officer Hill points to serious bodily injury. This points to her intense belief in the validity of the danger narrative.

Officer Reed, a white female officer at Rock Canyon Police Department and in the field for 9.5 years, illustrated her adoption of the danger narrative through her description of the internal changes she experiences, and expects other officers to experience, when responding to situations of intimate partner violence. She described responding to intimate partner violence calls as follows:

When you hear a domestic violence call, everything kind of should change. You should be going to the call knowing you're going to have a crime. And being prepared. Domestic violence calls are the most dangerous for officers, and for people on the scene.

Later in her interview, Officer Reed provided justification for the need to prepare against danger by explaining that situations of intimate partner violence are “never a calm, rational situation. It’s always screaming and yelling and out of control.” Officer Reed indicates that situations of intimate partner violence are distinct from other calls because of the assumed potential for danger to officers. She illustrates the way that intimate partner violence is different through her assertion that “everything” should change for officers when they respond to intimate partner violence. Furthermore, while Officer Reed suggests that officers should always assume they are responding to a crime and emphasizes the need of officers to be “prepared,” she also indicates that officers should assume they are responding to an atypical crime—in this case, one characterized by violence and danger.

Officer Edwards, a white female at Mountain View Police Department and in the field for 7 years, discussed the danger narrative within his department in terms of the strategies, techniques, and equipment offered to officers. She described departmental training that included discussions on where officers should park their cars at scenes of intimate partner violence, how they should approach the site of violence, what factors they should consider on scene, and how to decide if and when they needed more officers for assistance. She explained:

[There are] protocols as far as two-officer response minimum. I mean that is procedure. That is protocol. Two-officer response for a domestic situation. From there, it always goes...shifts then to officer safety. [...] You get on scene pretty much what we’re taught at training is you don’t roll up on the scene. You park away. You walk in. You know you...you don’t park your car where it’s visible. You don’t give them the advantage of knowing when you’re coming. That needs to be...you need to have a little bit of surprise because—depending on the situation—they may know you’re coming. They may be preparing for an ambush. A lot of different things that can happen.

In this passage, Officer Edwards supports the “us (police) versus them (the couple)” mentality introduced by Officer Brown. First, through her description of the way officers approach a scene (parking away from the situation and remaining invisible), she illustrates her adoption of the

danger narrative. This mentality is reminiscent of tactics used in either hunting or battle, which underscores the unpredictability of the situation and the parties involved in the incident. Officer Brown supports her belief in the “us versus them” mentality when she describes the need to “surprise” the couple, which suggests that she assumes they could be preparing to attack her. Officer Brown reinforces this assumption at the end of her passage when she refers to the possibility of an “ambush,” meaning that the parties attack the unsuspecting police. This “us versus them” mindset reveals the danger narrative in action and demonstrates how police officers come to view both parties at situations of intimate partner violence as dangerous.

Officer Smith, discussed previously in this chapter, demonstrates the unspoken effects of the danger narrative by pointing to the ways it leads to and increases police officer solidarity. Specifically, he suggested that because intimate partner violence situations are so risky for police officers, when a fellow officer requests help, other officers act with immediacy. He said:

You could have an officer calling for emergency assistance. Ok, well, red flag for officers. Officer safety. I’m going to protect my own. I’ve been to too many officer funerals and they’re not fun.

By referring to other police officers as “my own,” Officer Smith emphasizes the way the danger narrative strengthens the police occupational identity and the “us versus them” mentality. In part because of the heightened chance of danger toward police officers, Officer Smith sees himself and other police officers as different from civilians. He views one role of his job as needing to “protect” other officers, i.e., those like himself, which signifies his adoption of the danger narrative. Finally, Officer Smith reinforces his adoption of the narrative as he implies that if he does not protect other officers, they may experience the most severe consequence of violence: death. This speaks to the seriousness with which Officer Smith treats intimate partner violence

and the depth to which he has accepted danger toward police officers as an expected component of these situations.

Finally, I was able to observe and experience first-hand the pervasiveness of the danger narrative in police responses to intimate partner violence by engaging in participant observation through police ride-alongs. While the police officers I rode with knew of my interest in intimate partner violence and the effects of the mandatory arrest law on their responses, it became clear that they mostly saw me as an additional individual to protect. This was most clear in my ride-along experience with Officer Ford.

During the nine hours I spent with Officer Ford, we responded to one “domestic.” Upon arrival at the scene, we found that another officer had responded first. We acted as the “cover” car, since department policy requires two officers at all intimate partner violence calls. Officer Ford indicated that because another officer had already secured the scene, I was allowed to accompany him into the scene, but he instructed me that I needed to stay behind him “just in case.” As he questioned the female party involved in the incident, she asked me, “Who are you?” Officer Ford responded on my behalf, “she’s with me.” Questioning at this scene continued until the officers determined the appropriate outcome. The police completed the response without incident. Here, Officer Ford demonstrates clear precautionary measures through his words and actions as a result of my presence. His instruction to stay behind him speaks to his adoption of the danger narrative and illustrates the way it impacted his response during this particular incident. Additionally, his use of the phrase “just in case” invokes the potential of danger, and the unpredictability that continues (as in this case) even after officers have had a chance to evaluate the scene. Had the officers determined that this was a precarious situation, they would have asked me to stay in the car. What this example most clearly illustrates is that the danger

narrative retains its power even when the circumstances clearly do not support it. Importantly, Officer Ford did not engage in these additional steps of protection when we responded to other types of crimes or requests for assistance. At other scenes, I was allowed greater freedom to walk around and interact with civilians and responding personnel (i.e., other police officers, paramedics, and/or firefighters). This illustrates the special nature of intimate partner violence in the minds of police officers.

EFFECTS OF MANDATORY ARREST LAWS ON THE DANGER NARRATIVE

Shifting Danger from Victim to Police

As is clear from both literature on police culture and the analysis presented above, police officers associate danger with their work, particularly in situations of intimate partner violence. During the late 1970s, with the incorporation of mandatory arrest laws, police officers experienced a number of required changes in their responses to intimate partner violence. In this section, I describe the ways mandatory arrest laws change how officers understand danger in situations of intimate partner violence and point to the effects these shifts have on the presence of the police danger narrative.

In her description of responding to intimate partner violence before mandatory arrest laws, Officer Johnson, a white female at Rock Canyon Police Department and in the field for 21 years, centered her response on victim safety and emphasized the short interactions officers had with civilians. First, Officer Johnson said:

I consider[ed] it to be more of a fire-fighter job in terms of you would go, put out the fire, and you would run out the door on your way to the next fire. So, you didn't spend a lot of time tryin' to figure out what's going on here? How do I fix it?

Later in her interview, Officer Johnson again drew on the metaphor of the firefighter, arguing that getting rid of the mandatory arrest law would have a significant (negative) impact on victim safety:

Let's say we do away with mandatory arrest. We go there and we investigate – we're right back to that situation that I told you about where here's your options: Somebody leaves, but you can't make them. Somebody can come away with you, but you can't make them. OK? Um, and you leave. So, just 'cause you were there for 5 minutes, 10 minutes, what guarantee is there that it's not gonna re-escalate when you leave? How is that victim protected in any way? You went there and you were a firefighter.

Because Officer Johnson has been in the field for an extended period of time, in her first excerpt, she draws on her personal experiences as an officer working without the mandatory arrest law. She indicates that before the laws were in place, police officers failed to address the underlying problems that led to violence between partners. She suggests that this is both partially explained by and reflective of the short periods of time officers spent at scenes. She says that police officers “didn't spend a lot of time,” which means that there was not great opportunity for officers to be exposed to violence. Officer Johnson reinforces this notion in her second passage by referencing the time frame with which officers responded as “5 minutes, 10 minutes.”

Additionally, in her second passage, Officer Johnson indicates that when the perpetrator did commit violence, he or she focused on the victim, not the police. She maintains that while police officers were at a scene, the violence subsided; however, because officers could not make arrests without certain standards being met, perpetrators frequently reengaged in violence after police left. The emphasis on danger solely toward the victims, prior to mandatory arrest laws, reflects the lack of concern officers had toward the danger narrative at that time.

Officer Lewis, a white male at Mountain View Police Department and in the field for 32 years, supports the notion that the danger narrative was much less central prior to implementation of mandatory arrest laws. He says that because the victim played a central role

in deciding whether to push for an arrest and subsequent charge, abusers focused their violence toward their partner. He described a situation to make his point:

[T]his woman had the hell beat out of her. I mean she's bleeding, just blood all over her face. It's just...I mean he just beat the hell out of her. But because we didn't see [the commission of the crime], we couldn't do anything because she didn't want to press charges. And so I can just remember goin' back to that house. I'd already been there...had been there several times when that happened. And it was just that's the way it was. If the woman didn't want to press charges, you just had to drive away.

Combining Officer Lewis' story with Officer Johnson's earlier description of "firefighting"—spending only enough time at the scene to put out the fire before quickly moving on to the next call—illuminates police officers' sense of impotence in responding to intimate partner violence. Because only the victim had the power to determine the outcome, police officers often found themselves frustrated and, lacking good options, simply left the scene, knowing that when they did, the violence could easily erupt again.

Danger, in both the pre-mandatory arrest law and mandatory arrest law narratives, arises in situations where couples call police to respond to intimate partner violence due to anger on the part of the abuser. Officers seem to argue that perpetrators' anger (which is sometimes conflated with and/or enhanced by fear) is associated with the possibility of arrest. When officers responding to intimate partner violence were not required to make an arrest, they clearly believed that they, themselves, were much safer than they feel they are now that they are required to make an arrest. The person who holds the power to make the arrest decision (i.e., pre-mandatory arrest laws this was the victim, and under mandatory arrest laws this is the police) experiences the danger. The shift in the narrative is also about when the danger arises. Clearly, under mandatory arrest laws, officers believe that they are in danger when responding to an intimate partner violence call and that the danger arises in their direct interaction with the parties at the scene. In contrast, before implementation of mandatory arrest laws, the danger (to the victim) arose after

police left the scene. Officers, like Officers Johnson and Lewis, were clearly frustrated with what they perceived as their inability to protect victims. While neither says so directly, both seem to imply that police involvement, especially when the victim chooses to press charges, might increase the danger to the victim. When the police are no longer present, the initial violence escalates as the abuser takes out anger on the victim because s/he involved the police or prompted the arrest.

Officer Green, a white male at Rock Canyon Police Department and in the field for 31 years, discusses the focus of violence by perpetrators on victims before mandatory arrest laws in his description of why mandatory arrest laws are beneficial. He stated:

I think that's the driving force behind the [domestic violence] law change was to say, "Hey, at least give this time...this guy you know eight hours in the cooler to come back to his senses. Rather than the police get called and leave and then he's next door and he comes back over and starts beating on her again."

Officer Green reveals the way police presence calmed situations of intimate partner violence prior to mandatory arrest laws, which indicates that while officers were on scene, neither the victim nor police were at risk of danger. However, he suggests that after police left scenes, because they often had no formal power to make arrests, the perpetrator's anger remained focused on the victim, and often amplified because victims most often made calls to the police since, before mandatory arrest laws, society thought about intimate partner violence as a "private issue" to be handled within the family.

Finally, Officer Clark, a white male at Mountain View Police Department and in the field for 13.5 years, illustrates the shift in who is at-risk of experiencing danger through his description of how mandatory arrest laws put police officers in potentially vulnerable positions. He provides a clear relationship between the person who serves as the arrest decision-maker and subsequently faces the risk of danger:

One of the things that I've noticed over the years [is] that you have these situations where the abused person presses charges, then it makes the abuser more angry...more prone to more violence. [The mandatory arrest law] almost help[s] [the victim] by having a scapegoat in [the police]. That's the approach I use, is that I will explain to the person, "You understand that the other person's not pressing charges; the state is. It's me. If you want to be mad at anybody, be mad at me and be mad at the state. [The victim doesn't] have any say in any of this; it's not their choice." I think has been a very good thing because it takes some of the heat off the abused person.

Officer Clark's comparison of responses to intimate partner violence before mandatory arrest laws and after their implementation reveals how the law facilitates a transfer of responsibility for arrest (and therefore anger) from the victim who "presses charges" (before mandatory arrest laws) to police officers (under the mandatory arrest laws). He suggests that the law is a tool officers can use to increase safety for victims; however, by using it in this way, officers refocus the attention for the arrest onto themselves as decision-makers in the situation. Officer Clark's reference to police officers as "scapegoat[s]" reinforces his belief in the danger narrative. Scapegoats are abused in place of others. In this case, mandatory arrest laws force police officers into the role of the scapegoat in an effort to protect the victim.

Using the officer's experiences responding to intimate partner violence both before and after implementation of mandatory arrest laws, I have illustrated the effects these laws have on the nature of the danger narrative. The police officers in this study suggested that because civilians do not want arrests to occur at these scenes, when officers make the arrest it creates and amplifies anger and negative emotion towards the responding officers. Consequently, the police officers must protect themselves, which reinforces the significance of the danger narrative.

Locating Danger in Both Perpetrator and Victim

In this section, I point to the shift police officers identified in terms of who serves as a source of danger at scenes of intimate partner violence. Prior to the implementation of mandatory arrest laws, police officers viewed the perpetrator (abusive party) as the sole violent

party. However, under mandatory arrest laws, officers argue that both perpetrators and victims commit violence when officers respond to scenes of intimate partner violence. The officers suggest that under mandatory arrest laws they face a heightened possibility of danger as the number of potential sources of violence against them (as responding officers) increases.

All of the police officers in this study recognized the perpetrators of intimate partner violence as dangerous. Officer Henderson, a white male at Mountain View Police Department in the field for 29 years, suggested that under mandatory arrest laws, perpetrators of intimate partner violence might act violently toward responding police officers because the police provide an entity for which they can refocus their aggression. He said:

They can be very dangerous because I mean historically we see that you know husband and wife are in there fighting with each other. We go in: okay we need to arrest the husband. Or in some cases, arrest the wife. And then those emotions they'll... "what are you doing touching my wife?" And so now the husband—even though he was beating the hell out of his wife or she's beating the hell out of him—they focus their aggression towards the cops. So it can be very dangerous.

In the above excerpt, when Officer Henderson uses the word "historically," he makes claims about the past, suggesting that prior to mandatory arrest laws, violence stayed between the couple. Though he does not explicitly talk about what happens when police arrive, from earlier quotations it is clear that these encounters were often brief. Officers entered, stopped the violence temporarily, and left. Arrest only occurred when the victim was willing to press charges against the abuser, which often they were not. Before mandatory arrest laws, there was not usually a reason for violence to shift to the police. However, with mandatory arrest laws in place, Officer Henderson illustrates the types of confrontation that occur between perpetrators and police officers when officers "need to [make an] arrest." He indicates that perpetrators act possessively over their victims and challenge the responding officers as a result. In the scenario he provides, Officer Henderson suggests that because of the required arrest and the fact that

parties do not always want an arrest to be made, police shift perpetrators' anger away from the victims and onto themselves, even though often unintentionally. This is different from Officer Clark's passage, above, in that Officer Clark explains how he purposefully shifts the attention onto himself; however, both statements ultimately support the notion that the mandatory arrest laws generate a particular sensitivity, by officers, to the danger narrative.

Though it may be easy to conceive of perpetrators of intimate partner violence as capable of violence toward responding police officers, perhaps it is more difficult to acknowledge the possibility of violence by victims for whom the officers are there to help. However, the police officers in this study spoke frequently about the role of victims in perpetuating the danger narrative. Specifically, officers described victim anger and subsequent violence, especially in response to victims learning about the mandatory arrest law and the arrest required of perpetrators.

Officer Jones discussed victims who acted violently toward responding police officers when the officers began the process of making an arrest. She said, “[v]ictims can sometimes turn on you, as soon as they find out that you’re arresting their loved one. Even though you’re trying to protect the victim.” In her description of an intimate partner violence scene, Officer Jones’s language puts the victim naturally on the same side as the police. She described the police as “protecting the victim,” and implies a sense of betrayal when victims “turn on you.” Her language demonstrates recognition of how the danger narrative shifts, placing victims and offenders on one side, with officers on their own on the opposite side.

Similarly, Officer Morris, a white male at Rock Canyon Police Department in the field for 6 years, described victims’ violent actions toward police. He suggested that victims act

violently because they do not initially know that police are going to arrest their partners and do not have any control over this outcome.

Because there is such a heightened emotional state that we're going into. You know, we'll have times where say the female calls because the male has done something. She just wants us to talk to him. And we get out there and all of a sudden we're saying hey, you know, a crime has been committed, he's going to jail. She's like, "I didn't know that was going to happen. I don't want that to happen at all." That's the point at where the female, who called to report this, can suddenly become violent against the police officer.

For Officer Morris, the mandatory arrest law and the elimination of victim preference that come with it increase the chance that victims will become violent towards officers. As victims start to realize that the police are required to do more than stop the immediate violence—which is what they often did prior to mandatory arrest laws—victims recognize that they are powerless to influence the situation, become angry, and begin to see the police not as their ally or protector, but instead as their enemy. This changes the danger narrative as the possibility of victims' violence now expands to pit police against both the victim and the perpetrator.

MANDATORY ARREST LAWS AS TOOLS FOR MANAGING DANGER

In the previous section, I illustrate the way the mandatory arrest law changed officers' understanding of who they should be wary of when responding to intimate partner violence. Many of the officers in this study reported that the mandatory arrest law heightened their chances of experiencing danger at the hands of either or both of the parties at the scene reinforcing a danger narrative that renders intimate partner violence calls among the most dangerous scenes for police officers. In this section, I present a counter-story told by several police officers describing the ways police officers use the mandatory arrest law as a tool or resource for minimizing danger and preventing violence that parties might aim towards them.

Officers said that they often discussed the mandatory arrest law with the victims and perpetrators at scenes of intimate partner violence, making sure to explain the law in terms that

minimized the officers' own decision-making power and discretion. Though mandatory arrest laws give police discretion over which party to arrest when probable cause is present (and to some extent, to determine whether probable cause is indeed present), the mandatory arrest law provided the officers with a story for the arrest that implicated the law rather than themselves. This, they believed, decreased the likelihood of violence towards them. It is clear from officers' accounts that when people act out violently, they usually direct their aggression at the person whom they believe has the agency to make the arrest decision. Before mandatory arrest laws, the anger and subsequent violence was typically directed toward the victim (often after police left the scene). The victim was the person who involved law enforcement (and who could ask police to make an arrest), and was therefore the target of anger and violence. Under mandatory arrest laws, parties at the scene often became violent towards officers when they realized that the officers, and not themselves, were the decision-makers for the outcome of the situation. If officers can convince the people at the scene that they (the officers) have no choice—that the law requires them to make an arrest—they can sometimes diffuse the anger at the scene. The couple might then direct their anger toward the law itself, creating a situation where the anger translates not into violence (because there is no direct target), but into frustration and perhaps a sense of impotence, i.e., no one at the scene has the power to affect the arrest decision. For example, Officer Williams, a white male officer at Mountain View Police Department, in law enforcement for 1.5 years, discussed his approach at intimate partner violence scenes when an arrest was mandated. He explained that when a victim gets angry about an arrest of his or her partner, Officer Williams invokes the mandatory arrest law to minimize his personal responsibility:

“The state's pursuing charges. Plus as law enforcement, we don't have any discretion in [whether to make an arrest]. We have to make this arrest or we're criminally liable.” That usually makes them feel better. Um, as better as they can feel. But, and then it

doesn't get them as angry with us. So, it's like: "Well, the police don't have a choice either."

Officer Williams implies that by explaining the mandatory arrest law to the parties at the scene in this way, he is able to effectively equalize his power to that of the parties, encourage sympathy from them for his lack of discretion in the matter, and frame the State and government as the responsible parties for the arrest. Officer Williams indicates that through explaining that neither they nor he have power over the outcome, he aligns himself with both the perpetrator and the victim. He reinforces his lack of power by explaining to the parties that the State can hold officers "criminally liable" if they fail to make an arrest when required. This allows Officer Williams to position himself as on the same side as the parties, rather than as adversaries. Ultimately, by involving the mandatory arrest law Officer Williams is able to reduce the danger he experiences at scenes of intimate partner violence.

Officer Parker illustrates a final example through which one can draw on the mandatory arrest law as a means of reducing danger. She uses the law as a scapegoat and points to her identity as a police officer to rationalize with the parties at scenes of intimate partner violence. Of the effects the mandatory arrest law has on her responses to intimate partner violence she said:

I'm glad I don't have to use my discretion on these types of calls. I'm kinda glad that I can just say, 'well this happened, so you're going.' I have to do it. State law. Can't break the law. I'm a police officer. In a way, maybe it's even safer for us, because it's not so personal.

In Officer Parker's passage, she uses the law as a target for all parties to focus on at scenes of intimate partner violence. She uses her description of the mandatory arrest law as a strategy to help mediate the tension between herself and the parties involved in the crime. In other words, the law distracts the parties from recognizing her responsibility in the arrest decision.

To support her contention that the law is to blame for the arrest, Officer Parker draws on her occupational identity as a police officer. She insists that as an officer she “can’t break the law” by failing to follow the requirements of the mandatory arrest law. Use of the occupational identity allows her to emphasize the lack of control she has in the decision-making process. Officer Parker suggests that by explaining the mandatory arrest law to civilians, the law provides protection to her because the victim and perpetrator recognize the lack of discretion she has in the situation.

CONCLUSION

Scholars, researchers, and police officers alike have historically associated police work with risk and danger. In this chapter, I illustrated how police training academies, individual departments, and broader institutions serve as integral sources for conveying and reinforcing the danger narrative. I draw from interviews with police officers and on my personal experience during police ride-alongs to show how officers seemingly adopted and subsequently enacted the danger narrative. As a result, officers reported thinking differently about intimate partner violence. Specifically, I suggest that in the context of the mandatory arrest law, the danger narrative changed whom police officers perceived as *at-risk* for experiencing danger and who officers viewed as potential *sources* of danger at scenes of intimate partner violence. To meet their requirement of arrest under the mandatory arrest law and also negotiate their personal safety, police officers employed the law as a source of blame and commiseration. Ultimately, this chapter illustrates how the mandatory arrest law both amplifies the police danger narrative, and also how it helps officers to manage danger at scenes of intimate partner violence.

Police officers in this research revealed that situations of intimate partner violence are particularly tricky with regards to danger. The hostility of the parties involved in intimate

partner violence, in combination with the restricted decision-making power officers have under mandatory arrest laws, leads to heightened awareness of potential danger. Police officers in this study suggest that prior to mandatory arrest laws, victims experienced the majority of the danger in situations of intimate partner violence because the victim was the arrest decision-maker. Police officers often had no formal recourse available to them, so the violence and danger remained between the victim and abuser. In contrast, under mandatory arrest laws, the decision-making power shifts from the victims to police officers. As a result, police officers experience increased risk of violence for their arrest decisions from both the victim (who is angry because s/he has no agency in the situation and may not want her partner arrested) and the perpetrator (who is angry because s/he does not want to be arrested).

In order to negotiate the potential for violence by both perpetrators and victims, police officers introduced the parties involved in intimate partner violence to the mandatory arrest law. This allowed them to lessen their personal responsibility for the arrest decision. Additionally, by drawing on their occupational identity as police officers, respondents were able to rationalize with both the victim and perpetrator. Ultimately, by positioning themselves as acted upon by the mandatory arrest laws (i.e., they must make an arrest under all circumstances), instead of as actors privileged with agency and decision-making powers, police officers were able to weaken the desire of parties at the scene to act out violently toward them.

CHAPTER VII

AN EXAMINATION OF COLORADO'S MANDATORY ARREST LAW

INTRODUCTION

In the previous chapters, I explored the ways the mandatory arrest law affects a single group, either police officers required to enforce the law or women identified by police as perpetrators of intimate partner violence. In this chapter, I combine the experiences of these samples to explore the repercussions of the mandatory arrest law. First, I discuss the consequences both groups identify as stemming from the limited discretion afforded to police when responding to intimate partner violence under the mandatory arrest statute. Then, I describe the backlash police report experiencing as a result of the law and use the narratives of female defendants to further develop these responses. Finally, I explain how both groups evaluate the mandatory arrest law in terms of its short- and long-term effectiveness.

THE MANDATORY ARREST LAW DEBATE

Mandatory arrest laws as a solution to intimate partner violence continue to be a source of great controversy. Prior to mandatory arrest laws, intimate partner violence often went without legal consequences. Research has shown that when police officers have discretion in intimate partner violence cases, they often choose not to make arrests (Buel 1988; Jordan 2004; Robinson 2000). Legislators enacted mandatory arrest laws to address this problem. Proponents of the law argue that removing or limiting the discretion of responding police officers by requiring arrest holds officers accountable for taking action (Leisenring 2008). As a result, however, both the number and proportion of arrests that involve female defendants have increased. To account for these increases, “[m]ost practitioners argue that women are usually arrested for defensive actions used in the face of assaults perpetrated by their spouse/partner”

(Henning, Renauer, and Holdford 2006: 351). In other words, as Osthoff (2002) argues, many women experience wrongful arrest. Osthoff contends that women in heterosexual battering relationships are often arrested for engaging in acts of self-defense or because their abusers falsely accuse them of violence. Another explanation for the increased arrests of women is that police officers fail to make good arrest decisions. If there is probable cause that a crime has been committed, officers are required to make arrest decisions even when the perpetrator in an incident is not easily identifiable (Hirschel and Buzawa 2002). When this happens, the officer may make an incorrect decision—in fact arresting the victim of an incident (Hirschel and Buzawa 2002; Miller 2001). As a result, victims can come to view the state as an institution to distrust, instead finding ways to handle future situations of intimate partner violence on their own.

In addition to increased arrests of women, research examining the perspectives and experiences of different groups directly impacted by the mandatory arrest law suggests that a number of unintended consequences came with implementation of the mandatory arrest law (Hirschel and Buzawa 2002; Osthoff 2002; Rajah et al. 2006). Outcomes identified by arrestees include: financial hardship, household disruption, loss of employment, and loss of custody of children (Haviland, Frye, Rajah, Thukral, and Trinity, 2001; Hirschel & Buzawa 2002; Rajah et al. 2006). Less researched are the invisible unintended consequences associated with arrest, and particularly with arrest for intimate partner violence. These outcomes are not required punishments doled out through judges or the criminal justice system. Rather, the invisible consequences are a result of society's constructions of criminality and the associated stigmatization of this designation.

The purpose of the remainder of this chapter is to provide a review of the perspectives and experiences of police officers and female defendants in terms of the visible and invisible consequences and of the effectiveness of the mandatory arrest law. I have organized this chapter so that within each section, the police officer perspective comes first, followed by the perspective of the female defendants. This structure highlights the extent of agreement between the two groups.

CONSEQUENCES OF LIMITING DISCRETION

One-Size-Fits-All Approach

Lawmakers chose to limit the discretion of police officers at scenes of intimate partner violence when formulating the mandatory arrest law; yet, participants from both of the groups I interviewed acknowledged the limitation of discretion as a significant problem. Although many police officers and some female defendants recognized the benefit of the mandatory arrest law in terms of saving the lives of victims, both groups frequently criticized the law's one-size-fits-all approach. For example, when asked about issues that arise in the field that the mandatory arrest law might not cover, Officer Clark, a male officer at Mountain View Police Department, stated that under the mandatory arrest law, "everything is covered" and that "there's really nothin' to add because Colorado has a pretty good grasp on domestic violence." However, he quickly followed these remarks, by describing the ways that the law is too broad:

Sometimes I think it may be a little bit of overkill. But that's the decision that Colorado's made—is to just basically kind of lump everything all together. [...] Colorado's—I just think they take it too far. When you start dragging in any crime ever committed in an intimate relationship, I think that kind of over-steps the boundaries of people being able to exist.

Officer Clark initially suggests that the law is comprehensive and complete and able to handle any and all forms of intimate partner violence. This feedback, however, shifts to criticism as

Officer Clark describes the comprehensive nature of the law as overly broad to the point that couples are unable to engage in normal relationship dynamics. Additionally, Officer Clark indicates dissatisfaction with the law's broad coverage by removing himself from responsibility for the decision to implement mandatory arrest laws, instead designating it as a decision made by "Colorado" and through his use of the word "lump," which describes all intimate partner violence cases as a totality. As a "lump," the cases are indistinguishable from one another, which Officer Clark suggests is problematic in that this parallels the lack of discretion he and other officers have in determining outcomes for these cases.

When discussing the limited discretion afforded to her under the mandatory arrest law, Officer Carter, a female officer at Mountain View Police Department, criticized the law in terms of it preventing officers from considering the varying seriousness of offenses. She stated:

I think where law enforcement is today, that we probably could get rid of [mandatory arrest laws]. Because there's some, like I said, that are so minor, but yet we're mandated to make an arrest. That you're like, this probably is a one-time thing. [...] You know, you're standing across, the kitchen. You've got the wet washrag. You're like, "Fine. This is it." And you just throw it at the person and it hits 'em. It's a arrest. It would be nice if there were some times when we had a little discre—more discretion in those. Whether it was actually something that needed to be arrested for.

Officer Carter's use of the word "minor" suggests that in cases that do not cause harm or disruption, she believes the mandatory arrest law is problematic. Furthermore, she provides rationale for ridding of the law in her mention of "one-time" incidents. One of the primary goals of the mandatory arrest law is reducing offender recidivism; however, in "one-time" incidents recidivism is not of concern and thus, the law is unnecessary.

Officer Roberts, a male officer at Mountain View Police Department, described the problems he saw with his limited discretion in terms of his inability to consider the context of the larger situation of intimate partner violence. Of his perspective on the enforcement of laws, he

stated: “generally speaking, I think that laws should be implemented with discretion and that they should be implemented – they shouldn’t be just cut-and-dried. I think they need to have some flexibility in the law.” To illustrate his point, Officer Roberts described a case that did not fall under the mandatory arrest law, but discussed the outcome in terms of if it had. In the case he provided, a woman was trying to escape what she perceived as an attempted rape. He recalled that she damaged the property of a local business while trying to protect herself. Of this incident he said:

If I don’t have any discretion, then... She still goes to jail. She still shows an arrest record of having been arrested for vandalism. She still gets thrown into the population at the county jail with other criminals. And she was trying to get away from being raped. When you make an assertion that a law is a law, you’re not leaving any room for common sense, or the intent of it.

Officer Roberts critiques the law’s standardized approach by illustrating how it leaves no room for police officers to examine the circumstances, such as intent in the above described case, surrounding the crime committed. In this case, he suggests that an individual may be arrested for a crime when s/he should not be. The possibility of unfair or wrongful arrest is discussed in depth within the next section of this chapter.

Finally, although only in law enforcement for 18 months, Officer Williams, a male officer at Mountain View Police Department, reported already having experienced challenges because of the limited discretion officers had under the mandatory arrest law. He described these challenges with regard to decisions about which party to arrest and in consideration of whether or not arrest actually prevented or catalyzed further trouble for the family. To illustrate these struggles, Officer Williams described having to make a dual arrest in a situation where a husband and wife were arguing. The argument escalated and the wife threw a jacket at her husband. The male party reported that the jacket hit him in the face, and that he then pushed the woman with

one hand to get her to move away from him. When the woman called the police, the male party took the phone from her because he wanted to talk about the incident and work it out between the two of them. Of this situation, Officer Williams stated, “I wasn’t comfortable making a decision on my own on this.” As our conversation continued, Officer Williams reported that a dual arrest transpired; police arrested the female party for third degree assault and the male party for obstruction of telephone services. However, if the mandatory arrest law had not been in place, he reported that he would have made a different arrest decision.

Um, they had a small child at home, who is – had to wait for his older brother to come home to watch him. Which is an issue. It’s hard to say. I – I probably not. Probably just her. And that’s a situation where it’s like, man I wish we really didn’t have to arrest either of these people because they were just too upset. He’s not really in any danger because of his size over her. Granted, she could have gone further and gotten a weapon of some sort. But I don’t think it was goin’ that way.

Officer Williams indicates that for him, this was a complex and difficult situation. He reports that the couple was “just upset,” which, in his opinion, did not rise to a level of danger or seriousness warranting formal police intervention. He saw no potential harm in not making an arrest; yet, under the mandatory arrest law he had no choice. Additionally, Officer Williams suggests that not making an arrest was in everyone’s best interest. He suggests that arrest negatively impacts the children because they have to remain in the home by themselves after police arrest both parents.

To show their need for greater discretion and illustrate times when arrest was not always a necessary or preferable outcome, police officers pointed to cases in which: (1) minor incidents causing no harm had occurred; (2) considering context and circumstances would have changed the outcome; and (3) incidents in which arrest caused greater harm than it prevented. Drawing on their own arrest experiences, the female defendants reflected the narratives of some of the police officers in their critiques of the law’s failure to consider circumstances and context. For

example, Sydney, a 22-year-old white woman, recalled of her incident that she and her boyfriend had been drinking with friends. During their walk home, her boyfriend became confrontational. Sydney reported that neither she nor her boyfriend called the police and that she was not sure who had. She told police that because her ex-boyfriend was in her face and acting aggressively, she slapped him to move him away from her. Ultimately, officers arrested Sydney and declared her boyfriend the victim during the incident. During her interview, Sydney described her boyfriend as a lawyer who “knew what the consequence would be” if she was arrested. She also recalled that her ex-boyfriend had a history of alcohol and drug charges and had been involved in public disturbances. Reflecting the perspectives of the officers described above, Sydney criticized the mandatory arrest law because it did not take into consideration the broader context of the situation or of the individual experiences and history. She felt like police should have arrested her partner instead of her. Of the police arrest decision, Sydney stated:

I understand that domestic violence is a problem and that there is a law put into place to protect these women who were being seriously harmed, but I really...I'm like shocked that they didn't take more into...like discretion...like use more discretion in that situation. And it actually made me really upset that they wouldn't take his background into account.

Sydney reveals discontent at the way the police handled her situation. Though she does not explicitly blame the law, instead finding culpability in the responding officers, she does identify the lack of discretion that police officers have as her most critical concern. She indicates that when making arrest decisions for intimate partner violence, officers should consider the backgrounds, prior charges, past involvement with police, and the alcohol and drug history of both parties.

Jacqueline, a 44-year-old white woman, called police after an incident with her husband had concluded and was surprised to learn that the preference of a caller is irrelevant. Of the incident, she said that she verbally confronted her husband and he, in response, had “[b]asically

kinda did a football tackle on me. Pushed me into the wall and held me there.” Jacqueline recalled acting in self-defense as she “grabbed his arm and dug in. Hopefully thinking he would let go.” She said that when she called police, the situation had de-escalated and her husband was no longer in the house. She called police to get information and to put the incident on record. During her interview, she was clear that when she spoke to the dispatcher, she told him, “I’m not pressing charges. I’m pretty sure he won’t. We need help, but that’s not the kind of help we need.” Against her wishes, the police came to her home. The police arrested Jacqueline and the court sentenced her for harassment after finding scratches on her husband’s arm. When assessing the mandatory arrest law, Jacqueline drew on her own experience, stating, “calling for help should not mean that somebody is instantly placed in the black and white category of being a victim and an abuser and arrested.” Her reference to the colors “black and white” is representative of the way the categories of victim and abuser diametrically oppose one another. She emphasizes her dissatisfaction with the way the law requires placement of individuals into positions opposing one another, instead of considering the gray area that may be present upon considering the context of broader dynamics within the relationship or during the incident of intimate partner violence. Ultimately, Jacqueline’s critique of the law is based on the fact that police officers in her situation, under the mandatory arrest law, could not take her or her husband’s preferences for arrest into consideration nor could they consider the context of actions that occurred during the incident (i.e., that she was defending herself when she scratched her husband).

Lawmakers eliminated surface level discretion at the officer, victim, and defendant levels to better protect victims of intimate partner violence. Lawmakers believed that by limiting officer discretion and requiring officers to make an arrest, the law could keep police officers accountable and compel them to take intimate partner violence seriously. By removing

discretion from victims, lawmakers aimed to reduce victim responsibility for pressing charges against the perpetrator. Lawmakers believed this would prevent offenders, after release from jail, from blaming the victim for their arrest. Subsequently, a perpetrator would be less likely to respond with violence after release. Lastly, though authorities never overtly gave defendants a voice in the outcome of a situation of intimate partner violence, the mandatory arrest law eliminated the defendant's underlying power and control over their victim's decision. Thus, because officers no longer consider the victim's choices, the defendant's choice is not honored either. While respondents from both groups appreciated the increased attention now paid to intimate partner violence, they ultimately viewed the law's current approach as overly broad and inflexible. The groups judged the law's one-size-fits-all approach as problematic because it neglects consideration of the seriousness of offenses, the history and background of the parties involved in the incident, the context of the incident within the larger relationship, and the context within which behaviors took place during the incident.

Wrongful Arrest

In addition to the one-size-fits-all approach to intimate partner violence, participants also identified the possibility of wrongful arrest as a concern they associated with the mandatory arrest law. Because of the mandatory arrest requirement, officers reported having to make arrests when they did not think arrests were fair, just, or necessary. As briefly mentioned in the above section, several officers reported that because their discretion was limited, they were unable to consider the incident in the context of the relationship as a whole, instead evaluating only the particular incident for which they were called. Officer Phillips, a white female officer at Mountain View Police Department, explained that even though an individual experiences considerable abuse over time, the mandatory arrest law does not account for this context.

Consequently, the law requires police officers to arrest habitually battered men and women.

Officer Phillips explained:

I think the biggest pitfall of mandatory arrest laws would be a chronically battered, in whatever form—physically, emotionally, financially, sexually—um, the battered partner taking it, taking it, taking it, and then lashing out and being the primary aggressor in the situation and being arrested.

Here, Officer Phillips indicates his belief that wrongful arrest does occur when an individual is the aggressor in a particular situation, even if not the aggressor within the broader spectrum of the relationship. He explains this, saying: “proving that long history is much, much harder. And so the laws that are designed to protect those people, actually work against them in that crucial moment.” Officer Phillips’ statements draw on one of the original goals of the mandatory arrest law, to protect victims, and suggest that because the law does not allow officers to consider the incident from within the broader context of the relationship, police may arrest victims.

Officer Jones, a white female at Mountain View Police Department, also pointed to wrongful arrest as a consequence of not being able to consider the context surrounding an incident of intimate partner violence; however, she indicates that for her, the concern is greater than just context. She wants victims to be able to defend themselves. Of the mandatory arrest law she says:

Even though a female is arrested sometimes, they’re not always the aggressor. And that they could be a victim that just happened to be in the wrong situation and lashed out at the wrong time, and she ends up goin’ to jail.

Officer Jones draws on the notion of the self-defending victim to demonstrate an unintended consequence of the law—that victims are unable to protect themselves without fear of police arresting them. When she describes an incident as occurring at “the wrong time,” this implies that there is a correct time for a victim to fight back. In this case, Officer Jones implies that had the victim chosen a different set of circumstance to act violently, the victim’s arrest may not

have occurred. For example, police may be more likely to view a victim's acts as self-defense if she is actively being abused when police arrive or if she has visible injuries. While these examples are speculative, the irony of them is reflective of the police narratives that detailed scenarios when arrest decisions were more clear or "easy." This illustrates the problematic rationale behind the mandatory arrest law because Officer Jones suggests that civilians can manipulate the law to avoid arrest (this is developed further later in this chapter).

Finally, Officer Smith, a 31-year veteran of law enforcement who worked at Mountain View Police Department, suggested that not only do police officers make wrongful arrests, but also that this type of misdeed of justice has implications for the law's ability to protect victims. He uses the example of a self-defending victim whom police arrest to demonstrate possible by-products of wrongful arrest: "Say you've got that self-defending victim who has been clobbered enough times in the past. Will she be afraid to report again because she got arrested and she had to spend the night in jail?" Officer Smith suggests that once victims get arrested under the mandatory arrest law, they may come to fear the police and distrust the criminal justice system. The parties begin to see police as the enemy and a shift in their mentality from "him versus me" within the context of the intimate partner relationship to one of "us versus them" wherein the partners are against the police occurs. Consequently, the self-defending victim may be less likely to call police in future situations, which has serious implications for the law's ability to meet its original intention and goals.

The narratives of the female defendants in this study parallel the concerns police identified within their narratives regarding wrongful arrest. All of the female defendants perceived some aspect of their arrest experience as unjust. Of the 31 female defendants in this study, 21 believed that police should not have arrested anyone for the incident. Notably, within

this group of 21, two women said that if police had to make an arrest, dual arrests would have been fairer. An additional woman from this group stated that if an arrest had to occur, her partner should have been the arrested party, not her. In addition to the 21 women listed above, five respondents stated that their partners should have been arrested instead of them, three other respondents stated that dual arrests should have occurred in their situations (instead of them being the only ones arrested or for which arrest charges remained), and one woman said she understood her arrest, but that her punishment was unfair. The remaining one woman was unsure what outcome she felt would have been fair, but described her arrest as reinforcing the abuse her partner had inflicted on her throughout the relationship.

As Paige, a 24-year-old white woman, described her incident, she sniffled and fought back tears. She explained that her arrest was wrongful because there was no real harm done during the incident. Of her arrest and the mandatory arrest law she stated:

The negative is...just like what happened to me. It's like they're forced to take someone even when it's probably not necessary. Someone's really not a criminal...or...they...you know...did any harm or anything.

Paige suggests that the law is responsible for her wrongful arrest. She removes responsibility from the police through her indication that the law has the ability to “force” police into making an arrest. She indicates that she should not have been arrested because the incident was minor. Additionally, she makes a claim about her own identity, as a non-criminal, implying that the incident was not typical of her behavior; therefore, the arrest was unnecessary. Paige ultimately maintains that requiring police to make arrests is a weakness of the law because regardless of the crime's severity or the nature of injuries, an arrest is required.

Sydney, who police arrested for slapping her boyfriend, believed that neither her nor her boyfriend should be arrested. However, she stated that if police had to arrest someone, it should

have been her boyfriend. She described her arrest as wrongful by positioning herself as a self-defending victim: “I was blamed for all of this stuff that I really...I didn’t start the situation, like I wasn’t the instigator. I wasn’t the one being aggressive. And if anything, it was self-defense.” Sydney suggests that her arrest was wrongful because she was neither the instigator nor the combative party during her scene. Therefore, she believed she was not culpable for the disturbance. By removing blame for herself, she places it on her partner. As mentioned earlier in the chapter, Sydney admitted to slapping her boyfriend. However, like many other female defendants in this study, Sydney’s actions were in response to the confrontational and hostile advances of her partner.

The women in the previous examples contrast themselves to their partners and what they perceive as criminal in order to make claims of wrongful arrest. A number of women pointed to the significance of visible injury in cases of mandatory arrest. For example, Beth, a 40-year-old white woman, said that neither she nor her boyfriend called the police for help, but that they suspected a neighbor had done so based on the noise coming from their apartment. She admitted that they were arguing and that both of them had engaged in physical violence toward one another. She implied that while her bruises were from him purposively trying to hurt her, the bruises he sustained were from her trying to push him off of her with her feet. She said that even though both she and her partner had bruises as a result of the physical violence, police only arrested her:

I had bruises on my body and stuff like that. I was trying to get him off me with my feet, and so I was arrested. And he showed bruises on his hip or something—from what I understand. That’s what the cops said...he had bruises. I said well what do you call this? You know I had bruises all over my legs you know. And I found that really unfair.

Beth’s example suggests that officers use visible signs of injury when making their arrest decisions, which may be partially explained by the lack of discretion they have in terms of

considering the context of situations. Visible injuries, however, can be deceptive and consequently are not a reliable measure of culpability. Beth also indicates that, though unsuccessful, she tried to prove her own innocence to police by showing the bruises she sustained during the incident. This implies that she felt the officers at her incident were not thorough in their investigation and that this contributed to her assessment of her arrest as wrongful.

Leah, a 35-year-old white woman, said that she and her husband had been experiencing difficulties in their marriage. They had separated, but were back together and trying to improve their relationship. She reported that on the night of the incident, they had both been drinking heavily, but that he was a bigger person than her, so the alcohol was not affecting him in the same way that it did her. She recalled becoming “wickedly unhappy” with him and their relationship and told her husband that she did not think things were going to work out. With this, she said the verbal and physical abuse of the night began. She told me that her husband, “grabbed me,” “held me up against a wall,” and that she “had bruises all over her arms from his fingers.” She recalled that though she broke away from him, he held her against a wall again and “was shaking me.” When she escaped him again, she ran down the stairs. While following her, she stated that her husband “got his hand and my hand caught on the guard rail” of the staircase. As a result, she said that her hand was visibly injured—“it was definitely big and red and bruised” and that her husband reported to police that she had broken his finger, when in reality it had gotten caught between the brackets of the staircase railing. Though both she and her husband had injuries, when the police arrived, they arrested Leah. Leah explained that she was arrested because her husband knew one of the responding police officers and because she did not use the correct language when telling police about the incident. About the outcome of her incident Leah

stated, “They put someone like me in jail. I don’t mean to sound self-righteous, but they really made a big mistake and they left a perfectly healthy sociopath out there to continue doing it again.” Leah indicates that the law works against itself when wrongful arrests are made because people capable of serious violence remain on the streets. Wrongful arrest can lead to increased rates of intimate partner violence because the true perpetrator is left free to commit more violence. Leah describes her husband as a sociopath, someone who is manipulative, deceptive, and callous, to reinforce her contention that her arrest was wrongful and that the police made a poor arrest decision.

Later in her interview, Leah described further consequences of making wrongful arrests in situations of intimate partner violence. She suggested that arresting the victim in a situation might lead to more serious violence during the next incident:

Did you know that the State of Colorado has the highest aggressor-death homicide rate? And you know why? It’s because they make so many frivolous arrests. They arrest the wrong person. That person gets out. And then the “victim” kills ‘em.

Leah’s uses the term “aggressor-death homicide rate” to describe instances in which the perpetrator or aggressor kills the victim within an intimate partner relationship. She indicated that quotation marks should be around the word “victim” because that person is actually the perpetrator within the relationship. Leah states that when police arrest self-defending victims, the actual perpetrator receives no punishment or intervention. Consequently, Leah suggests that the violence continues and increases in seriousness to the point where the actual perpetrator (the person whom police initially label the victim) kills the true victim of the relationship.

In this section, both groups identified wrongful arrest as a consequence of limited discretion under the mandatory arrest law. Not only did the groups acknowledge that wrongful arrests occurs, they also presented explanations for how mandatory arrest laws affected the

propensity of wrongful arrest and why an arrest may be deemed wrongful. Each group concluded by describing consequences associated with wrongful arrest under mandatory arrest laws.

Unfair Punishment & Consequences

The final consequence identified by participants from both groups in this study was the unfair punishment given to the individuals whom police identified as perpetrators. Drawing on the narratives above, a number of police officers and female defendants expressed discontent and, at times, frustration with the current system of punishment. Respondents from both groups indicated that the one-size-fits-all approach to making arrests in situations of intimate partner violence carries over to the realm of punishment as well. Officer White, a white male working at Rock Canyon Police Department, indicated that he felt jail was not a fitting outcome or punishment for all levels of intimate partner violence:

It's certainly not a perfect situation. I mean there are probably people arrested that shouldn't have to go to jail for the crime that was committed. [...] There are times that you think maybe it's too severe. Does the punishment fit the crime?

Officer White suggests that punishments following arrest for intimate partner violence are, at times, too severe. He implies that incapacitation, by putting the perpetrator in jail in all cases, is not always equivalent to the seriousness of the offense committed. In this way, punishment may be seen as unjust.

Officer Young, a white male officer at Mountain View Police Department, also found the punishment aspect following arrest for intimate partner violence unfair. His rationales, however, was different from Officer White in that he focused on the effect of punishment on the entire family:

Sometimes it may not be the best thing for the family or the relationship on some of the pettier littler things [...]. I mean the little ones I could see...I could see how that would be rough on the people involved as far as we make that arrest and neither one of them

thought it needed to be done, you know. I mean, when someone's going to jail for it, and they can't come home for months, I can see how that could be a burden.

When Officer Young says that he “could see” how punishment following intimate partner violence may create challenges for families and relationships, he reveals some uncertainty in his response. This indicates that he may not have thought extensively about this aspect of the arrest process. This is very different from the experiences of the female defendants who, as will be described below, experience the consequences of their arrests as life changing.

Though he may not have considered the aspect of punishment in great depth prior to his interview, Officer Young reinforced the sentiments of Officer White, described above, and initially points to the seriousness of the offense committed as an explanation for why punishments are unfair. He suggests that more minor offenses do not deserve the same outcome as those that cause great harm and/or damage. Moreover, Officer Young indicates that the punishment is unfair because it has implications for the entire family and not just the perpetrator. As a result, instead of assisting a family, the arrest may lead to more extensive problems.

Officer Roberts, a white male officer from Mountain View police Department, spoke about the powerful consequences associated with arrest under the mandatory arrest law by describing the ripple effects of the punishment onto the victim:

I don't know how familiar you are with them, but it really, really jacks up their whole life. They have to find another place to stay. I'm talking both sides. The male and the female. This is why they don't like it when they go through the arrest experience. There's times—a lot of times the women are just as unhappy about the situation as the men are – that they can't be together. They can't live in the same household. They might have been financially tapped out to begin with, and now they have to support two different homes. He has to stay in another place, and they have one car between the two of 'em and they have to make arrangements for him to get to work, 'cause they don't have any income coming to the household without his paycheck. And all of these implications go along with that, because they've been forced to be out of the home and all that.

Officer Roberts uses the term “jacks up” to illustrate the seriousness of punishment on the lives of those involved in intimate partner violence. He focuses on the financial consequences of punishment for the victim when a perpetrator is the primary breadwinner in the home. Officer Roberts suggests that with a single aspect of punishment (i.e. the victim and perpetrator are not able to live in the same home), both parties experience a series of cascading consequences (i.e., supporting two households and making transportation arrangements to and from work).

While the above excerpts point to the unjust nature of uniform punishments for intimate partner violence based on the crime’s seriousness and the effect of punishment on non-perpetrators, several officers described concern over the invisible punishments of arrest for intimate partner violence. Officer Williams, a white male employed at Mountain View Police Department, focused on the long-term repercussions of the law:

You could ruin this person’s – these people’s – lives for domestic violence related arrest. For one you can’t – If you’re convicted for domestic violence, you can’t have hand guns or guns. Um, that’s probably – that’s one of the biggest things. But, you know, a lot of – if you’ve ever been arrested for a crime, you have – you gotta fill it out on every job application. And for somethin’ small like that where – as in if it was two people that were not in an intimate relationship and it wasn’t domestic violence related, there would probably be no charges. It might be: “Don’t do that again.”

Here Officer Williams talks about the consequences of arrest that are not directly doled out by a judge, but that perpetrators none the less experience. Specifically, he points to the difficulty with which offenders are able to find and secure employment. He emphasizes the importance of the nature of the relationship by noting that in minor assaults involving two people that are not intimate partners, police officers would simply verbally reprimand or warn the parties. Because of the mandatory arrest law, however, police must make an arrest and the accompanying consequences are then experienced. Thus, the punishment is unfair because of the extensive

consequences and also because the same actions are treated differently within the criminal justice system.

Though many of the police officers in this study had clearly considered the punishment and consequences associated with arrest under the mandatory arrest law, this was not the case for all officers. In contrast, all 31 of the female defendants spoke strongly about the high costs of arrest, both in terms of the more immediate punishment and that experienced over a longer-term. Many of the female defendants, like the police officer group, supported their claims about the unfair nature of punishment for intimate partner violence by suggesting that the penalties were far more severe than the actual crime committed. Laurel, a 21-year-old Hispanic woman, said of the mandatory arrest law: “it ruins people’s lives for dumb things. Things that you couldn’t believe could actually affect someone’s lives. [...] It can literally ruin someone’s life for the stupidest things.” Laurel points to the seriousness of crimes through her description of the crimes as “dumb” and “stupid.” She suggests that these types of crimes do not deserve punishment that has extensive, long-term effects for the perpetrator.

Naomi, a 23-year-old woman a biracial woman, was charged and sentenced for stalking her boyfriend. However, she insists that her boyfriend and she were breaking up and that she was repeatedly at his house trying to get her belongings, rather than stalking him. She spoke of the mandatory arrest law in terms of the breadth of the consequences she experienced:

The problem is that afterwards [individuals identified as perpetrators] are faced with so much stuff, that they don’t even deserve. I mean if you’re going to break somebody up and try to like mediate the situation that’s one thing. But, just like put three thousand dollars worth of money they need to pay on stupid shit like...you know, court fees and victim fee and like...all these stupid fees. I didn’t do anything. I broke up with him.

Naomi criticizes the breadth of the penalties associated with her arrest for intimate partner violence. She indicates that there are too many requirements of perpetrators as part of their

sanctions. Furthermore, she reports that many of the consequences are undeserved and not useful in terms of stopping intimate partner violence (e.g., court fees and victim fees). Because the punishments are too many and unhelpful, she views them as unfair.

At the time of our interview, Meredith, a 27-year-old woman who identified as biracial, was in the middle of completing the mandates of her sentence. Like Naomi, Meredith insisted that her punishment was unfair because of the number of requirements and because she gained nothing from the sanctions she was made to complete:

[The treatment classes are] just a waste of my time and money and I'm not getting anything out of it. And it like sucks. And, you know, I would like to learn something. But I feel like it's—no one's really trying very hard to really do anything. And I just go to probation, pay \$50, sign paper. Now that courts done, they're just getting money out of me. And they have to keep me in the state for a year.

Later in our interview, Meredith summarized her view, saying: “I just know that the consequences are—are just too much. You know, the punishment doesn't fit the crime.”

Meredith's experience is representative of many of the other female defendants in this study in that they spoke about completing the same mandates and shared in her criticisms. These punishments, they felt, were unfair because for the amount of money they had to pay into the criminal justice system, they felt they received nothing in return. Instead, they lost money, time, and did not gain helpful information from the 36 “batterer treatment classes” they were mandated to attend. Finally, Meredith identifies one consequence that only a few other participants also noted: the inability to leave the state of Colorado. This consequence, in particular, demonstrates the invisible punishments associated with arrest for intimate partner violence. Though Meredith hoped to begin graduate school out-of-state prior to her arrest, she had to defer her admission; this aspect of the punishment has long-term implications for Meredith's future.

Karen, a 44-year-old white woman, who was arrested after kicking a door in her home, spoke critically of her court-ordered mandates with regard to the substance of the punishment and the length of time she had to be under the supervision of the criminal justice system. She said:

I want to take responsibility for my part. Ok? But I think this is carried away—I mean too much. Ya know? I mean a year and a half or domestic violence classes when I'm not the one who hit any—you know? That just—it just really bothers me.

Karen mentions the “domestic violence classes” as unfair because she was not the person who acted violently. She implies that her partner, rather than herself, should be required to complete such classes. Additionally, she indicates that if she has to take classes, the number of classes and the length of time required to complete them, “a year and a half,” are unreasonable given the situation for which she was arrested.

Finally, while the above examples criticize the overt repercussions of arrest for intimate partner violence, Alexa, a 28-year-old white woman, declared the more invisible or hidden consequences as the most problematic. Through tears, Alexa reported:

I still cry every day. It's the hardest thing I've ever done. I feel like a criminal. And it's just humiliating. It's awful. It's not who I am. I had accepted these consequences, but they're so out of proportion to what happened, and don't make sense anyhow.

Throughout her interview Alexa identified tangible consequences associated with her arrest. In the above excerpt, however, she acknowledges the emotional turmoil, the more invisible of consequences she experienced. When she describes “cry[ing] every day” she emphasizes the severity of her punishment and illustrates the overwhelming effect it has on her. She indicates having to negotiate stigma and challenges to her self-concept and identity. Additionally, she spoke earlier in her interview about fear of loss of certification for her occupation. She says that she is dealing with both the visible and invisible punishment, but that the invisible consequences,

more so than those that are tangible and concrete, are out of proportion to the offense for which police arrested her.

The narratives of both of the groups in this study, police officers and female defendants, point to a number of life-changing consequences of mandatory arrest laws. Both groups suggest that though the direct, visible punishments of arrest under the mandatory arrest laws are extreme, often the invisible punishments are more problematic and difficult to negotiate.

Though lawmakers intended to limit surface level discretion with the implementation of mandatory arrest laws, this decision has presented a number of challenges for police officers, victims, and perpetrators. Both of the groups in this study identified three consequences resulting from the limitation of discretion under mandatory arrest laws: (1) the creation of a one-size-fits-all approach to intimate partner violence; (2) the possibility of wrongful arrest; and (3) unfair punishments. The groups indicated that these consequences ultimately lead to increased burdens and challenges. In the next section, I outline some of the acts of resistance people involved in intimate partner violence take, or plan to take, to evade the consequences described in the above excerpts.

BACKLASH AGAINST THE MANDATORY ARREST LAW

Both police officers and female defendants in this study acknowledged the presence of a backlash effect targeting police officers who had to make arrest decisions under the mandatory arrest law. Both groups reported that as citizens became increasingly knowledgeable about the mandatory arrest law, civilians actively worked to resist the law's mandates and those individuals (police) charged with enforcing them. In this section, I describe several of the acts of resistance respondents utilized: the decision not to talk to police, the decision to carefully choose what to say or not say to police, and the decision not to call the police. Though both police

officers and female defendants identified these, the groups did, at times, describe the acts differently.

Engaging in Acts of Resistance

The clearest form of resistance used by citizens is seen in Officer Williams' excerpt. He said: "The people don't wanna cooperate. They don't wanna talk. Don't wanna – don't want their spouse arrested." Officer Williams indicates that not cooperating and not talking to police are both acts of resistance civilians can use at scenes of intimate partner violence. The rationale he provides for these behaviors is the desire of parties to avoid arrest of a spouse. This indicates that perhaps the parties themselves did not call police and that instead, a neighbor or bystander did. Or, alternatively, that if one of the partners did contact police, they did not know about the law. Once people gain knowledge of the law, they engage in behaviors that challenge officers' abilities to make arrest decisions.

Furthermore, Officer Williams makes a negative judgment about individuals who fail to talk to police by referring to them as uncooperative. He implies that this may affect some officers' arrest decisions. This points to the possible negative effects acts of resistance may have for the parties involved in intimate partner violence.

Officer Carter, a white female at Mountain View Police Department, spoke of the backlash she experienced at scenes of intimate partner violence in terms of people consciously choosing what not to tell her:

Some, um, the ones that do because they've been arrested before and then the neighbors call. You can tell because of the stories they tell. Because she will have—her hand will be red from like getting slammed... She will not. "Nope. My hand's naturally this color. There was no fighting." "The neighbors heard you yellin'." "Nope. We were just talkin' loud and they..." They know what not to say to get arrested.

In Officer Carter's passage she indicates that individuals engaged in multiple situations of intimate partner violence learn about the law. She uses the word "stories" to indicate that people

tell falsehoods about the situation. Furthermore, despite visible signs of violence, as demonstrated in the redness of the woman's hand in her example, Officer Carter suggests that when parties choose not to tell the truth about an incident, they may be able to avoid the required outcome of arrest.

Similarly, Officer White, described above from Rock Canyon Police Department, spoke about the effects of mandatory arrest laws on situations of intimate partner violence in terms of a "game":

They kinda learn the game. I think with some couples that are kinda in the system a few times—or been through it—they kinda learn. Especially, again, situations where maybe the abuser is—it's a true domestic violence relationship or abusive relationship where you have a very manipulative, controlling person. You know, knows how the game is played. Knows what not to say. And instructs their partner, "don't say this" or "don't say that." So I think there's, there are truly situations like that.

In the above example, Officer White's use of the word "game" indicates an "us versus them" mentality between intimate partners and responding police officers. A "game" is something that can be won or lost. In terms of the mandatory arrest law, civilians view winning as avoiding arrest. Additionally, as is the case with games, Officer White illustrates his belief that people are able to thwart the law for personal gain and can also instruct their partners on how to do so. The mention of instruction reinforces the notion that as individuals learn about the law, they also learn how to avoid it and its consequences. By making conscious decisions about what to tell police and what not to tell police, individuals are better able to avoid arrest.

Officer Harris, a white male officer at Mountain View Police Department, also draws on the metaphor of the mandatory arrest law as a "game" to be learned, but develops this conceptualization further by illustrating the ways he has internalized it. He stated:

If they're savvy, they can talk their way out. Because they know...they know what the laws are. They know how it gets investigated. They say the right things. I can't do anything about that. He's tellin' me that...he's tellin' me that. I can't get him to change

his story? Well, that's it. He's smart enough; he beat me on that one. Okay. The next time I might get it, but this time he beat me. Or she beat me. Or they...you know they.... They worked together to circumvent the police, because they knew. They knew...they know someone was going to go to jail.

Officer Harris speaks from a more personal perspective than Officer White. He suggests that if people are familiar with the law, they are also familiar with how police officers investigate situations of intimate partner violence. Consequently, individuals are able to persuade officers not to arrest them. Officer Harris suggests that saying “the right things” entails not incriminating yourself or your partner and that with prior knowledge of the law, individuals learn the types of things they may say that indicate punishable offenses. Finally, Officer Harris demonstrates internalization of the “game” metaphor in his indication of acceptance of the “us versus them” mentality. He positions himself as opposed to the parties involved in the scene; therefore, instead of responding to the situation to provide help to the couple, he implies that he approaches the situation as a challenge and struggle that he must overcome.

Although avoiding arrest altogether was the most common goal police identified for why civilians engaged in acts of resistance, a number of officers also noted that individuals manipulated the law as a form of backlash. In other words, individuals who knew about the required arrest component avoided their own arrests, but engaged in acts that would ensure the arrest of their partners.

Officer Turner, a white male officer at Mountain View Police Department, described the way one partner sometimes used the mandatory arrest law as a way to further his or her power, control and manipulation of the other partner:

I've had numerous calls with – with those two parties and um you know there's a lot of manipulation going on between the both of 'em. And you know one of them will do something and it'll make the other one mad and they say you know I'm calling the police to report this. And in those situations it's like you know they both have been through the system, so they know how the domestic violence laws work and everything like that.

Officer Turner clarified the way he saw couples use the law as a tool for manipulation, saying:

You know, kind of get the other person all agitated and then they do something to you. And then you know you make the report and then they get arrested. And it's kind of you know manipulating them to get them in trouble.

By manipulating one's partner into doing something that makes them look like the perpetrator of intimate partner violence, then calling police to the scene for help, individuals employ the law as a form of further power and abuse. In this way, an individual is able to exploit the law in a way that goes directly against its intent of protecting victims.

Finally, Officer Miller, a white male officer at Mountain View Police Department, who had been in law enforcement for 20 years at the time of our interview said that "out of 99 domestic... 100 domestic violence arrests, 99 of 'em are good." He described the rare "bad" arrest, saying:

Maybe there's some embellishment there that got it pushed enough to make sure the cops had to make an arrest. I've seen that a couple of times. I don't think it's prevalent, but it does occur. Where the victim knows that they're the victim, and they're playin' it. They know which buttons to push, and they pushed the right button to get the result that they needed.

Officer Miller places culpability for wrongful arrests on the victims of intimate partner violence. He suggests that victims may exaggerate the event of abuse in order to: (1) guarantee that an arrest is made, and (2) to exert a power over who the police arrest. Interestingly, though Officer Miller notes at the beginning of the excerpt that the individual is manipulating the law, he softens this toward the end of the excerpt by claiming the individual is performing these actions out of necessity. This points to a weaknesses of the mandatory arrest law in terms of the attitude by some victims who, in order to have a say in the outcome of the incident, feel they must manipulate their situations.

Substantiating the narratives of police officers, the female defendants in my study spoke of the ways they had manipulated the mandatory arrest law or planned to in the future. They reported not talking to police and not telling the truth about incidents as their primary acts of resistance. Jennifer, a white woman who was 27 years old when she called the police for mediation in her relationship, told me that just as the dispatcher answered her call to 911, her husband asked her not to call the police and expressed desire to work out their situation on their own. Jennifer told the dispatcher that she and her partner were going to “try to talk” and did not need authorities after all, but reported that the dispatcher told her, “if this is domestic violence situation, we have to send a cop car anyway.” She recalled that once police arrived, she resisted the law by not cooperating or telling officers what had happened, in order to prevent them from arresting her husband. In Jennifer’s case, however, she described this strategy as working against her:

When I was talking to the female police officer outside of our house, I kept refusing to tell her what had happened. Which, I think, is kind of what ended up being my demise in the situation. Um, she kept asking, you know, “What happened? What happened?” And I said, “You know, that’s my husband. I’m not going to get my husband in trouble.” And she, you know, she kept telling me, “You’ve got to tell me something. You know, if he hurt you, how did he hurt you? What happened?” And I just kept saying, “That’s my husband. I’m not going to get him in trouble. I’m just not going to.”

Jennifer indicates that she believes her arrest was, at least partially, a result of her attempts at resisting the required arrest of either she or her husband under the mandatory arrest law.

Jennifer’s assessment of her experience is consistent with the sentiments of Officer Williams who, above, discussed the impact such behavior might have on the police officer arrest decision. Ultimately, in Jennifer’s opinion, though she attempted to resist the law and evade the officers implementing it, she was unsuccessful because police arrested her.

Samantha a white woman, reported involvement with police for intimate partner violence on several occasions. She said that when she was 36 years old, police made a dual arrest and arrested both she and her partner for intimate partner violence. Then, when Samantha was 39 years old, police responded to her and a different partner for a case of intimate partner violence. In this second situation, Samantha stated that she and her boyfriend were arguing and acting physically violent towards one another when her boyfriend contacted the police “information line” to get information about evicting Samantha out of their shared apartment. She said it was clear that he only wanted information, but that 25 minutes later, the police were knocking on their door. Samantha recalled that by that time, both she and her boyfriend had calmed down, but that it was evident that she had been crying. She said that when the police knocked, they asked if everything was okay. To avoid arrest, which they were able to do, Samantha described their strategy:

Samantha: I had been through this process before, so I said to [my boyfriend], ‘you know, you just say everything’s fine’. Like I just said, ‘do not say a word, or else we are probably gonna to go jail.’

Interviewer: So you just said, “say everything’s fine so we don’t go to jail”?

Samantha: Yes. Like, honestly you need to, like I won’t drop the ball on him, which basically...he did, he, I think would have been wrong in that incident. But, because I’ve been through this and I know that it doesn’t matter if you’re wrong or not, you still get thrown in jail a lot of times. I said [to my boyfriend], you know, they’re...I knew they would separate us and, and basically try to bring someone to jail. I know, ‘cause I... they did this to me before. So I said to my boyfriend, “just say everything’s fine. Like, ah...honestly stick to that story.” And that’s all I had time to say before he had to answer the door.

Later in our interview, Samantha explained why she decided to lie to the police and why she instructed her partner to do the same:

[Being arrested] has really like, ruined my life. I mean, it’s taught me a lot, and it’s taught me not to trust the system and, and not to be an honest person. I’m still an honest

person—but, but with the police, no. Um, which is too bad, you know, ‘cause I don’t believe they’re there to protect and serve, and I think that’s really sad.

For Samantha, her previous arrest for intimate partner violence, which she indicates was wrongful when she states, “it doesn’t matter if you’re wrong or not, you still get thrown in jail a lot of times,” led her to minimize the incident between she and her boyfriend and direct him on how to interact with police. Even though she thought her boyfriend was responsible for the incident, she drew on her knowledge of the law (that an arrest had to be made) and understanding of police investigation techniques (separating the parties), to instruct her partner in how to resist the consequences of the law. Ultimately, Samantha’s efforts were successful, as police did not arrest either she or her boyfriend for this incident.

In this section, the narratives of both the police officers and the female defendants are consistent with one another. Police officers described techniques parties could use to resist and manipulate the mandatory arrest law, and female defendants described using these same strategies. While both groups described how individuals at scenes of intimate partner violence refused to talk to police and carefully chose what to tell or not tell police, the police officers more directly described the roles victims and perpetrators could play in the manipulation of the situation to benefit themselves.

Choosing Not to Call the Police

An additional method both officers and female defendants acknowledged as a way of avoiding required arrest for intimate partner violence was the decision to not involve the police in the incident. Partners could only use the acts of resistance described above when police officers were responding to a call for assistance. Respondents from both groups in my study recognized the option of not calling the police as a form of backlash against the law because ultimately, by not notifying police of the violence, the police cannot protect the victims. In this

section, I begin by describing police officers' recognition of individuals who, following arrest, choose not to involve police in future incidents of intimate partner violence. Then, I move to an examination of the female defendants' narratives as they identify whether they will contact the police, in what situations they would feel comfortable contacting police, and what the repercussions of not calling the police might be.

Officer Hill, a white female officer at Rock Canyon Police Department frames the decision by people not to call police as a purposive strategy:

When you call the police, someone has to go to jail. Um if there's a crime found. So some people may decide not to call us again if they're in a situation that they normally would want help with, because they know that a crime has been perpetrated and they don't want that person to get arrested.

Officer Hill speaks about the decision not to involve police in situations of intimate partner violence in a very different way from the female defendants in this study. I present this alternative perspective later in this chapter. Officer Hill indicates that people make conscious decisions and weigh the potential costs and benefits of involving the police when they decide whether to call the police. Furthermore, she suggests that the intention behind not calling the police is protection of the perpetrator. This element, in particular, differs from the perspectives of the female defendants.

Officer White, described earlier in this chapter, provides an alternative rationale for people's choices not to involve police. He suggests that rather than protecting their partners, people may not call police because they do not want to experience any consequences or side effects from someone being arrested—whether themselves or their partner:

Without maybe her [realizing] its mandatory arrest, she might have enough and call the police. He gets arrested. All of a sudden her source of income is gone. He has to move out of the house. So, once they really get that first situation worked out and go through all the court proceedings or whatever and they're back together, happens again and she

might think twice about calling the police. She knows he'll be arrested again and that might put her in a difficult position.

Officer White suggests that the choice of not involving police may be less about the actual arrest and more about the consequences of the arrest. He assumes that the couple will get back together after and experience violence again; thus, the law only meets its goal on a short-term basis.

Officer White also indicates that because the parties both experience negative repercussions after someone is arrested, they may be less likely to call the police the next time help is needed.

When he says that the arrest "might put her in a difficult position," Officer White illustrates the aspect of self-concern that victims may consider before contacting police.

The police officers in my study focused heavily on the immediate repercussions associated with the mandatory arrest law (arrest) as the primary explanation for why citizens choose not to involve police in situations of intimate partner violence. In contrast, the female defendants articulated fear as the guiding emotion behind their decisions about calling police. In these cases, the women spoke of both fear of the police in general and getting in trouble, as well as fear of police wrongfully arresting them.

Twenty-three-year-old Naomi declared that her strong attitudes about not calling police in future incidents of intimate partner violence. For Naomi, the police, more than either she or her partner, were responsible for her arrest. During our interview, she recounted several interactions with police, ranging from an arrest for intimate partner violence to a warning for public disturbance when she was playing loud music. Of her actions in response to police, Naomi explained, "I've just been evading cops like the plague, and I just...I don't like the cops." When I asked her if she would hesitate to contact the police for intimate partner violence, Naomi replied:

Oh, yes. Definitely. Without a doubt. I would. [First,] I don't want to get arrested again, first and foremost, and... after seeing all those women in there who had bruises on them, who were being beaten, and who were the ones that were arrested. I don't wanna be back in jail ever again. It was terrible experience, it was probably one of the worst nights of my life. And, [secondly] I don't ever want, an intimate partner of mine to have to go through what I just went through. Like, I don't care how bad the situation is, I would rather him just leave me alone forever than get him involved in cops. [...] Yeah, no, I would...I would never...I would never call the cops.

Naomi indicates that, for her, the police are to blame for her arrest and the subsequent experiences she had in jail. Though Naomi initially draws on her own experience as a reason for not involving police in any future incidents of intimate partner violence, she supports her own experience by pointing to a trend of “beaten” women with “bruises” who were in the jail with her. The trend, that police arrest abused women, intensifies her concerns about involvement with police in the future. Naomi also indicates that because the consequences of her arrest were so severe, she would not involve police in an incident even if the perpetrator were clearly her partner. Naomi clearly demonstrates how the law's intention of reducing recidivism through arrest, actually backfires when people choose not to call police after experiences with the law.

Samantha shared how jaded she had become with the police after two interactions with police and used her distrust as rationale for not calling them in future incidents:

I will never call the police. Like, I honestly, do not trust them. I think they come, not wanting to help, but wanting to arrest. They come in your home try to find something, you know, to prove.

Later in our interview, Samantha and I had the following exchange:

Interviewer: Would you say that you would never call [the police]? I'm thinking, so it's one thing say in a future incident of domestic violence, would you call them compared to say if someone is breaking into your house.

Samantha: If it was so clear, no question, so, so clear that it could not be turned in any way shape or form, into me, me being wrong, I would call. But, I mean...ah, I would seriously think about it, which would be bad, because it would probably give the person time to do whatever negative, you know?

Samantha places boundaries on when she might feel comfortable contacting police. She suggests that only if she can be sure police will not implicate her as the perpetrator would she call them for help. Additionally, she suggests that her distrust of the police is so strong, that she would not make a distinction between intimate partner violence and other types of crimes. Lastly, Samantha indicates that her hesitation to contact police increases her chances of experiencing injury because her hesitation to involve police gives her few options of recourse if an attack or crime was committed against her.

Similarly, Amber, a white woman who was 29 when police arrested her, placed boundaries on when she would involve police in criminal situations. However, she suggests that her apprehension may subside once she is not longer under the radar of the criminal justice system. We had the following exchange about her future involvement with police both for intimate partner violence and for non-intimate partner violence-related crimes:

Interviewer: What is your likelihood of contacting the police if another incident were to occur?

Amber: Probably not, just after listening to some of the stories--and assuming they're true--to some of the other people in the class. Any signs of it being a situation where I'd need to call the cops, I'm just not in that anymore. I'm gone.

Interviewer: What if it was a non-domestic violence situation?

Amber: Oh a non-domest..... Um yeah, I guess so, yeah.

Interviewer: You feel okay?

Amber: Yeah. I'll see in a year from now. I tot...I don't see it being a problem, based on dealing with it better, yeah. Maybe not while I'm on probation, I guess.

Amber's response indicates that she has not lost complete faith in the police. Instead, she places some responsibility for avoiding the law on herself when she says "I'm just not in that anymore." She indicates that she may feel more comfortable contacting police after she completes the

sanctions associated with her arrest, but that she fears further interaction with the police might lead to greater consequences for her. Finally, Amber makes a clear distinction between intimate partner violence and other types of crime. Her comfort with calling police for non-intimate partner violence, but not in cases of intimate partner violence, illustrates her attitude about the mandatory arrest law as unfair and problematic. She implies that as a result, she associates intimate partner violence with the potential for her own arrest and that to prevent this, she will not involve police.

Finally, Shana, a 37-year-old white woman, took her decision not to call police in situations of intimate partner violence to a greater extreme when she described an incident between neighbors of hers where she choose not to seek help from authorities. In Shana's incident, police arrested her after her husband called to report the incident. She recounted the incident as beginning when her husband threatened to blackmail her by causing trouble at her job. Of previous incidents in their relationship, Shana said that her husband was "never physical, but it was very demeaning, emotional abuse." Of the particular incident for which police arrested her, Shana said that her husband had the phone and was threatening to call people, including her boss at work, to divulge personal information about her. In response, Shana began "clawing at the phone" to get it away from him. In response, her husband called the police. When the police arrived, they arrested Shana because of the scratches Shana left on her husband's arm when she was attempting to recover the phone from him. As a result of her arrest, Shana not only applied her attitude of distrust of police to her own relationships, but also to those of other intimate partners. Shana explained:

I don't think I would call the police. No. In fact, our neighbors...One night, we woke up at two o'clock in the morning. They're good friends of [my current partner] and they've become good friends of mine since. And we heard [the husband's] wife sobbing...[she] was just crying, crying, crying. I'm like oh my gosh...what's going on? Is he hurting her?

And maybe in the past I would have been prone to picking up the phone and dialing 9-1-1...I'm like "hell no! I'm not callin' the police." Because I know what can happen.

Shana continued the interview by applying the action she took with her neighbors, not calling the police, to herself in the future:

If there was a situation—or god forbid, [my current partner] and I got into a violent fight—I would never call. And I don't think [my partner] would either. Because of what's happened to me.

Shana's narrative presents an important consequence of the mandatory arrest law: that the decision to avoid police contact translates across relationships. Individuals who experience arrest as a result of the mandatory arrest law do not necessarily treat their own relationships different from those of others. Consequently, the backlash against the law is intensified because people fail to report a greater number of incidents involving intimate partner violence. In Shana's case, her fear that police might also unjustly or wrongfully arrest her neighbors, coupled with her lack of trust in the police's ability to implement the mandatory arrest law, outweighs her concern of intimate partner violence. She perceives the police and the mandatory arrest law as enemies, rather than as sources of protection and help.

In this section, I focused on the backlash the law has experienced as a result of limiting police discretion in cases of intimate partner violence. While police officers frequently recognized the failure of citizens to cooperate during investigations as blatant acts of resistance toward them, the female defendants challenge this notion as they spoke of fear and the efforts they took to protect themselves from the police and subsequent wrongful arrest.

EXAMINATION OF THE MANDATORY ARREST LAW

In the above sections, I outlined some of the visible and invisible consequences of the mandatory arrest law and described the ways individuals work to resist experiencing them. In the current section, I present a general evaluation of the law from both the perspectives of police

officers as well as from the perspectives of female defendants. Broadly, both groups recognize serious shortcomings of the law. However, when directly questioned about its effectiveness, not surprisingly, police officers were more complimentary than were the female defendants. Both groups, however, characterized the law as a short-term fix for a problem with deep and complex roots.

Criminologists suggest that there are five goals of punishment: incapacitation, deterrence, retribution, rehabilitation, and restorative justice (Alschuler 2003; Warr and Stafford 1984). The first goal, incapacitation, emphasizes placing offenders in custody (usually in jail or prison) to protect the public from the chance of future offending. Criminologists conceptualize the second goal, deterrence, in two ways: as general deterrence or as specific deterrence. General deterrence involves dissuading potential offenders from offending through threat of punishment for a particular offense. Alternatively, specific deterrence, which is most relevant to this study, is the belief that if the criminal justice system gives an offender a particular punishment, it will deter him or her from committing the same act again in the future. Specific deterrence focuses on deterring a particular individual and not the broader public. Thirdly, retribution approaches punishment as a deserved outcome. The infliction of punishment provides a source of accountability for offenders. Proponents of the fourth goal, rehabilitation, view crime as a symptom of a larger issue that can be cured with the correct form of intervention—this is not always punishment. Finally, more recently criminologists have discussed restorative justice as a goal of punishment. This approach emphasizes the need to restore victims, offenders, and the community. For the purposes of this study, I will focus on incapacitation, deterrence, and rehabilitation, as those are the most relevant goals of punishment to mandatory arrest laws.

Officer Morris, a white male officer at Rock Canyon Police Department, referred to both rehabilitation and incapacitation in his assessment of the law's effectiveness. When I initially asked Officer Morris about the mandatory arrest law, he explained that:

I try, whenever I make a domestic violence arrest, to explain to people "hey, you know, the legislature put it in effect, so that we can get, you know, advocates and people counseling involved. So that even if you decide to reconcile, it doesn't go forward to the point where somebody gets killed."

In the passage above, Officer Morris reflects the goal of rehabilitation when he refers to advocates and counselors. He indicates that the goal is to equip the partners with the knowledge and skills to engage in a healthier relationship if they decide to reunite. This indicates his belief that the mandatory arrest law does not stop violence from occurring in the long-term, but that it may serve as a mechanism through which people are able to access resources and improve themselves.

However, five minutes later in our conversation, Officer Morris presented a different evaluation of the mandatory arrest law as he referred to incapacitation:

I don't know how effective they are. Um, just the fact that I know there are some people out there that – they're gonna repeat. It doesn't matter what—what law you put in place unless you're going to lock somebody away for life.

Officer Morris positions some perpetrators of intimate partner violence as unchangeable. This suggests that rehabilitation is not effective in all cases. The alternative option he provides is incapacitation. He places greater stake in this approach because it separates offenders from the public, meaning they have a far lessened likelihood of engaging in intimate partner violence. He indicates that the law has limitations in its rehabilitative powers if the arrest and consequences do not provide strong enough specific deterrence for the offender. In these cases, incapacitation becomes the only feasible solution for long-term protection of victims.

Officer Green, a white male officer at Rock Canyon Police Department, based his assessment of the mandatory arrest law on its weak rehabilitative abilities:

Involving the courts very seldom results in a resolution...or a satisfactory resolution. You come away with a compromise sometimes, but the underlying problem is very seldom addressed or worked on. And so I recognized it as a tool for a temporary fix to ensure safety—guarantee the safety—for X amount of hours.

Officer Green reveals his opinion of the broader criminal justice system as ineffective when he indicates that “resolutions” are unlikely in the criminal justice system. By this, he suggests that a successful course of action is doubtful because the court fails to consider the reasons for the criminal activity. Instead, he implies that the courts work from a retributive approach and attempt to use punishment to deter future offending. He indicates that the system’s lack of incorporation of rehabilitation fails to tackle the cause of situations of intimate partner violence, instead only addressing the immediate concern and separating the partners only for a short duration. With this in mind, he recognizes the benefit of the law in terms of its ability to promise safety for the victim immediately, but questions its effects in the broader relationship.

Like Officers Morris and Green, most of the police officers in this study acknowledged positive and negative aspects of the mandatory arrest law, but generally felt it was better than having no official response. However, three of the 35 officers interviewed in this study viewed the law’s approaches of incapacitation and deterrence as problematic because it generated more troubles than it did help. These officers identified education, which illustrates the rehabilitative approach, as the solution to intimate partner violence. These officers felt that with education individuals could avoid intimate partner violence and punishment would be unnecessary. Officer Roberts, a white male officer from Mountain View police Department, spoke in our interview about eliminating the mandatory arrest law and his desire for increased discretion. Instead of the

mandatory arrest law, he presented education as the solution for accessing and addressing the issues at the core of the violence. He explained:

It's kinda like dealing with a junkie. I mean if you – passing all the laws in the world that says it's illegal for you to shoot up heroin is not going to make the junkie stop shooting up heroin, until that person wants to change. And that's why I think the more educating victims, educating the culture, educating the people involved—I think you can do more to stop domestic violence by having education in high school, or junior high school level, than you can by having mandatory arrest laws.

In the above passage, Officer Roberts draws parallels between drug junkies—individuals notorious for reoffending by using drugs after claiming to have stopped—and perpetrators of intimate partner violence. This metaphor illustrates Officer Roberts' belief about how difficult it is to change people who are neither ready nor willing to change and who have already engaged in the offense. He insists that laws cannot catalyze change in people, but that with education, people are better equipped to make decisions toward change. Specifically, Officer Roberts' suggestion of education for adolescents indicates a strategy based on prevention, rather than intervention. He contends that all parties involved in intimate partner violence must be educated, and that societal culture on intimate partner violence must shift. Though, most officers described intimate partner violence from a victim-perpetrator dynamic, Officer Roberts takes a macro-level approach to addressing the issue. For him, the mandatory arrest law is a bandage that may deal with the issue initially, but which once removed, leaves the wound unprotected for re-opening. Education, he proposes, will teach people how to avoid the wound in the first place.

Like many of the police officers, some of the female defendants in my study acknowledged the intent of the mandatory arrest law as positive. However, for the female defendants, the negatives of the law generally outweighed the positives thereby leading the group to make statements about the law's general ineffectiveness. Samantha, who not only stated that she would not call police in future incidents of intimate partner violence, but also lied to police

officers when they questioned her about an incident of intimate partner violence, was one of these women. She told me:

I know women get in a situation where, where they do forgive the husband [and go back to him]. [S]o, [if another incident occurs,] maybe they will call the police. The husband really hurt them and then, and then they change their story and so then the police, then, the, you know, the guy either, either threatens them, and say—“if you tell the police, you know, I’m gonna kill you”—or something so they don’t [tell the police what happened]. So, I feel like you kind of need that law to protect these women.

Here, Samantha suggests the law is helpful for women who are in habitually violent relationships and who may be afraid of their partners. However, Samantha immediately followed the above excerpt by pounding her fist on the table where we were sitting and insisted:

But then I also feel like those women are sick and I don’t think this law’s gonna save them. I think they have to, they’re gonna stay in sick, abusive relationships no matter what, whether this law is enacted or not.

Samantha presents two extremes within her narrative. On the one side, she indicates that mandatory arrest laws are helpful in cases when a perpetrator is threatening the victim with death threats. However, on the other end, Samantha asserts that a law cannot remedy some individuals. She references some female victims as “sick” indicating that these victims may not have equal ability to get well, even if they want to. Samantha demonstrates clear frustration, when she physically strikes the table with her fist, and implies that the law’s retributive approach in these cases is ineffective. Samantha suggests that instead, for some victims, staying in relationships where intimate partner violence is present is a symptom of an underlying larger issue.

Naomi also critiques the current retributive approach of the mandatory arrest law, suggesting instead that the law’s requirements do not deter people from violence, but from not contacting police. She said:

Not, we’re coming after you, and one of you has to come with us. Who’s it gonna be, you know. I don’t want cops to be like predators. They should be more like mediators, or like trying to resolve situations, trying to make us feel more comfortable, and instead they

make us feel scared and you want to avoid them and it...it definitely deters people from calling the cops. I think, and, now...nowadays, so I...I don't think that the mandatory arrest pr...project or...laws, are...I don't think they're good.

Naomi's reference to police as scary reflects both general and specific deterrence; she admits that she and other people do avoid engaging with police. Unfortunately, this suggests that the law does not necessarily deter individuals from engaging in intimate partner violence, but rather only from interacting with the police. Naomi speaks to the ways in which the law works against itself, since as discussed above, when people are afraid to contact police for help, they do not report intimate partner violence. Naomi further explains the fear she and others experience by referencing to police officers as "predators." This reflects her conceptualization of the police as enemies seeking out those who are weaker so that they can victimize them. This reestablishes the "us versus them" mentality that the law has generated between police officers and civilians.

Twenty-seven-year-old, Meredith disclosed that, for her, arrest and the consequences she experienced did serve as specific deterrence. However, she indicates that in some ways the aspect of deterrence is problematic in situations of intimate partner violence:

In the whole grand scheme of things, like looking at it from above, I don't think arresting me really did anything. I mean yes, I think like you were saying it's a big deterrent from—you know, it's the highest deterrent from repeated...I mean, yes. I won't be dumb again in a situation like that. But, but it also makes me feel like I'm not gonna stand up for myself or something. Or I'm just going to avoid situations or whatever. Or I'm going to avoid the police.

Meredith indicates that she will avoid intimate partner violence to the best of her abilities in the future, supporting the specific deterrence goal of punishment. However, in her description of how she will accomplish this task, she also reveals several weaknesses of having a law that embraces a specific deterrence approach in handling intimate partner violence. For example, suggests that if she is unable to completed avoid situations of intimate partner violence, two other options are: (1) to accept the violence and not defend herself; or (2) avoid the police.

While avoiding intimate partner violence meets the intent of the mandatory arrest law because Meredith will not be in a position to be either the victim or perpetrator, these latter possibilities she mentions directly challenge the goals of the law. By accepting the violence or not contacting the police, Meredith increases her chances of getting severely injured and/or of experiencing continued violence.

Lastly, Sophia's case represents the most dramatic example of dissatisfaction with the mandatory arrest law that I encountered. Sophia—a 40-year-old Hispanic woman—explained that she and her husband were arguing following their youngest daughter's birthday party. Both of them had been drinking, though Sophia reports that she had consumed less than half of a beer. Because her husband was being confrontational and would not let Sophia leave the house, Sophia called the police. While waiting for the police to arrive, Sophia said that her husband came at her and started choking her. As he choked her he said, "the bad thing is...I can't hit you because I know I'll get in trouble." Sophia admitted to pushing her husband and reported that he pushed her back. Ultimately, police arrested both Sophia and her husband, but the court later dismissed his charges, while sentencing Sophia for assault in the third degree. Of her feelings about any future incidents of intimate partner violence, Sophia explained:

The way I think now is probably let him do whatever he wants to do to me. So I won't have to go through this again...by me defending myself, and then getting charged...and his getting dropped. I'll just let him do whatever he wants...to kill me or whatever, you know. I'm just gonna let it happen 'cause I'm not gonna defend myself because the way the laws are.

Sophia's experience demonstrates the law's ineffectiveness through not only her arrest as the self-defending victim, but also through her implied suggestion that there will be future cases of violence between she and her husband. Moreover, Sophia contends that the chances of her experiencing wrongful and unfair arrest under the mandatory arrest law are so high and

prominent in her mind, that she is unwilling to protect herself in such future instances.

Additionally, unlike Meredith, discussed above, who seemed somewhat uncertain about how she would handle herself in the future with regards to intimate partner violence, Sophia indicates that she sees only one feasible option for handling future cases of intimate partner violence: allowing her partner to abuse her. Sophia's narrative represents the exact opposite of what the mandatory arrest law intended. She indicates that in order to avoid police arresting her and having to pay subsequently experience the consequences for defending herself, she will succumb to her perpetrator's violence. She indicates that the consequences of the law are so severe, that death is a better option for her.

CONCLUSION

The effectiveness of mandatory arrest laws remains controversial and assessments vary depending on the goal (incapacitation, deterrence, retribution, rehabilitation, and restorative justice) scholars are considering. The insights presented in this chapter by both police officers and female defendants illustrate some of the weaknesses associated with Colorado's mandatory arrest law. Such weaknesses, respondents suggested, led to backlash against the law, which responding police officers experience at scenes of intimate partner violence. Ultimately, though both groups recognized the intent behind the mandatory arrest law, to protect and save the lives of victims, they questioned the law's short- and long-term effectiveness.

To guarantee that police officers would treat intimate partner violence more seriously (by making it much more difficult for officers to walk away from a scene), the mandatory arrest law restricted officer discretion in these cases. A majority of the respondents in this study argued that this surface-level limitation on discretion lead to a one-size-fits-all approach to intimate partner violence, greater likelihood of wrongful arrest, and unfair or overly severe punishments

as consequences. As a result, individuals, particularly those familiar with the law's arrest requirement, engaged in acts of resistance to circumvent the law and avoid arrest. Specifically, individuals behaved uncooperatively, chose not to talk to responding officers, manipulated the truth, and/or used the mandatory arrest law as a tool for asserting power and control over their partner by ensuring the partner's arrest. Respondents identified exaggeration, lying, and building rapport with the police as particular strategies that benefitted them. Finally, upon considering the different facets of the law, both groups provided a final review of mandatory arrest law in terms of its effectiveness at protecting victims and preventing offender recidivism. Both groups recognized the law as an intervention tool, which at its best could only provide short-term relief from intimate partner violence.

Intimate partner violence is a complex and dynamic crime. No two situations or partners are the same. Through the excerpts and exchanges described in this chapter, it is clear that the individuals I interviewed recognized this fact. However, the mandatory arrest law and the criminal justice system seemingly fail to do so. For police officers, the mandatory arrest law affects only a single aspect of their lives: their occupations. Many of them have not experienced arrest themselves. However, the female defendants in this study experienced the mandatory arrest law first-hand and report that the law and its required arrest impact every part of their lives. The arrest experience is pervasive. By failing to recognize the shortcomings of the law and the impossibility of implementing a standardized law in a standardized way, policymakers actually work against their goals. The very strategy used to improve responses by police officers, the limiting of surface-level discretion, creates a number of consequences for all parties involved, which subsequently discourages citizens from trusting or depending on the police. However, when citizens manipulate the situation or choose not to call police, violence continues and police

are unable to meet the law's intent of protecting the victims. Although the law may be well-intentioned, Sophia illustrated the true injustice of the law: "I'll just let [my abuser] do whatever he wants...to kill me or whatever. I'm just gonna let it happen 'cause I'm not gonna defend myself because the way the laws are."

CHAPTER VIII

CONCLUSION

In this dissertation, I examine the ways Colorado's mandatory arrest law has impacted the lives of women arrested as perpetrators of intimate partner violence and police officers compelled to make arrest decisions. I rely most heavily on semi-structured interviews with both samples, supplementing this data with participant observation and official statistics. Drawing on the emerging themes from the interviews, I address the following questions:

1. How are female defendant and police officer identities created, accepted, spoiled, and repaired in the context of intimate partner violence and mandatory arrest laws? In what ways do the responses of others to their arrests for intimate partner violence impact how female defendants understand their sense of self, their identities, and their arrest experiences?
2. How does arrest for a "gendered crime" affect the experiences of female defendants of intimate partner violence? How does gender enable and/or constrict identity development in the context of arrest?
3. How does Colorado's mandatory arrest law affect the ways police officers understand intimate partner violence? How does the mandatory arrest law affect responses by police officers to intimate partner violence?
4. How do female defendants and police officers understand the limitation of discretion that is central to mandatory arrest laws as beneficial or detrimental? Are mandatory arrest laws effective in terms of the law's original goal of protecting victims?

In drawing this dissertation to a conclusion, I begin this chapter summarizing the major findings of each analytic chapter. Then, I outline the significant contributions of this study, situating my findings in the broader literature on mandatory arrest laws and, more generally, intimate partner violence. This leads to what I view as the policy implications of my work. Finally, I identify areas for future research.

CENTRAL FINDINGS

Limited research exists that examines the lived experiences of women arrested for intimate partner violence under mandatory arrest laws. Given the sharp increase in recent years in both the number and the proportion of total arrests involving women in cases of intimate partner violence, this is a significant omission. Further, little research examines the experiences of police officers compelled to make arrest decisions with very limited discretion under these laws. Although both mandatory arrest laws and intimate partner violence have garnered increasing attention over the last decade, most of the research is either statistical comparisons of arrest rates or use of force between men and women, or an exploration of the arguments made by proponents and opponents of mandatory arrest laws. When researchers do examine the perspectives and experiences of different parties involved in intimate partner violence in the context of mandatory arrest laws, studies most often include only female victims, male perpetrators, or social service advocates (see for examples Barata and Schneider 2004; Bograd 1988; Busch and Rosenberg 2004; Henning and Feder 2004). In this dissertation, I add to existing research by focusing on the unexamined consequences of mandatory arrest laws on two understudied groups.

As I describe in chapter four, the police officers provided an “official” narrative of the women’s offender status through their arrests of the women as perpetrators of intimate partner

violence. In comparison, responses by a vast majority of others (i.e., family, friends, lawyers, and other female inmates) provided a competing narrative centered on the women's victimhood. Both of these narratives reflect hegemonic offender and victim discourses. Offenders are aggressive, manipulative, dangerous, violent (traits traditionally associated with masculinity more often than femininity), whereas victims are passive, subordinate, nurturing, and fearful (traits traditionally associated with femininity more often than masculinity). Adopting the victim narrative allowed the women to both understand their arrests in terms that differ significantly from the legalistic perspective that dominates any experience in the criminal justice system, and also reposition themselves as victims rather than offenders. Ultimately, by drawing on the victim narrative, female defendants came to understand themselves as victims, the police as predators, and the law as a tool that actors in the criminal justice system could use to revictimize them.

In chapter five, I examine the effects of gender on the experiences of female defendants of intimate partner violence. For many of the women, gender served as both a problem (their perpetrator status challenged traditional gender norms and aligned them as meeting more masculine traits) and as a resource (the women declared the ways that they met traditional gender norms, so that they could better position themselves as victims). This chapter shows my female defendants engaging in identity work to meet conventional gender norms. To accomplish these tasks, the most common forms of identity work employed by women were distancing through defensive othering, enacting counterstories, and demonstrating transcendence.

Participants distanced from other female inmates who they perceived as violent and dangerous to illustrate how the other women embodied masculine traits, while establishing their own identities as meeting norms of femininity (and more fitting of a victim status). The second form of identity work, use of counterstories, reveals the ways the women view themselves and

allow the women to combat the label imposed on them, by arresting police officers. The three counterstories respondents presented (i.e. good mother, good partner, and good person) demonstrate identities consistent with traditional female gender norms, which align the women as victims rather than perpetrators. Finally, through the third form of identity work, transcendence, women are able to continue their caregiving identity by extending the care they give to children and/or partners, highlighted in their counterstories, to others.

In the next chapter, I shift to an examination of law enforcement. Paying particular attention to the ways police officers experience the mandatory arrest law, I illustrate how state and departmental level training and the media affect officers' understanding of and socialization around intimate partner violence. For the vast majority of police officer participants, training related to intimate partner violence and Colorado's mandatory arrest law centered on officer safety. Historically, police officers and scholars alike widely acknowledged intimate partner violence as a principal contributor to police deaths, assaults, and injuries. However, in the early 1980s, researchers argued that, in fact, intimate partner violence did not cause grave danger to officers. With the additional pressures of mandatory arrest laws, police officers must intervene in volatile situations. Whereas prior to mandatory arrest laws violence stayed primarily between couples, under the mandatory arrest laws anger and violence may easily shift towards police officers who must make arrests. Consequently, many officers adopted a "danger narrative" when responding to intimate partner violence. In the bulk of this chapter, I document the dominance of this narrative among my study participants and describe the shifts officers' identified in terms of who is at-risk of danger (pre-mandatory arrest laws, victims were at-risk; post-mandatory arrest laws, police officers were at-risk) and who acts as a source of danger (pre-mandatory arrest laws, abusers/offenders; post-mandatory arrest laws, both victims and abusers/offenders). I conclude

by discussing the measures officers use to decrease both the presence of danger at scenes of intimate partner violence and the prominence of the “danger narrative” in their enforcement of mandatory arrest laws, so that they can fulfill the requirements of the law, while also better ensuring their own personal safety.

Finally, in chapter seven, I combine my samples to explore how the limitation of discretion central to mandatory arrest laws is either beneficial or detrimental in responses to intimate partner violence. In assessing Colorado’s mandatory arrest requirement, participants in both groups found the limited discretion problematic. Women describe how they resist the law’s mandates by refusing to talk to responding officers, carefully determining what to tell police, or by choosing not to contact the police. Police officers talk about how these forms of resistance complicate their abilities to enforce the law. To conclude the chapter, I argue that, while both samples recognize ways that Colorado’s mandatory arrest law provides short-term benefits, neither group views the law as a long-term solution to intimate partner violence. Ultimately, the law’s central feature—the limitation of discretion—works against the law’s primary intent: long-term protection of victims.

SCHOLARLY CONTRIBUTIONS AND POLICY IMPLICATIONS

In this dissertation, I expand on extant literature by providing insights into the lived experiences of groups affected by mandatory arrest laws, groups who are commonly understudied and whose voices, as a consequence, are often unheard. Though my original intent for this work was to evaluate the law by better understanding the dramatic increase of women arrested as perpetrators, during data collection, it became clear to me that the story is much more complicated than I had originally understood. Through the use of semi-structured interviews, the female defendants refocused my attention toward the importance the invisible consequences of arrest have to their sense of self and identities. Many respondents spoke about the tools they

used to negotiate and manage these challenges. The most significant contribution of this study is its focus on the challenges, visible and invisible, associated with mandatory arrest laws and the strategies female defendants and police officers use to overcome these challenges.

Contributions to Feminist Criminology

Many of the contributions from this project were achieved by incorporating the principles of feminist criminology. In this section, I summarize how the findings from this study provide additional data which scholars can draw on to understand the principles described by Caulfield and Wonders (1994) in chapter two. As a review, Caulfield and Wonders (1994: 215) argue that the contributions of feminism to studies in criminology are:

1. The focus on *gender* as a central organizing principle for contemporary life
2. The importance of *power* in shaping social relations
3. Sensitivity to the way that the social *context* shapes human relations
4. The recognition that all social reality must be understood as a *process*, and the development of methods that take this into account
5. The commitment to *social change* as a critical part of feminist scholarship and practice.

First, as is often the case in traditional criminological studies on criminal offending, women have largely been ignored. Within the intimate partner violence literature, women have been studied as victims, and female defendants of intimate partner violence have largely gone unrepresented. This omission is problematic given the (often dramatic) increase in female arrests that followed the implementation of mandatory arrest laws. The current project integrates gender as a central element of study and examines the ways gender both complicates and benefits the women as they negotiate their identities by drawing on traditional gender norms of femininity. The women in this study discussed the identity work they engaged in to distance themselves from the spoiled (and generally masculine) identity of criminal and to reestablish their identities as good women. These women described working to position themselves as victims, rather than

perpetrators. Thus, in the context of mandatory arrest laws, gender serves as both a source of internal conflict and as a tool to resolve this conflict.

The second contribution of feminism to criminology is an examination of power emphasizing “the relationship between patriarchy and the power to define reality” (Caulfield and Wonders 1994: 218). This study reveals much about the power dynamics present under Colorado’s mandatory arrest law in terms of the power of patriarchy. The most obvious power dynamic, and the one I focus on below, is the power that police, as government authorities, hold over female defendants. First, the government grants police officers the power to make arrests at scenes of intimate partner violence. This ability to arrest gives police officers a visible symbol of power to hold over civilians. Additionally, policing, and the criminal justice system more broadly, is a predominately male-oriented field. In the context of patriarchy, this means that, as men, the criminal justice system personnel held power over the female defendants in this study based on gender. The female defendants in this study recognized this and discussed the presence of power dynamics not only during their arrests, but also throughout their experiences with the criminal justice system. Furthermore, there is also an additional, less visible power dynamic: that of the government over police officers. This power is directly threatened by mandatory arrest laws, which place real limits on police power, albeit primarily in a negative way; that is, mandatory arrest laws limit the power of police to not make an arrest when responding to intimate partner violence. Though a full analysis of these power dynamics is beyond the scope of this study, recognizing the importance of these power dynamics is essential to understanding the impact of mandatory arrest laws on female defendants and law enforcement.

I examine power, though often not explicitly, in chapters four and seven of this dissertation. In chapter four, just as police officers are able to label and define the realities of the

women at scenes of intimate partner violence through arresting them, other individuals, including people working within the criminal justice system, challenged these definitions by offering an alternative narrative for the women to adopt. This narrative, which appeared in the stories of almost all the female defendants I interviewed, was that of wrongful arrest. While arrest is a visible manifestation of power, the presence of an alternative narrative was significant throughout the project as a tool by which women could resist the power of the arrest and criminal narrative. As many of the women came to interpret their arrest experiences as unfair, they also defined themselves as victims of the system. In chapter seven, I describe the ways the female defendants in this study are able to avoid the mandatory arrest law after their initial arrests. For the female defendants in this study, refusing to talk to responding officers, carefully determining what to tell police, or choosing not to contact the police provided a source of power—over themselves, their relationships, and over the state.

The third contribution of feminism to criminology involves the examination of how social context shapes events and people's understanding of them. As Caulfield and Wonders (1994: 222) contend, "women are never just "women"; they are also rich or poor, dark or light, working at home, working at a job, or working the streets." The participants in this study are representative of the larger communities I examined; however, this unfortunately meant that there was limited racial or ethnic diversity in either group. With that said, the female defendants who identified as biracial, Hispanic or Asian/Pacific Islander did, at times, point to the effects of race on their arrest experiences. Specifically, one of the women described a cultural acceptance of violence by women and against men as a tool for fighting patriarchy. Additionally, respondents from both groups in this study recognized socioeconomic status as an important

factor in the experiences of individuals arrested for intimate partner violence. Though not developed in this dissertation, this is an area of study warranting further attention in the future.

Respondents from both groups in this study also highlighted the importance of context in terms of mandatory arrest laws. Just as feminists argue that crime and justice issues must be studied with consideration to contextual factors, so too, do my respondents argue that police officers should be able to examine situations of intimate partner violence with consideration to contextual factors. One of the consequences of limiting police discretion is that officers are unable to consider how a particular incident of violence is situated within the broader relationship. Respondents from both groups recognized that without consideration of contextual factors, police arrest decisions could be impaired and, therefore, the likelihood for wrongful arrest in cases of self-defending victims increased. Additionally, mandatory arrest laws do not recognize difference in their uniform approach; race, class, gender, and sexual orientation are not part of the legal standpoint. Mandatory arrest laws recognize individuals only as either victims or offenders. This prohibits responding officers from acknowledging such things as the gendered nature in which intimate partner violence most often occurs. When formulating and implementing laws, the legislature must consider the roles of sociodemographic factors in criminal acts in order to pass fair, just, and inclusive legislation for all people.

In this dissertation, I relied primarily on qualitative methods to achieve the fourth contribution of feminism to criminology. By using qualitative methods, I was able to understand the experiences and interactions of my respondents as a process. For example, examining criminal justice responses to intimate partner violence as a process led to my finding that mandatory arrest are prompting a re-privatization of intimate partner violence. While historically authorities viewed violence between couples as a “private matter,” now couples are

re-privatizing intimate partner violence from fear of the consequences of mandatory arrest laws. Additionally, interviews and participant observation allowed me to discover the invisible processes of self and identity that respondents identified as critical to their experiences. I may have overlooked these processes if not for the incorporation of qualitative methods into this project.

The final contribution of feminism to criminology that Caulfield and Wonders (1994) suggest is the significance of social change in scholarship and practice. Though working toward social change in the public realm, feminists also emphasize the importance of change within the private sphere. To begin, the findings from this study challenge the central role of the criminal justice system in society's response to intimate partner violence. Caulfield and Wonders (1994: 228) citing N. Wilson (1991) state, "we must provide models if we hope to change the existing system." Accordingly, I discuss the need for a coordinated community approach to intimate partner violence in the section below. Additionally, following the feminist emphasis on change in the private sphere, this study speaks to the question: How has the presence of mandatory arrest laws affected the ways police officers and/or female defendants think about intimate partner violence? Respondents shared varying perspectives about intimate partner violence in the context of their experiences with the mandatory arrest laws. In some cases, the law led to increased awareness about the dynamics of intimate partner violence (from both groups) and facilitated greater learning about how to handle conflict, anger, and aggression better (in female defendants). In other cases, though, participants (from both groups) revealed very limited change. In fact, some respondents were so frustrated by the presence of the law or the negative effects it generated, that they were closed off to the potential for positive personal change. These participants minimized certain forms of intimate partner violence such as pushing, shoving, and

obstructing telephone use by a partner. Pepinsky (1989: 20) argues that a principle of feminism is that “the public realm recapitulates the private [...] Structural change will at best be a façade unless the change reaches people’s intimate lives.” Until all of society accepts all forms of intimate partner violence as both pervasive and serious, legislation, such as the mandatory arrest law, cannot be effective.

Policy Implications

In part because feminist methodology guided this project at every stage, the findings of this dissertation have important policy implications for criminal justice (and more broadly, societal) responses to intimate partner violence. Most significantly, this research highlights the added challenges faced, on multiple fronts, by women arrested for intimate partner violence. The women arrested for intimate partner violence, at least based on the findings of this study, struggle with their experiences with the criminal justice system in ways that are different to other offenders based, in part, because of gender. This is important, for example, when considering programming such as mandated batterer treatment classes. Though I do not perform a comparison of men and women in this study, based on my analysis, clearly gender matters. To include the same material and format in classes offered to men and women is less effective in terms of teaching about intimate partner violence.

Additionally, as respondents in both of my study groups made clear, the law provides only short-term reprieve from intimate partner violence, and can, in some cases, revictimize the victims. Such findings beg the question: do mandatory arrest laws provide sufficient benefits to outweigh all of the negative consequences? This suggests the need for additional steps to protect victims and additionally points to training needs within the criminal justice system to prevent revictimization of victims. Though mandatory arrest laws do provide short-term protection of victims by removing perpetrators through arrest, in many cases, the perpetrators release from jail

soon after their arrests. In some states, including Colorado where this study took place, automatic protection orders are in place following intimate partner violence arrests. However, this document is not sufficient in stopping determined abusers from seeking out their victims. In terms of training, if the criminal justice system continues to rely on mandatory arrest laws, police officers must perform thorough and complete investigations, paying particular attention to defensive wounds or the possibility of violence taken by self-defending victims. Accordingly, training in these areas must improve and increase.

Furthermore, in its current form, mandatory arrest laws produce concrete consequences (i.e., issues finding housing, procuring work, and maintaining custody of children) for all individuals (i.e., offenders, victims, children) involved in situations of intimate partner violence. This points to the need for additional programming focused on reentry for offenders attempting to successfully reintegrate into their communities with limits on such things as their housing and employment options, as well as challenges toward their ability to interact with family given the presence of an automatic protection order after arrest for intimate partner violence. However, it also suggests the need for assistance and programming to families (victims and children) as they negotiate the effects of the arrest. For example, in families in which the male partner is the primary breadwinner, but is arrested, the protection order prevents them from communicating or living together. This places additional burdens on the victim as, in this case, she must figure out how to manage living expenses. Programming aimed toward helping victims navigate the criminal justice system and/or its effects is needed.

Finally, for many years, advocates for preventing violence against women promoted a coordinated *agency* response to the problem (Klevens and Cox 2008). This model emphasized “increasing perpetrator accountability and improving victim safety through the development and

coordination of different agency responses” (Klevens and Cox 2008: 547). The responses included in this model were “criminal justice case-management procedures as well as increased access to legal (e.g., protective orders) and social (e.g., shelter) services for victims” (Klevens and Cox 2008: 547).

In recent years, this approach has fallen out of favor with advocates promoting a coordinated *community* response because the agency responses were not culturally sensitive. Issues of race, class, language, disability, religion and so forth were not factored into responses. A coordinated *community* model includes “agencies and organizations that traditionally have not been associated with addressing [intimate partner violence] (e.g., schools, faith communities, and businesses” (Klevens and Cox 2008: 547). The findings in this dissertation support a shift from a coordinated agency response to a coordinated community approach as respondents from both groups discussed the ways the current approach is based solely within the criminal justice system and fails to consider context in situations of intimate partner violence or the differences in offenders being “treated.” To move in this direction, mandatory arrest laws, which are logically tied to a response led by criminal justice agencies, would almost certainly need to be repealed.

Repealing mandatory arrest laws completely, however, may generate the same problems from which the laws originated (i.e., apathy by law enforcement, police officer overuse of discretion and failure to make arrests, and fear by victims of retaliation by abusers). Thus, if the laws were repealed and a coordinated community model were more heavily depended upon, I also suggest: (1) greater attention to police officer training specific to intimate partner violence; (2) Use of an “initial assessment response team” (Young, Cook, Smith, Turteltaub, and Hazelwood 2006); (3) consideration of *both* the long-term nature of the relationship as well as the particular incident to which police respond; and (3) civilian education on intimate partner

violence.

Police officer training must be increased, be more standardized, and also include a greater variety of topics specific to intimate partner violence. Currently, police training academies are not standardized in the training provided on intimate partner violence; some officers may receive only the required hours of training on intimate partner violence, while others get well above the requirement. As a result, it is foolish to assume that these same officers would have the knowledge, practice, and general training to enforce the laws the same. Moreover, once officers reach their individual departments, they may or may not receive additional training specific to intimate partner violence. Again, this prepares officers differentially to enforce a standardized law. Because the police training academies remain a uniform training space, they must be more effectively utilized.

To improve the efficacy of state-accredited academies, an increase in the number of required hours at the academy level is needed. By increasing the required hours, the academies can more thoroughly discuss intimate partner violence, rather than focusing nearly exclusively on officer safety strategies and legal statute. Johnson and Ferraro (2000: 948) argue, “Partner violence cannot be understood without acknowledging important distinctions among topics of violence, motives of perpetrators, the social locations of both partners, and the cultural contexts in which violence occurs.” Thus, as part of the increased training at the academy level, trainers must teach officers how to recognize the different types of intimate partner violence, the dynamics and patterns of abuse within these types of relationships, and provide them with training on communicative strategies, problem solving, interpersonal skills training, conflict management and negotiation. These training topics will equip officers to more effectively assess situations.

To aid officers in making decisions about the outcome of an incident (i.e., whether to arrest or not), I support the use of an “initial response assessment team” (Young, Cook, Smith, Turteltaub, and Hazelwood 2006). After police officers have secured a scene, a member of the assessment team conducts gender-neutral assessment and testing and provides the responding officer(s) with a recommendation for the situation outcome. Team member recommendations would vary from arrest to no arrest, and if arrest were suggested, then the team member would note whether an individual or dual arrest was more appropriate and would include who s/he thought police should arrest. Explanations based on the completed testing and assessment would be required. In all cases, the initial assessment response team member should be trained in conflict management and would be required to provide resources to both parties at the scene.

Third, it is unrealistic to assume that in every case of intimate partner violence police officers can easily distinguish between abuser and victim. Both increased training of police officers on intimate partner violence and the introduction of initial assessment teams lead to stronger investigations. Under mandatory arrest laws, responses are incident-driven and the laws are uniform policies. They fail to recognize the complexity of intimate partner violence. Officers and assessment team members should consider *both* the long-term nature of relationships (the relationship as a whole) and the short-term outcomes (the particular incident to which officers are responding). Because mandatory arrest laws fail to consider the broader relationship, they prevent officers from accounting for victims’ experiences with violence in the context of the entire relationship. It is in such circumstances that unjust, or “wrongful” arrest, is most likely. Consideration of each parties roles and behaviors within the relationship as a whole provides a more clear understanding of who the aggressor is in the relationship, ultimately preventing arrests of the victim.

My final recommendation is that civilian education on intimate partner violence increase and improve. Young people may be secondary victims when they observe intimate partner violence by or toward a parent, they may engage in an intimate partner violence dating relationship themselves, or may know of a peer in these types of situations. Consequently, it is crucial that dynamics of both healthy and unhealthy relationships, warning signs of abuse, and helpful resources given to young people. These topics are appropriate for health and wellness classes and should be incorporated into education beginning in elementary school.

DIRECTIONS FOR FUTURE STUDY

As outlined above, my research contributes to the literature on mandatory arrest laws and intimate partner violence in a number of ways. However, the findings here also indicate the need for further research in several areas. First, there is a general need for more research talking to the people that are directly affected by these laws. While statistical studies are useful in understanding trends, they often mask the human complexity of situations and many of the consequences of mandatory arrest laws. Rather than looking at the broad trends surrounding mandatory arrest, it is important to study the diverse experiences different people and groups have in the context of these laws. This includes, especially, talking to groups who have historically been ignored or understudied.

Second, while my findings include an examination of gender, there is a great need for increased incorporation of race, class, sexual orientation, religiosity, as well as gender into examinations of the effects of mandatory arrest laws. This study illustrates the diverse experiences and responses individuals have based, in part, on their different sociodemographic features. As both gender and class are clearly important in this study, examinations focusing on other characteristics will provide important information from which lawmakers should draw

when constructing effective responses to intimate partner violence. This suggestion reinforces the need of researchers to incorporate traditionally understudied populations into their research as often these groups are marginalized within broader society. For example, though research on intimate partner violence in same-sex relationships is growing (see for example Abel 2001; Bornstein, Fawcett, Sullivan, Senturia, and Shiu-Thornton 2006; Burke, Jordan, and Owen 2002), there is little information on the effects of laws (such as mandatory arrest laws) on these couples. Furthermore, an area also deserving of further consideration is cases of men who believe police have wrongly arrested them. Though male perpetrators have been studied widely, applying feminist principles, such as those suggested by Caulfield and Wonders (1994), to these studies and focusing explicitly on wrongful and unjust arrest can provide significant information about mandatory arrest laws.

Finally, there is a need for further research examining both the less visible and the long-term consequences of mandatory arrest laws. In my project, I asked female defendants about their lives before, during, and after their arrest experiences and asked police officers about their responses to intimate partner violence before and after implementation of mandatory arrest laws. It became clear that the invisible consequences, as compared to the more tangible and visible repercussions, have the most pronounced effects. To better understand the development, changes, and negotiation of both visible and invisible consequences, researchers should conduct multiple interviews or collect longitudinal data. Reinharz (1992: 37) explains that use of multiple interviews is “likely to be more accurate than single interviews because of the opportunity to ask additional questions and to get corrective feedback on previously obtained information.” Furthermore, conducting interviews at multiple points provides insight into the development, progress, and challenges faced, in particular, by individuals labeled as offenders

under mandatory arrest laws. Based on my experience interviewing women at different stages in the criminal justice system, I came to understand how dynamic and changing experiences are and how interpretation and meaning making of events can change over time. Collecting data over time through multiple interviews with the same people would reveal much about the process as a whole (interviewing the same person at different decision points in the criminal justice process (e.g., dispatch, arrest, bail decisions, charging, sentencing, post-sentencing while on parole or probation) and also lends itself to providing a better understanding of the ways consequences affect individuals immediately and over time.

CONCLUDING REMARKS

In closing, this research has changed my perspectives on intimate partner violence and mandatory arrest laws in a number of ways. I learned that there is no clear explanation for the dramatic increase in women arrested following the implementation of mandatory arrest laws. This phenomenon cannot be fully explained only in terms of increased dual arrests or an increase in wrongful arrests. While I began the project with a clear idea of both the nature and causes of injustices wrought by mandatory arrest laws, this study has led me to recognize that there are a number of injustices occurring within the criminal justice system as it responds to intimate partner violence and that many of these injustices are more complex than I originally assumed. Respondents in both groups in my study described feeling constrained by, and at times resentful towards, the mandatory arrest law. Furthermore, this project reinforced, for me, that intimate partner violence is a complex and dynamic problem for which there are no simple solutions. By formalizing and standardizing the law enforcement response to intimate partner violence, lawmakers ignore this complexity. The general dissatisfaction with the law among those most

directly affected by it (and who, consequently, understand its complexity) is therefore unsurprising.

Underlying all of these lessons is the question which prompted my initial interest: Are the arrests of women as perpetrators of intimate partner violence under mandatory arrest laws fair and just? While I addressed the effectiveness of the law in chapter seven, we must also be concerned with the consistency and fairness of criminal justice responses to intimate partner violence, particularly the goals of uniformity and standardization that underlie mandatory arrest laws. To address this question, it seems fitting to return directly to my respondents. One female defendant gave the following assessment:

Because, you know, I was brought to jail unfairly I felt. And I felt like...here I was honest, being honest and [had been] completely attacked by this person... and...I did not feel that was fair that I got brought to jail, at all [...] I should have never admitted [to] all this stuff—but, you know, I didn't know at the time. I didn't think to be a manipulator and a liar and to try to, you know...screw with the system. I figured the system would work fairly. (*Samantha*)

Another said:

I just don't know exactly what should have happened, but I think it's pretty absurd that the way it was set up for, for me to be the abuser. For me to carry the abusive... It facilitates what [my ex-partner] already did to me in the past, which is enforcing power and control through intimidation and threatening. It's as if the system already helped him to achieve the ultimate power and control. I'm still in his [grasp], within the power and control of [my ex-partner]. Like, the fact that I have to not drink any alcohol for 2 years, have to, absolutely have to have a full-time job and cannot have any freedom to save up or move. I can't move. I can't leave the country. And see, all of these things are still like ways in which the relationship that I had with [my ex-partner] still holds the power and control with [him]. And the whole system helped him to do that. It continues to help him. And I'm sure other men as well. [...] So, I don't know what should have happened, but I know that what happened is fucked up. (*Mariah*)

Finally, a female police officer from Mountain View Police Department stated:

Everyone's definition of probable cause is kinda different [...] So it does depend on which officer responds to the call. There's really no exact, you know, defined outline on – OK if you have this and this, you make an arrest. It's kinda how they see it in their

own eyes, in their own mind too. So that might not be the most fair way to do it— ‘cause not everyone’s gonna be treated exactly the same. (*Officer Jones*)

The responses above illustrate some of the concerns respondents from both groups in this study introduced and which I have weaved throughout this dissertation. I began this dissertation expecting a definitive answer to the question of whether arrests of women are fair and just. Drawing on the respondents’ understanding of their own experiences in the context of mandatory arrest laws, however, reminded me of two critically important facts. First, intimate partner violence is a complex, dynamic, and variable crime. Second, humans, by nature, are also complex, dynamic, and variable. Therefore, a law that prohibits or excludes acknowledgement of these two facts can never fully be fair and just, nor can it ever fully alleviate intimate partner violence.

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Participants Needed

Are you...

a female at least 18 years old?

Have you been arrested for domestic violence?

Was your arrest after 1994 in Colorado?

**The Mandatory Arrest Project
wants to learn more about your experience.**

Specifically, I am interested in learning about the experiences of women who have been arrested for domestic violence—both during the arrest and after the arrest.

- Interviews last approximately 1-1.5 hour(s)
- We will meet you at a time and place that works for you
- We will keep what you tell us PRIVATE
- The interview is not for therapeutic, counseling, or legal services; it will be conducted only to gather information
- Participating does not affect the terms of any treatment classes or other criminal justice related mandates (e.g., probation)

Interested? Have questions?
Email us at: malresearchteam@gmail.com
Call us at: (720) 319-8433

APPENDIX B: PROJECT RECRUITMENT EMAIL FOR POLICE OFFICERS

Dear Officer _____,

My name is Devon Thacker and I am a Doctoral Candidate at CU-Boulder in the Sociology department. My research focuses on intimate partner, family, and interpersonal violence. Currently I am completing interviews for my dissertation research regarding Mandatory Arrest Laws in cases of domestic violence. As part of my research I am talking to members of law enforcement personnel.

I am writing to see if you would be interested in meeting with me to discuss your experiences with and opinions about Mandatory Arrest Laws (and IPV more generally). I am happy to meet you in your office or at another public area, such as the local public library. I will try my best to meet any time constraints or needs you have.

As a note, I have previously cleared this project by Chief _____, as required by the Research Committee at my school, so he is aware that officers and detectives within _____ Police Department may, at their own will, participate in my project.

If you are willing to meet with me, please do email me back with dates/times/locations that work best for you. Or, feel free to call me at: 720-319-8433.

If you have any further questions about my research please feel free to direct them my way.

Thank you for your time and consideration,

Devon Thacker
Department of Sociology
University of Colorado Boulder

APPENDIX C: CONSENT FORM FOR FEMALE DEFENDANTS

Mandatory Arrest Laws in Intimate Partner Violence

Principal Investigator: Devon Thacker, M.A.

PARTICIPANT INFORMED CONSENT FORM: Female Defendants December 9, 2008

Please read the following material that explains this research study. Signing this form will indicate that you have been informed about the study and that you want to participate. We want you to understand what you are being asked to do and what risks and benefits—if any—are associated with the study. This should help you decide whether or not you want to participate in the study.

You are being invited to take part in a research project conducted by Devon Thacker, a graduate student in the University of Colorado at Boulder's Department of Sociology, 327 UCB, Boulder, CO 80309-0327. This project is being done under the direction of Professor Sara Steen, Department of Sociology, 327 UCB. Devon Thacker can be reached at 303-242-6963. Professor Steen can be reached at 303-735-6658.

Project Description:

You are invited to participate in a research study intended to better understand the experiences of individuals involved with mandatory arrest laws in cases of intimate partner violence. Please keep in mind that because of the nature of the information to be provided, this is considered a high-risk study for certain participants. Specifically, talking to a researcher about personal experiences of intimate partner violence may instigate further battering by a current partner. It is entirely your choice whether or not to participate in this study.

Procedures:

You will be asked to participate in an in-depth interview. You will be asked to provide details about your thoughts about and experiences with mandatory arrest laws in cases of intimate partner abuse. These details will not only include your personal experiences, but also your opinions.

Sample questions include:

- What was happening that led to the police being called?
- What happened when the police arrived?
- Do you feel the officer(s) showed concern for you and your safety? Explain.
- What happened following the incident?
- Describe your experiences with other criminal justice personnel (e.g., prosecutors, judges, social service personnel) during incidents of intimate partner violence.

This interview will not—and is not intended to—serve as therapy or counseling. The purpose of the interview is to gather information.

The interviewer would like to audio record your interview to ensure accuracy of the information given, but you have the option of not having your interview taped. If you do agree to have your session taped, you can request that the tape recorder be stopped at any time. These recordings will be held in the strictest confidence, and neither your name nor any identifying information will be recorded or marked on the digital audio computer files.

Because the interviewer wants to gather as much information about your experiences as possible, it is expected that the interview will take approximately one or two hours. In the event you are unable to commit this much of your time in one sitting, arrangements will be made to have multiple sessions. The interview will take place during a convenient time, and in a private and uninterrupted setting that is convenient and comfortable for you.

While we don't anticipate this, the interviewer may need to contact you again after your interview to request additional information. As with the initial interview, you are not obligated to participate in a follow-up interview. If a second interview is needed, it is expected that it will take no longer than 30 minutes to complete. We will keep your contact information on file (and confidential) until the completion of the data gathering portion of the project (December 2008), and you will not be contacted for a follow-up interview after this time.

Risks and Discomforts:

A potential risk associated with this study is that some of the questions may bring up aspects of your life that are upsetting to you. For participants, who are presently in an abusive relationship, revealing this information may be upsetting. The interviewer has a list of resources for you if you wish to get assistance to help you through any feelings or concerns that may arise.

Any information you provide will be held in the strictest confidence and your confidentiality will be protected. However, there are some things that you might tell us that we CANNOT promise to keep confidential. We are required to report information about:

- Child abuse or neglect.
- A crime you or others plan to commit.
- Harm that may come to you or others.

Please note, if there are children in the home, we do not want to know about any abuse they may have suffered or witnessed. We are required by law to report to authorities evidence of criminal activity that may be disclosed in your interview. In particular, we are required to report child abuse, if that abuse has not already been reported. As a result, we ask that you avoid discussing any unreported incidents of child abuse. We are defining child abuse here as all incidents involving the children present in your household, including children witnessing emotional, verbal or physical abuse by one adult in the home of another adult.

Benefits:

There are no direct benefits associated with participation in this research.

Confidentiality

We will make every effort to maintain the privacy of what you tell us. Research materials will be kept in a safe and secure location during the study. As a participant in the study, you will be assigned a code number and a fictitious name. Your true identity and the assigned code and name will be kept on a password-protected computer file, which will be stored in a locked cabinet and accessible only Devon Thacker and Dr. Sara Steen. This file and any hard-copy documents identifying you will be destroyed at the conclusion of the data gathering portion of the study (December 2008). Using only your code number and code name, the information from your interview—the digital audio file and the written transcript of the recording— will be stored in separate disks, also password-protected, and in separate file cabinets accessible only by Devon Thacker and Dr. Sara Steen. The digital audio file (on disk) will be destroyed at the conclusion of the data gathering portion of the study (December 2009). In transcribing your interview into a word-processing document, any identifying names and places will be deleted and/or replaced with fictitious names and locations. We will retain the transcribed interview in order to analyze and complete our findings. Your individual privacy will be maintained in all published and written data resulting from this study.

Other than the researchers, only regulatory agencies such as the Office of Human Research Protections at the University of Colorado Human Research Committee may see your individual data as part of routine audits.

Questions?

If you have any questions regarding your participation in this research, you should ask the investigator before signing this form. If you should have questions or concerns during or after your participation, please contact Devon Thacker at 720-319-8433 or Dr. Sara Steen at 303-735-6658.

If you have questions regarding your rights as a participant, any concerns regarding this project or any dissatisfaction with any aspect of this study, you may report them -- confidentially, if you wish -- to the Executive Secretary, Human Research Committee, 26 UCB, Regent Administrative Center 308, University of Colorado at Boulder, Boulder, CO 80309-0026, (303) 735-3702.

You may obtain the results of this project after its completion by calling or writing to one of the principal investigators, Devon Thacker or Dr. Sara Steen, whose contact information is listed above.

Authorization:

I have read this paper about the study or it was read to me. I know the possible risks and benefits. I know that being in this study is voluntary. I choose to be in this study. I know

that I can withdraw at any time. I have received, on the date signed, a copy of this document containing four (4) pages.

Please place your initials next to one of the following:

_____ I AGREE for my interview to be audio-taped.

_____ I DO NOT AGREE for my interview to be audio-taped.

Please place your initials next to one of the following:

_____ I have agreed, on the date signed, to have this consent form remain in the possession of the principal investigator to ensure that those around me will not be aware of my participation in this study.

_____ I have received, on the date signed, a copy of this document containing four (4) pages.

Name of Participant (printed) _____

Signature of Participant _____ Date _____

For HRC Use Only

This consent form is approved for use from _____ through _____.

(Signature) Panel Coordinator, Human Research
Committee

(Also initial all previous pages of the consent form.)

APPENDIX D: CONSENT FORM FOR POLICE OFFICERS

Mandatory Arrest Laws in Intimate Partner Violence

Principal Investigator: Devon Thacker, M.A.

PARTICIPANT INFORMED CONSENT FORM: Police Officers December 9, 2008

Please read the following material that explains this research study. Signing this form will indicate that you have been informed about the study and that you want to participate. We want you to understand what you are being asked to do and what risks and benefits—if any—are associated with the study. This should help you decide whether or not you want to participate in the study.

You are being invited to take part in a research project conducted by Devon Thacker, a graduate student in the University of Colorado at Boulder's Department of Sociology, 327 UCB, Boulder, CO 80309-0327. This project is being done under the direction of Professor Sara Steen, Department of Sociology, 327 UCB. Devon Thacker can be reached at 303-242-6963. Professor Steen can be reached at 303-735-6658.

Project Description:

You are invited to participate in a research study intended to better understand the experiences of individuals involved with mandatory arrest laws in cases of intimate partner violence. It is entirely your choice whether or not to participate in this study.

Procedures:

You will be asked to participate in an in-depth interview. You will be asked to provide details about your thoughts about and experiences with mandatory arrest laws in cases of intimate partner abuse. These details will not only include your personal experiences, but also your opinions.

Sample questions include:

- How long have you been a police officer? How long have you been with this department? How would you describe the department you are currently in? Is there commitment within the agency to community policing? Please explain
- What did you learn in training about mandatory arrest laws? What did you learn about the primary aggressor policy? What kinds of tools were you given to help you decide who to arrest?
- Does your department have specific policies about mandatory arrest? If so, please describe them. Do you find these policies helpful in the field?

The interviewer would like to audio record your interview to ensure accuracy of the information given, but you have the option of not having your interview taped. If you do

agree to have your session taped, you can request that the tape recorder be stopped at any time. These recordings will be held in the strictest confidence, and neither your name nor any identifying information will be recorded or marked on the digital audio computer files.

It is expected that the interview will take approximately thirty to sixty minutes.

After concluding the interview, the interviewer may need to contact you again to request additional information. As with the initial interview, you are not obligated to participate in a follow-up interview. If a second interview is needed, it is expected that it will take no longer than 30 minutes to complete. We will keep your contact information on file (and confidential) until the completion of the data gathering portion of the project (December 2009), and you will not be contacted for a follow-up interview after this time.

Risks and Discomforts:

Any information you provide will be held in the strictest confidence and your confidentiality will be protected.

Because we are interested in both the ways in which your organization responds to domestic violence and your personal beliefs around mandatory arrest laws, we expect some points of disagreement may arise. By using our strict forms of confidentiality, we hope to eliminate any potential professional repercussions you may face as a result of such disagreements. If you are concerned about this, we recommend you think seriously about your participation in this study.

However, there are some things that you might tell us that we CANNOT promise to keep confidential. We are required to report information about:

- Child abuse or neglect.
- A crime you or others plan to commit.
- Harm that may come to you or others.

Benefits:

There are no direct benefits associated with participating in this research.

Confidentiality

We will make every effort to maintain the privacy of what you tell us. Research materials will be kept in a safe and secure location during the study. As a participant in the study, you will be assigned a pseudonym. Your true identity and the assigned pseudonym will be kept on a password-protected computer file, which will be stored in a locked cabinet and accessible only Devon Thacker and Dr. Sara Steen. This file and any hard-copy documents identifying you will be destroyed at the conclusion of the data gathering portion of the study (December 2008). Using only your code number and code name, the information from your interview—the digital audio file and the written transcript of the recording—will be stored in separate disks, also password-protected, and in separate file cabinets accessible only by Devon Thacker and Dr. Sara Steen. The digital audio file (on disk) will be

destroyed at the conclusion of the data gathering portion of the study (December 2008). In transcribing your interview into a word-processing document, any identifying names and places will be deleted and/or replaced with fictitious names and locations. We will retain the transcribed interview in order to analyze and complete our findings. Your individual privacy will be maintained in all published and written data resulting from this study.

Other than the researchers, only regulatory agencies such as the Office of Human Research Protections at the University of Colorado Human Research Committee may see your individual data as part of routine audits.

Questions?

If you have any questions regarding your participation in this research, you should ask the investigator before signing this form. If you should have questions or concerns during or after your participation, please contact Devon Thacker at 720-319-8433 or Dr. Sara Steen at 303-735-6658.

If you have questions regarding your rights as a participant, any concerns regarding this project or any dissatisfaction with any aspect of this study, you may report them -- confidentially, if you wish -- to the Executive Secretary, Human Research Committee, 26 UCB, Regent Administrative Center 308, University of Colorado at Boulder, Boulder, CO 80309-0026, (303) 735-3702.

You may obtain the results of this project after its completion by calling or writing to one of the principal investigators, Devon Thacker or Dr. Sara Steen, whose contact information is listed above.

Authorization:

I have read this paper about the study or it was read to me. I know the possible risks and benefits. I know that being in this study is voluntary. I choose to be in this study. I know that I can withdraw at any time. I have received, on the date signed, a copy of this document containing four (4) pages.

Please place your initials next to one of the following:

_____ I AGREE for my interview to be audio-taped.

_____ I DO NOT AGREE for my interview to be audio-taped.

Please place your initials next to one of the following:

_____ I have agreed, on the date signed, to have this consent form remain in the possession of the principal investigator to ensure that those around me will not be aware of my participation in this study.

_____ I have received, on the date signed, a copy of this document containing four (4) pages.

Name of Participant (printed) _____

Signature of Participant _____ Date _____
(Also initial all previous pages of the consent form.)

For HRC Use Only

This consent form is approved for use from _____ through _____.

_____ Panel Coordinator, Human Research
(Signature) Committee

APPENDIX E: INTERVIEW SCHEDULE FOR FEMALE DEFENDANTS

Introduction to Incident

- What was happening that led to the police being called?
- How quickly were the police called after the incident began?
 - How did the police become involved? (who called, why, etc)
- What happened when the police arrived?
- Describe the police officers: Were there one or 2? Male or female? Had you had any previous experience(s) with these officers?
- Were there any physical exchanges after the police arrived?
 - Between you and your partner?
 - Between you, your partner, and the police?
- What kind of verbal exchanges took place?
 - What kinds of questions were asked?
- Describe the outcome of the interaction?

Evaluative Questions (1)

- Do you feel the officer(s) showed concern for you and your safety? Explain.
- Do you feel the officer(s) paid equal weight to both parties stories and representations of the incident? Explain.
- What did the police officers do to determine who the victim was?
 - How satisfied were you with the way the police decided who the victim and who the offender was?

Re-visit of Incident

- What happened following the incident? Specifically, were charges filed?
 - If yes, what was the resolution?

Evaluative Questions (2)

- Describe your experiences with other criminal justice personnel (e.g., prosecutors, judges, social service personnel) during incidents of intimate partner violence.
- How were you treated by prosecutors during this incident?
- How were you treated by judges in this incident?
- How were you treated by individuals operating in social service agencies, or organizations in this incident?
- Why do you feel you were treated the way you were by each of these parties?

General Consequences of Arrest

What impact did being arrested have on you?

- Consequences of being arrested?
 - On job
 - On present relationship(s) [with partner and/or family and friends]
 - On family (e.g., children)
 - Other?

- How has being arrested impacted your thoughts about the criminal justice system?

General Knowledge on Mandatory Arrest Laws

- What do you know about mandatory arrest laws?
- Where did you get this knowledge?

Evaluative Questions (3)

- What are your thoughts about mandatory arrest laws in cases of domestic violence?
- What positive aspects do you see with such laws?
- What negative elements of consequences do you see with such laws?
- What could police departments do to better prepare their officers for incidents of intimate partner violence?
- Should police be able to use discretion in cases of intimate partner violence? Why/why not?
- What control should women have over the criminal justice process?
- How do you think incidents of intimate partner violence should be treated by the police?
- Describe a particular incident that you view as needing minimal intervention and what you think would be appropriate action.
- Describe a particular incident that you view as needing a great deal of intervention and what you think would be appropriate action.
- Accounting for your experiences, how might the implementation of mandatory arrest policies be made more effective?

APPENDIX F: INTERVIEW SCHEDULE FOR POLICE OFFICERS

Background:

- How long have you been a police officer?
- How long have you been with this department?
- How would you describe the department you are currently in?
- Is there commitment within the agency to community policing? Please explain.
- How long have you worked on domestic violence cases?
- Describe the structure your department has in place to respond to intimate violence violence.
- Describe your particular role and responsibilities in terms of intimate partner violence. How much of your job is related to intimate partner violence?
- How would you describe outside pressures (e.g., from advocacy groups) to respond to domestic violence?
- How much impact do these pressures have on the way the department handles domestic violence?

Training:

- Was responding to domestic violence a significant part of your basic training? What do you remember about what was covered?
- Have you received additional training since then about domestic violence? If so, what was covered in the additional training?
- What did you learn in training about mandatory arrest laws? What did you learn about the primary aggressor policy?
- What kinds of tools were you given to help you decide who to arrest?

Department policies and practices:

- Does your department have specific policies about mandatory arrest? If so, please describe them. Do you find these policies helpful in the field?
EXAMPLE: Is it necessary for a male and female officer to respond to DV scenes?
- How do you think the gender of responding officers affects outcomes?
- Do you think your department's policies are consistent with what you learned in training? If not, what is different?
- In your experience, do officers in your department tend to follow department policy in this area? What are some parts of the department policy that are hard to follow?
- Is there any oversight, either from outside the department or internally, that tracks responses to domestic violence? What does the oversight consist of? Do you think it is effective in keeping policies and practices consistent with the original intent of mandatory arrest laws?
- How would you describe the culture in your department around domestic violence? Would you say that the department leadership takes DV seriously? How about your fellow officers?
- Is there a general sense in the department about the effectiveness of mandatory arrest laws in reducing domestic violence? If so, can you explain it?

Action:

- How do you decide who to arrest?
- Describe a particular case where it was easy for you to decide who to arrest.
- Describe a particular case where it was hard for you to decide who to arrest.
- How much does the primary aggressor rule help you in deciding who to arrest?
- In what ways was your training helpful in making the arrest decision? Are there things that weren't covered in training that you struggle with?
- In situations involving a man and a woman, how often would you say you arrest the man? The woman? How often do you make dual arrests?
- Under what circumstances do you make dual arrests?
- What kinds of problems do you see with dual arrests? Do you think that they are sometimes a useful strategy? Why or why not?

Enforcement:

- Would you say that there is general agreement within the department about how best to enforce mandatory arrest laws? Do you think most of your colleagues make mandatory arrest decisions using the same criteria? Are there some things that people do differently? Explain.
- What kinds of issues arise on the ground that you don't think are addressed well in the mandatory arrest law and/or your department's policy about mandatory arrest?
- In general, do you think that mandatory arrest laws are helpful in addressing the problem of domestic violence? Explain.

Other:

- How much knowledge do you think citizens have about mandatory arrest laws?
- How does the length of time an officer's been in the field affect the way he/she responds to intimate partner violence?
- How does the length of time an officer's been in the field affect his/her thoughts on mandatory arrest laws?

APPENDIX G: BASIC DEMOGRAPHIC TABLE OF FEMALE DEFENDANTS

Name	Age at Arrest	Race/Ethnicity	Arrest Outcome	Charge(s) Sentenced in Primary Incident**
Alexa	28	White	Female arrest	Criminal mischief
Amber	29	White	Female arrest	3 rd degree assault
Aya	21	White	Dual arrest	3 rd degree assault
Beth	40	White	Female arrest	Harassment
Carol*	54	White	Female arrest	Felony menacing
Cindy*	37	White	Female arrest	3 rd degree assault and criminal mischief
Claire*	27	White	Female arrest	Harassment
Evelyn	43	White	Female arrest	3 rd degree assault
Hannah	21	White	Female arrest	3 rd degree assault
Jacqueline	44	White	Female arrest	Harassment
Jennifer	27	White	Female arrest	Unknown
Julie*	34	White	Female arrest	3 rd degree assault
Karen	44	White	Dual arrest	Harassment
Kylie	23	White	Female arrest	Harassment
Laurel	21	Hispanic	Female arrest	Harassment
Leah	35	White	Female arrest	Reckless endangerment
Loretta	48	White	Female arrest	Harassment
Mariah	27	Hispanic	Female arrest	3 rd degree criminal trespassing and disorderly conduct
Meredith	27	Biracial	Female arrest	Obstruction of telephone services
Naomi	23	Biracial	Female arrest	Stalking
Nicole	30	White	Female arrest	Harassment
Paige	24	White	Female arrest	Arrested, but never charged
Rachelle	38	White	Female arrest	Menacing misdemeanor
Ruby	44	Asian/Pacific Islander	Female arrest	Harassment
Samantha*	36	White	Dual arrest	Unknown
Shana	37	White	Female arrest	3 rd degree assault
Sophia	40	Hispanic	Dual arrest	3 rd degree assault
Sunny	43	White	Female arrest	Criminal mischief
Sydney	22	White	Female arrest	Harassment
Valerie*	39	White	Female arrest	3 rd degree assault
Vanessa	25	White	Female arrest	3 rd degree assault

Notes:

* Indicates there are known multiple arrests for charges associated with domestic violence

**Several respondents were arrested on multiple charges, but sentenced only for those shown here

APPENDIX H: BASIC DEMOGRAPHIC TABLE OF POLICE OFFICERS

Name	Department	Race/Ethnicity	Gender	Time in Policing
Officer Adams	Mountain View	White	Male	31.5 years
Officer Brooks	Rock Canyon	White	Male	35 years
Officer Brown	Rock Canyon	White	Female	23 years
Officer Carter	Mountain View	White	Female	10 years
Officer Clark	Mountain View	White	Male	13.5 years
Officer Collins	Rock Canyon	White	Male	11 years
Officer Davis	Rock Canyon	White	Male	5 years
Officer Edwards	Mountain View	White	Female	7 years
Officer Green	Rock Canyon	White	Male	31 years
Officer Hall	Mountain View	White	Male	16 years
Officer Harris	Mountain View	White	Male	5 years
Officer Henderson	Mountain View	White	Male	29 years
Officer Hill	Rock Canyon	White	Female	18 years
Officer Johnson	Rock Canyon	White	Female	21 years
Officer Jones	Mountain View	White	Female	7.5 years
Officer Knight	Mountain View	White	Male	30 years
Officer Lewis	Mountain View	White	Male	32 years
Officer Martin	Mountain View	White	Female	11 years
Officer Miller	Mountain View	White	Male	20 years
Officer Moore	Rock Canyon	White	Male	13.5 years
Officer Morgan	Mountain View	Hispanic	Male	26.5 years
Officer Morris	Rock Canyon	White	Male	6 years
Officer Murphy	Mountain View	White	Male	7 years
Officer Parker	Mountain View	White	Female	1.5 years
Officer Peterson	Mountain View	White	Male	2 months
Officer Phillips	Mountain View	White	Female	7.5 years
Officer Reed	Rock Canyon	White	Female	9.5 years
Officer Roberts	Mountain View	White	Male	22 years
Officer Smith	Mountain View	White	Male	31 years
Officer Sullivan	Rock Canyon	White	Female	14 years
Officer Taylor	Rock Canyon	White	Female	6 years
Officer Turner	Mountain View	White	Male	3 years
Officer White	Rock Canyon	White	Male	12 years
Officer Williams	Mountain View	White	Male	1.5 years
Officer Young	Mountain View	White	Male	12 years

APPENDIX I: FEMALE DEFENDANT INCIDENT SUMMARIES

ALEXA

Age at arrest: 28

Race/Ethnicity: White

Incident Outcome: Alexa arrested

Charges: Criminal Mischief

Summary:

Alexa and her boyfriend had dated on-and-off for five months at the time of their incident. Alexa reported that her boyfriend accused her of cheating and that he had acted verbally and physically abusive toward her prior to the incident for which she was arrested. On the day of the incident, Alexa said everything was fine and that the two of them went out with friends where they both consumed alcohol. They returned back to Alexa's boyfriend's house and prior to bed, her boyfriend began accusing her of cheating again. In response, Alexa broke up with him and they both were shouting at one another. Alexa left, but once at her car decided she wanted to try to talk about what had happened. She returned to the door and knocked, but her boyfriend would not let her back into the apartment. Alexa continued to knock and a neighbor approached Alexa inquiring about what was happening. With the introduction of the neighbor into the situation, Alexa's boyfriend opened the door slightly. Alexa admits to pushing into the house at this point because she did not want the neighbor to see them fighting. Her boyfriend picked her up and "threw" her out of the house. Alexa recalls hitting a brick wall outside of the apartment. She cut her knee and was bleeding. The neighbor called the police.

AMBER

Age at arrest: 29

Race/Ethnicity: White

Incident outcome: Amber arrested

Charges: Third degree assault

Summary:

Amber had been dating a neighbor for seven months. Amber knew her boyfriend had a history of cheating, but he told her that he was monogamous with her. She reported that days before her arrest, her boyfriend notified her by phone that he had a sexually transmitted infection (STI) and had possibly passed it to her. Amber said she got tested and during the days waiting for her results, was "freaked out" with the possibility that she might have an STI. Five days after being notified by her boyfriend about his STI, Amber recalled that while walking toward a local bar after work, she saw her boyfriend with another woman. She confronted him and they engaged in a verbal argument. Amber admitted to slapping her boyfriend. His date contacted the police.

AYA

Age at arrest: 21

Race/Ethnicity: White

Incident outcome: Dual arrest

Charges: Third degree assault

Summary:

Aya reported that her boyfriend lived with she and her roommate most of the time. On the night of the incident for which both Aya and her boyfriend were arrested, they were at their apartment and Aya recalled that she and her boyfriend were arguing about attending couples therapy. Aya reported that she dumped “a little” water on her boyfriend and he responded by dumping “half of her water bottle” on her. They struggled and she slapped him “open-palmed, not hard” a “couple” times on his chest and face. Aya’s boyfriend threatened to call the police and was restraining her by the wrists. Aya calmed down and left the house. Aya’s boyfriend came after her and “grabb[ed]” her in a hug and “dragged” her into the house. Aya reported that her boyfriend held her against the bed and that she kicked and twisted to get away. She left a scratch on her boyfriend’s chest. Eventually Aya left the house again. Her boyfriend called her shortly after and said that he had consumed prescription medication of hers. She reported that she did not know what medication or how much he had consumed. She returned to her apartment, where he was, and attempted to call his mother. He grabbed the phone from her. She then took his phone and contacted the local hospital who directed her to contact police. Aya called 911 out of fear for her boyfriend’s health. Police and paramedics responded.

BETH

Age at arrest: 40

Race/Ethnicity: White

Incident outcome: Beth arrested

Charges: Harassment

Summary:

Beth made her boyfriend were eating breakfast and consuming alcohol on the morning of her arrest. She reported that she told her boyfriend to be “easier going” and her boyfriend got mad. Beth recalled that her boyfriend threw his plate of food and the incident escalated between them. Physical violence occurred between Beth and her boyfriend, then Beth’s boyfriend “slammed” a fan on the ground and began packing a bag to leave. He exited the apartment and shortly after the police arrived. A neighbor contacted police.

CAROL

Age at arrest: 54

Race/Ethnicity: White

Incident outcome: Carol arrested

Charges: Felony menacing

Summary:

After volunteering all day, Carol returned to the house she shared with her housemate. Carol reported that she was largely dependent on her housemate; he owned the car she used and paid for the house and bills. On this particular day, Carol returned home and her housemate was angry that a picture had fallen and broken and that the house air conditioner was not working properly. Carol recalled that her housemate followed her from room to room “verbally screaming, yelling, [and] cussing...as if it was [her] fault.” They both went to the kitchen where Carol was preparing to make some food and her housemate continued to yell at her. She responded by picking up a chef’s knife and pointing at him from across the room. She then went

to the refrigerator, retrieved some fruit and cut it up to eat. Her housemate asked her to put the knife down, but Carol said that she did not want to do that because when she picked up the knife he stopped yelling at her. Her housemate left the kitchen and Carol moved to another room to finish eating. When her housemate entered the room where she was, Carol reported picking the knife up again and telling him to “leave [her] alone.” Her housemate called the police.

CINDY

Age at arrest: 37

Race/Ethnicity: White

Incident outcome: Cindy arrested

Charges: Third degree assault and criminal mischief

Summary:

Cindy stated that she had been arrested multiple times for intimate partner violence. Of her first arrests, she said they were not in Colorado. Consequently, we focused primarily on her arrest in Colorado. Of this incident, Cindy reported that she was at the house she shared with her boyfriend gathering some of her belongings. Her boyfriend was following her around the house “harassing, picking on [her], and cussing.” Cindy reported that she thought her boyfriend was “trying to get a rouse out of [her].” Police were called and responded by telling Cindy to leave the house. They instructed her to only return if she had someone with her or if police were there to oversee the collection of her items. Though Cindy did leave, she later returned with her mother to get more of her belongings. The incident resumed and her boyfriend began shoving her. She moved down the stairs to exit the house and her boyfriend shoved her out of the door. She turned around to kick him for shoving her. A neighbor witnessed her kick. Cindy recalled calling police because her boyfriend had shoved her.

CLAIRE

Age at arrest: 27

Race/Ethnicity: White

Incident outcome: Claire was arrested in both incidents

Charges: Harassment

Summary:

Claire reported that police arrested her twice for intimate partner violence in Colorado. Of her first incident, she said that her boyfriend at the time was a heavy alcoholic. On this particular night, both Claire and her boyfriend had been drinking, but Claire stated that it was not to the point that she couldn’t drive. So, Claire was driving. Claire’s boyfriend began an argument and she continued to try to drive. She recalled that her boyfriend continued to “get in [her] face,” which she did not like. She recalls that the incident escalated, while she continued to drive, and that her boyfriend began “slapping” her in her face. Claire said she defended herself and hit him back, but wasn’t looking where she was hitting because she was still driving. She finally stopped the car. Her boyfriend called the police.

Claire’s second incident involved a different male partner. She and this boyfriend had broken up, but were trying to reconcile. On the night of the incident, Claire said that she failed to contact her boyfriend to notify him that she would be late from work. When she returned home, her

boyfriend was angry and they argued. Her boyfriend attempted to leave the house and Claire wanted to continue talking. The incident turned into a “wrestling match.” Claire recalled that she did scratch her boyfriend and that he did slap her “to calm [her] down.” Claire’s boyfriend contacted the police. However, he contacted them out of concern for Claire’s well-being because she made several comments during the incident that worried him, not because of the physical violence between the two of them.

EVELYN

Age at arrest: 43

Race/Ethnicity: White

Incident outcome: Evelyn arrested

Charges: Third degree assault

Summary:

Evelyn categorized her approximately 2 year relationship with her boyfriend as “rocky” and noted that it had been an on-again-off-again romance. She reported that when they did break up, it was because she found his behavior, which she identified as verbal and physical abuse toward her, unacceptable. Of the day of her arrest, Evelyn said she had gone to her boyfriend’s house to collect her belongings after breaking up with him. Her boyfriend would not answer his door, so Evelyn started “pounding on the door and kicking at the door.” She told him through the door that she just wanted her belongings and would leave. He opened the door and told her that he had already collected her things and told her where to find them inside the bed of his truck and notified her that he had contacted the police. As she walked toward his truck to retrieve her things so that she could leave, her boyfriend opened the door and told her he had been cheating on her and that he didn’t care about her. In response, Evelyn returned to where he was and kicked him. At this point, Evelyn’s boyfriend apologized and tried to reconcile. Evelyn declined his advances and picked up one of her coffee mugs from her belongings and “slammed it against the wall.” Evelyn then left the house, but police located her a block away from the house and forced her to return so that they could investigate the situation.

HANNAH

Age at arrest: 21

Race/Ethnicity: White

Incident outcome: Hannah arrested

Charges: Third degree assault

Summary:

Hannah reported that her boyfriend had made threats towards her prior to the incident for which police arrested her and that he struggled with alcoholism. She called the police after the threats were made and Hannah’s boyfriend broke up with her as a result. Hannah was diagnosed with a mental health illness and felt she needed his support, so they maintained a talking relationship even after their romantic relationship ended. Hannah was staying at his house on the night of the incident. Both Hannah and her boyfriend went out with friends that night, separately, and consumed alcohol. She contacted him by phone to notify him that she was returning to his house and he said he would meet her there. Upon arrival, she recalled that the door was unlocked, but that he was not home. She entered and changed into her pajamas. When he returned, her

boyfriend confronted Hannah and began verbally insulting her. Hannah had him call her a cab and when the cab arrived, Hannah reported being very angry. She pushed her boyfriend and the incident escalated as they both continued pushing back and forth. Hannah also reported that she kicked the door and held her boyfriend against the wall by his shoulders. In response, her boyfriend hit her in the face with his closed fist. Though Hannah could not recall exactly when, she did note that she had, at some point, put her hand on his neck “to hold him back because [she] thought he was going to hit [her] again.” Once Hannah was able to remove herself from the immediate situation, she locked herself in the bathroom of his house and called the police.

JACQUELINE

Age at arrest: 44

Race/Ethnicity: White

Incident outcome: Jacqueline arrested

Charges: Harassment

Summary:

Jacqueline and her husband had been experiencing problems in their marriage. On the morning of their incident, her husband woke her up by making too much noise as he prepared to leave for the day. She verbally confronted him and he, in response, pushed her against a wall so that he could leave the house. She reported that he “[b]asically kinda did a football tackle on me. Pushed me into the wall and held me there.” Jacqueline recalled acting in self-defense when she “grabbed his arm and dug in” hoping that he would release her. She left scratches on his arm. Her husband left their home and Jacqueline called the police to get information and to put the incident on record. During her interview, she was clear that when she spoke to the dispatcher, she told him, “I’m not pressing charges. I’m pretty sure he won’t. We need help, but that’s not the kind of help we need.” Against her wishes, the police responded to her home.

JENNIFER

Age at arrest: 27

Race/Ethnicity: White

Incident outcome: Jennifer arrested

Charges: Unknown

Summary:

Jennifer and her husband had been married just over a year when their incident occurred. She noted that they were struggling in their marriage, but were trying to work through their problems. On the day of the incident, they were arguing in their garage. Jennifer recalled throwing a jacket of his on the ground and kicking it. In response, her husband “grabbed [her] and pushed [her].” She stated that he was holding one of her arms behind her back. Jennifer said that when her husband “swung [her] around,” she noticed his toolbox and reached inside with her free hand; she grabbed the tool and began “trying to hit him” in self-defense. She said that she did make contact with him and the tool left a purple mark on his body. Jennifer stomped on his foot and he released his hold of her. Upon his release, Jennifer began gathering her belongings to leave the house and her husband followed her. She called the police, but as the dispatcher answered, her husband begged her not to call and she told the dispatcher that there was an argument, but no

assistance was needed. The dispatcher sent police officers after telling Jennifer that because it was a “domestic situation” officers had to respond.

JULIE

Age at arrest: 34

Race/Ethnicity: White

Incident outcome: Julie arrested

Charges: Third degree assault

Summary:

Julie reported that she and her boyfriend had both been drinking and she was upset because he had contacted an ex-girlfriend. She and her boyfriend got into an argument and the incident escalated. As the incident escalated, Julie’s boyfriend moved into their bedroom in an attempt to stop the argument. Julie followed him and he told her to leave. He said something that angered her so much, that she raising her hand to “swing at him.” In response, Julie’s boyfriend grabbed both of her wrists and would not let go. Julie bit his hand so that he would release his grip. That night Julie slept on the couch and her boyfriend slept in the bedroom. The next day, Julie’s boyfriend went to the police station to document the incident. He did not want an arrest made, but did not on his form that there was a visible injury from where Julie had bit him. Julie’s boyfriend was instructed to have Julie call one of the police officers, which he did. Julie contacted the officer and eventually was told that if she did not “turn herself in” a warrant would be put out for her arrest. Julie followed police orders and had her boyfriend drive her to the jail at the time the officer had instructed her.

KAREN

Age at arrest: 44

Race/Ethnicity: White

Incident outcome: Dual arrest

Charges: Harassment

Summary:

Karen reported that she and her roommate had dated in the past, but were not dating at the time of their incident. Her roommate had been living in her home for 8 months, but she had known him for approximately 8 years. On the day of the incident, both Karen and her roommate had consumed alcohol. They were having fun, but then her roommate “kicked [her] and knocked [her] down.” She left the situation. When Karen returned home, she found that her roommate had made the house messy by leaving trash everywhere. Her roommate had gone into her bedroom and locked the door. Angry, Karen began knocking on the door and instructing her roommate to “get up” and leave her house. She then began kicking the door. Her roommate would not get up or unlock the door, so Karen called the police.

KYLIE

Age at arrest: 23

Race/Ethnicity: White

Incident outcome: Kylie arrested

Charges: Harassment

Summary:

On the night of their incident, Kylie and her boyfriend were arguing about their two-year-old daughter. They lived together in her boyfriend's parents home. Kylie's boyfriend had returned from work and Kylie had been home with their daughter. Kylie asked for his help with their daughter and her boyfriend responded in frustration that she needed to take care of things. Their argument escalated and they shifted to a discussion of Kylie's boyfriend's parenting. Kylie began packing a bag for she and her daughter so that they could stay the night at her mother's house. Because the light was still on and Kylie's boyfriend was trying to go to sleep, he reached over and turned the light off. Kylie "smacked" his hand. She turned the light back on and her boyfriend pushed her. In response, she pushed him back. Kylie continued packing the belongings and sat down to arrange the bag she had put together. Her boyfriend laid down directly in front of her and when she got up, she recalled tripping and falling over him. Kylie's boyfriend's mother told Kylie to leave and threatened to call the police if Kylie wouldn't. Kylie knew about the eviction laws and responded by telling them that they had to give her 30-days notice. The mother threatened to call the police again, and Kylie said she would call them herself. When police arrived, they told Kylie's boyfriend's family that they did need to give Kylie 30-days notice and then they drove Kylie to her mother's house. Kylie and her boyfriend ended their relationship, but several months later, they were arguing over the phone about the lack of time he spent with their daughter. After the argument, Kylie's boyfriend called the police and told the police she was denying him visitation rights and reported the earlier incident claiming that Kylie had "kicked" him in the ribs.

LAUREL

Age at arrest: 21

Race/Ethnicity: Hispanic

Incident outcome: Laurel arrested

Charges: Harassment

Summary:

Laurel reported that she had moved to Colorado to be with her boyfriend. Laurel noted that physical violence had occurred in their relationship and cited a particular incident when her boyfriend attempted to hit her, but ended up hitting the wall because she moved out of the way. Laurel and her boyfriend worked at the same company and on the day of the incident for which police arrested her, they were arguing at work. The incident escalated and her boyfriend pushed her. Laurel was not sure who contacted the police, but was told by responding officers that someone had witnessed the push and contacted them. When officers arrived, one of them thought he witnessed Laurel "go after" her boyfriend aggressively. The police notified Laurel that they were arresting her (because they witnessed her push her boyfriend) and asked Laurel if she wanted them to also arrest her boyfriend. Because they would have left behind very expensive work materials had they both been arrested, Laurel said she did not want her boyfriend arrested.

LEAH

Age at arrest: 35

Race/Ethnicity: White

Incident outcome: Leah arrested

Charges: Reckless endangerment

Summary:

Leah said that she and her husband had been experiencing difficulties in their marriage. They had separated, but were back together and trying to improve their relationship. She reported that on the night of the incident, they had both been drinking heavily, but that he was a bigger person than her, so the alcohol was not affecting him in the same way that it did her. She recalled telling her husband that she did not think things were going to work out. In response, she said the verbal and physical abuse of the night began. Her husband “grabbed [her]” and “held [her] up against a wall.” She recalled that though she broke away from him, he held her against a wall again and shook her. When she escaped him again, she ran down the stairs. While following her, she stated that her husband “got his hand and my hand caught on the guard rail” of the staircase. As a result, she said that her hand was visibly injured—“it was definitely big and red and bruised” and that her husband reported that Leah had broken his finger, when in reality it had gotten caught between the brackets of the staircase railing. Leah was able to get outside and a requested that a neighbor call the police.

LORETTA

Age at arrest: 48

Race/Ethnicity: White

Incident outcome: Loretta arrested

Charges: Harassment

Summary:

Loretta and her partner had been together for three years. Her partner and his daughter from a previous relationship lived with Loretta and her three children. On the night of their incident, Loretta recalled questioning her partner about his parenting involvement. Though Loretta and her partner were not legally married, they had exchanged rings to demonstrate their commitment toward one another. As the argument escalated, Loretta threw her ring at her partner and “gently pushed him.” Loretta reported that her partner’s daughter became involved in the incident and began hitting Loretta. In response, Loretta’s oldest daughter intervened. While Loretta worked to calm the two daughters, her partner removed himself and called police.

MARIAH

Age at arrest: 27

Race/Ethnicity: Hispanic

Incident outcome: Mariah arrested

Charges: Third degree criminal trespassing and disorderly conduct

Summary:

Mariah reported that her boyfriend was manipulative and verbally and physically abusive in their relationship. She said that they had recently broken up and that on the night of their incident, she had gone to her boyfriend’s apartment to “get closure.” When she arrived, the door was unlocked and when she entered he was waiting for her. They were intimate with one another on the night of the incident, but then began arguing. Mariah’s partner was verbally demeaning and insulting toward her and in response, Mariah slapped him. Her partner told her she was going to

jail and called the police. When police arrived, Mariah's partner accused her of breaking and entering into his home and assaulting him.

MEREDITH

Age at arrest: 27

Race/Ethnicity: Biracial

Incident outcome: Meredith arrested

Charges: Obstruction of telephone services

Summary:

Meredith reported that police had intervened in her relationship one time prior to her arrest. Meredith recalled that on this previous occasion mandatory arrest laws were in place, but no arrest was made. She said that she had contacted the police because her boyfriend was drunk and would not let her go to sleep. Her boyfriend removed the doorknob from her bedroom door and Meredith called the police. Police responded and took her boyfriend to a hotel room. Police made no arrest.

On the night police arrested Meredith, she and her boyfriend were actually broken up, but were still spending time together. Meredith was at her boyfriend's house and an argument began. As the incident escalated, her boyfriend asked her to leave. Meredith refused to leave and the two began "wrestling." Meredith's boyfriend was trying to call the police and Meredith was grabbing at the phone telling him not to call. Eventually, Meredith's boyfriend did call the police.

NAOMI

Age at arrest: 23

Race/Ethnicity: Biracial

Incident outcome: Naomi arrested

Charges: Stalking

Summary:

Naomi characterized her situation as "complicated" and "not very typical of domestic violence cases." She said she and her boyfriend had been dating for two years and worked for the same employer. He was involved in an organization that was offensive to her and made threats toward her because of her racial and ethnic background. As a result, she ended their relationship. Several weeks later, Naomi's boyfriend approached her wanting to reconcile and said he had left the group. While they were dating again, Naomi found out her boyfriend had an affair and so she broke up with him again. She went to collect her belongings from his house and he would not let her into his room where her items were. She recalled knocking over and over again and "pleading" with him. He continued to tell her to "go away." It was late at night and Naomi did not want to walk home by herself, so requested that her boyfriend drive her. He refused and called his roommate who came to Naomi's boyfriend's room and instructed her to leave. At a later date, Naomi's boyfriend's car was egged and he reported it to the police. When they asked him who he suspected, he provided Naomi's name and provided the history of their relationship, including the incident described above.

NICOLE

Age at arrest: 30

Race/Ethnicity: White

Incident outcome: Nicole arrested

Charges: Harassment

Summary:

On the night of her arrest, Nicole and her boyfriend were arguing about who does more chores than the other. Nicole's boyfriend claimed she never did anything to help around the house and made her feel "worthless." The incident escalated as Nicole got defensive and she slapped her boyfriend on each of his arms. Her boyfriend blocked the second slap and her hand instead knocked his glasses off. They continued to yell at one another and her boyfriend told her to leave. Nicole recalled that he told her to get out before he called the police or someone got hurt. He then threatened her with physical violence. He began throwing some of her clothing out of the house as she was gathering a bag of items to leave. When she got in her car, police arrived. Nicole stated that neighbors contacted the police without either her or her boyfriend's knowledge.

PAIGE

Age at arrest: 24

Race/Ethnicity: White

Incident outcome: Paige arrested

Charges: Arrested, but never charged

Summary:

Paige reported that she and the man she shared a child with were no longer involved in a romantic relationship at the time of their incident. She said that her child's father had given up his parental rights early in her child's life. On the day of her arrest, her child's father came to her home to retrieve some of his belongings that Paige was keeping for him. When he arrived at her home, he entered and began collecting various items. Paige recalled that he was not acting carefully and was stepping on things and breaking them. In response, she "whacked him on his arm." Her child's father began claiming some of Paige's items and took a family heirloom and threatened to break it. Paige called the police. While waiting for the police, the incident escalated and both Paige and her son's father were yelling. Paige told her child's father to leave, but he didn't. Police arrived and Paige was arrested and taken to the police department. She was later released with no charges filed.

RACHELLE

Age at arrest: 38

Race/Ethnicity: White

Incident outcome: Rachelle arrested

Charges: Menacing misdemeanor

Summary:

Rachelle said that both she and her husband had engaged in drinking and illegal drug use together in their relationship. She also noted that physical violence had occurred prior in their

relationship wherein her husband physically hurt her. At the time of their incident, she had a broken arm caused during a fight between she and her husband. On the night of the incident, Rachelle recalled that she was at home cleaning and their kids were in a different area of the house. Her husband had been drinking when he got home from work. While cleaning, Rachelle found some drug paraphernalia and was trying to “get rid of it” when her husband entered the house. Her husband saw it and began accusing her of using it. He took the paraphernalia and showed it to their kids. Rachelle followed and told her husband that she was not using drugs. She attempted to get the paraphernalia away from her husband, so that he would not show the children. The incident escalated and her husband accused her of lying and of having affairs. He called the police. While on the phone, Rachelle tried to take the phone away from him. Her husband dropped the phone because he was trying to hold her down. Rachelle tried to get her car keys to leave, but her husband took them and threw them across the room and continued to hold her down. His call to the police ended when the phone dropped, but police officers called their home. When officers responded to their home, they came with drug search dogs. During the police investigation, Rachelle retrieved a knife from the kitchen and threatened her own safety. Police officers arrested Rachelle.

RUBY

Age at arrest: 44

Race/Ethnicity: Asian/Pacific Islander

Incident outcome: Ruby arrested

Charges: Harassment

Summary:

Ruby said that she and her partner shared a child and had been in a relationship for 18 years, but were not legally married though they did consider one another husband and wife. On the night of their incident, Ruby stated that her husband pushing her against a bookcase in their home. As she was falling against the bookcase, she recalled instinctively grabbing onto her partner’s shirt to “break [her] fall”. Ruby acted in self-defense by pushing him back, but said that her husband was “a lot stronger” than she was. She recalled that every time she pushed him after his initial push, he would push her back harder. She said he pushed her to the floor and against furniture. She stated that at one point he “threw [her] around the bedroom.” She found a glass of water in the room and threw it at him in hopes of de-escalating the situation. As she threw the glass of water, the glass slipped out of her hand and the glass hit him. Ruby removed herself from the situation and called the police a first time. She said that immediately after getting off of the phone, she changed her mind and called the police back to tell them not to come to her home and to tell them that she and her husband did not need help. She thought they could work it out between themselves. The dispatcher told her that she “couldn’t change her mind” and police responded to their home.

SAMANTHA

Age at arrest: 36

Race/Ethnicity: White

Incident outcome: dual arrest in first incident; no arrest in second incident

Charges: Unknown

Summary:

Samantha reported involvement with police for intimate partner violence on several occasions. She said that on a previous occasion, police made a dual arrest and arrested both she and her partner. Then, several years later, police responded to her and a different partner for a case of intimate partner violence. In the first incident, Samantha said that she and her partner were arguing about having another roommate in their home and her partner became physically violent and began pushing Samantha. Samantha recalled that she tried to move to different rooms, but that her partner followed her and at one point “broke the door down into the bedroom.” They continued to fight and Samantha stated that at one point, she did “push her [partner] back” against a wall. The incident continued to escalate and Samantha’s partner was “choking” her, so Samantha bit her in an attempt to get away. The incident continued and Samantha said that they both continued to act physically violent towards one another, which Samantha characterized as including “kicking,” “pushing,” restraining one another, and additional biting by Samantha. Eventually the police arrived. Samantha said she was not sure who contacted the police, but guessed it was a neighbor.

Of her second incident, Samantha stated that she and her boyfriend were fighting and the incident had become physically violent. She recalled that her boyfriend pushed her and pulled her hair. She stated that her boyfriend wanted her to leave their shared apartment, but it was bad weather outside and Samantha did not have a car. Her boyfriend contacted the police “information line” to get information about evicting Samantha. She said it was clear that he only wanted information, but that 25 minutes later, the police arrived at their apartment. Samantha and her partner maintained that they had only been arguing and police left without making an arrest.

SHANA

Age at arrest: 37

Race/Ethnicity: White

Incident outcome: Shana arrested

Charges: Third degree assault

Summary:

Shana said she and her husband had been married for 13 years at the time of their incident. Shana said that her husband was “never physical, but it was very demeaning, emotional abuse.” She said that she had an affair on her husband and wanted to leave him. As a result of him finding out about her affair, on the night of the incident for which police arrested Shana, she said her husband threatened to blackmail her by calling her boss and causing trouble at her job. Shana said that her husband had the phone and was threatening to call people, including her boss at work, to divulge personal information about her. In response, she began “clawing at the phone” to get it away from him. Shana stated that she did scratch her husband while trying to retrieve the phone from him. Her husband called the police.

SOPHIA

Age at arrest: 40

Race/Ethnicity: Hispanic

Incident outcome: Dual arrest, but his charges were later dropped

Charges: Third degree assault

Summary:

Sophia explained that she and her husband were arguing following their youngest daughter's birthday party. Both of them had been drinking, though Sophia reported that she had consumed less than half of a beer. Because her husband was being confrontational and would not let Sophia leave the house, Sophia called the police. While waiting for the police to arrive, Sophia said that her husband came at her and started "choking" her with his forearm. Sophia recalled that her husband told her he wasn't going to leave a mark because he knew he could get into trouble. Sophia said she pushed her husband in an attempt to get him to stop choking her and said that when she pushed him, she also scratched him. She reported that he pushed her back. Sophia called the police.

SUNNY

Age at arrest: 43

Race/Ethnicity: White

Incident outcome: Sunny arrested

Charges: Criminal mischief

Summary:

Sunny stated that she and her live-in boyfriend had been dating for two years at the time of their incident. She said their relationship was ending and that he told her to leave the house. She recalled that he had closed their bank accounts and taken the money. She said that "he was doing everything to prevent [her] from moving out, even though he was demanding [that she] move out." Sunny explained that the police had been to her home twice on the same day when she was arrested. She said she had found out that he closed the bank accounts and she returned to their home and hid his car keys. She said she told him that if he was going to take her money, she was going to take his by preventing him from getting to work. Her boyfriend contacted the police. When police responded, no one was arrested and the police told them to "work [it] out." She recalled that after police left, she was very angry and began drinking. She said she took alcohol into their bedroom, slammed the door, and locked it. She said she had a few drinks and when she got up, she grabbed the bookshelf and it pulled over. Her boyfriend contacted the police again. When police responded, they arrested Sunny.

SYDNEY

Age at arrest: 22

Race/Ethnicity: White

Incident outcome: Sydney arrested

Charges: Harassment

Summary:

Sydney recalled that her arrest occurred after she and her boyfriend had been drinking with friends. Her boyfriend became confrontational as they were walking home. Sydney said her boyfriend was "in [her] face" and being "really aggressive" and had "grabb[ed] her arm." In response, she slapped her boyfriend to get him to move away from her. She said she did not know who called the police, but that when they arrived, they said someone had seen Sydney hit

her boyfriend. Sydney recalled that everyone who had asked if things were okay asked Sydney if she was okay, so she thought police had responded to the wrong people.

VALERIE

Age at arrest: 39

Race/Ethnicity: White

Incident outcome: Valerie arrested

Charges: Third degree assault

Summary:

Valerie said that her boyfriend had a “blowout” every three months, but that they were not physical, only verbal. In the two months prior to her arrest, Valerie said that they were “having problems” because her boyfriend was “going out more and picking fights to leave the house.” On the night of the incident, her boyfriend went out to a bar and had been drinking. Valerie stayed home with her child. Valerie’s boyfriend called her needing a ride home and Valerie went to get him and left her child at home. She noted that her child was old enough to be home alone. Valerie said she had a few sips of beer at the bar when she went to pick her boyfriend up. She was struggling to get her boyfriend to leave and she said that when she kept asking him to leave, he “turned on [her].” When they were in the car on the way home, Valerie said her boyfriend started an argument. She tried to convince her boyfriend to finish their argument outside of the house, but her boyfriend entered the house where Valerie’s child was sleeping. Valerie followed trying to calm him down so her child would not wake up. They began arguing about the television and Valerie could not get the television to work correctly. She said her boyfriend continued insulting her and when she could not get the remote to work, she threw it. She reported that her intent was to throw the remote against the wall, but it hit her boyfriend in the back of the head. Valerie removed herself quickly to a different floor of her home to try to avoid his reaction. When he found her, she recalled that he was “covered in blood and his tooth [was] busted out.” Valerie said she did not cause that, but at the time worried that she had. She said that her boyfriend “had self-inflicted a bunch of wounds that night trying to convince the police that she had scratched him and everything else.” Their argument escalated into physical fighting and Valerie said her boyfriend used one of her guns to threaten her. Valerie said that eventually she retreated to her child’s room and contacted members of her boyfriend’s family. She didn’t reach them initially, and by the time they called her back, she had gotten her boyfriend to calm down. Valerie told his family to come get him the next morning. She slept in her child’s room that night “with a locked and loaded 45 [gun] on [her] chest” in case he entered the room. The next day, Valerie contacted a friend who advised her to go to the police. She drove to the police station.

VANESSA

Age at arrest: 25

Race/Ethnicity: White

Incident outcome: Vanessa arrested

Charges: Third degree assault

Summary:

Vanessa said that she and her boyfriend got into an argument on the night she was arrested. Her boyfriend called Vanessa's mother and that really upset Vanessa. Vanessa recalled that she and her boyfriend argued more and called one another names. They eventually agreed to go to sleep and he laid on the floor and she in the bed. Vanessa kept crying and her boyfriend continued to insult her. Vanessa said she finally told him that if her boyfriend wanted to continue to talk, then "let's talk." She got up to turn the light on and her boyfriend told her that she kicked him as she got out of bed. They continued yelling at her boyfriend called police. He hung up when he saw Vanessa had calmed down, but police called him back and told him it was a "felony against [him] to call if there's nothing going on." In response, her boyfriend told the dispatcher that Vanessa had kicked him in the head. Police responded to the situation, but Vanessa had left the apartment when her boyfriend called them. Vanessa said by the time she returned, the police were gone. Vanessa's boyfriend told her that she needed to go to the police station to talk to them or they were going to find her at work and arrest her. Vanessa had her boyfriend drive her to the police station where she filled out a voluntary statement. She said she didn't know what to write on the report because she didn't know what her boyfriend had told police. She said she didn't want to lie to the police and wasn't sure if she had kicked her boyfriend when she had gotten out of bed, so she wrote exactly what her boyfriend told her he told police. Police arrested Vanessa.