

“Sorry, We Have to Take You In:” Black Battered Women Arrested for Intimate Partner Violence

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SUMMARY. The purpose of the present effort is to examine the experiences of Black victim-defendants. To begin, an integration of both the family violence gender symmetry perspective and the contextual perspective is reviewed, with a particular focus on Black women’s use of violence within heterosexual relationships. The concept of *bidirectional asymmetric violence* is then developed as a result of that integration. This is followed by an exploration of possible factors that may contribute to Black women’s overrepresentation in the legal system, including

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the enactment of mandatory arrest laws. Because feminist scholars have used life histories to document the experiences of Black victim-defendants to good effect, a detailed description of the experiences of a one particular Black victim-defendant is then presented in order to provide a real-world example of such factors. Finally, strategies for advocacy and intervention are offered. doi:10.1080/10926770802097277 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2007 by The Haworth Press. All rights reserved.]

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Anti-violence activists, mental health service providers, shelter workers, and researchers recognize that women sometimes use violent tactics against their male intimate partners, yet many have been, and continue to be, reluctant to engage in candid discussions about this topic. The fear of jeopardizing funding and support for essential services for battered women, among other reasons, has discouraged a meaningful, respectful exchange about female-perpetrated intimate partner violence (IPV). However, more books (e.g., Buttell & Carney, 2006; Miller, 2005), special journal issues (e.g., Bible, Dasgupta, & Osthoff, 2002-2003), and workshops (Rosen, 2006) are currently being devoted to this complex, challenging, and controversial subject.

The literature on women's use of IPV has broadly reflected one of two themes. The first theme reflects a family violence gender symmetry perspective. Using community and nationally representative samples, family violence investigators discovered that similar rates of IPV perpetration were reported by women and men who were in dating, cohabitating, or marital relationships (Archer, 2000; Dutton, Nicholls, & Spidel, 2005). Moreover, whether reported by couples or in comparison samples of males and females, a significant number of respondents described mutual or bidirectional violence (Caetano, Ramisetty-Mikler, & Field, 2005). The second theme concerns a contextual analysis that illuminates gender differences in the context, motivation, results, and consequences of IPV. Contextual researchers have provided compelling evidence that men's and women's use of violence is seldom comparable or symmetrical, especially when clinical samples or agency data

are used (e.g., courts, police agencies, hospitals, and shelters; Hamberger, 2005; Kimmel, 2002).

The tension between these two camps represents more than just an academic debate. The way in which women's use of IPV is framed by scholars and other stakeholders can trigger institutional responses by the criminal, legal, or mental health systems that can either be helpful or inadvertently revictimize the survivor. For example, some legal professionals, such as police officers and prosecutors, have asserted that the punishment for domestic violence should be gender neutral and that those women who use force against intimate partners "...should be arrested the same as a man. We should not differentiate just because she's a female" (Miller, 2001, p. 1353). However, there is a great deal of heterogeneity among women who are arrested for using IPV. A substantial number of female arrestees, 60% in some samples, are actually battered women who have used aggression in the context of ongoing abuse perpetrated against them by male partners (for a review, see Rajan & McCloskey, this issue). Criminalizing these women for physical resistance or self-defense obviously has serious consequences. For instance, victims arrested for IPV may well be reluctant to seek future assistance from the legal system, be denied access to shelters and protection orders, or even be court-ordered to attend batterer treatment programs (Henning, Renauer, & Holdford, 2006).

On the other hand, front-line service providers such as advocates and therapists contend that women often used violence in self-defense and should not be arrested along with, or instead of, primary male aggressors. Instead, these women should be categorized as "victim-defendants" (Cramer, Cousin, & Hardy, 2003). Yet it is important to acknowledge that a small proportion of women arrested for IPV, approximately 1-7% across recent samples, appear to be primary aggressors (Rajan & McCloskey, this issue). Similar to their male counterparts, these primary female perpetrators should be held accountable by the legal system or enrolled in appropriate batterer treatment programs (Henning et al., 2006). How this debate is resolved, and whether or not victim-defendants who use violence should receive punishment, treatment, or some other form of intervention, will most likely have a disproportionate impact on the lives of Black women.

After decades of research, investigators have documented the presence of IPV across ethnic and socioeconomic groups. It has also been shown that the economic and social marginalization of Black women is associated with elevated rates of both IPV victimization and perpetration (Potter, 2006). As a result of the frequency and severity of violence in their

lives, Black women have the propensity to use aggression to protect themselves and their children or in retaliation against intimate abusers. Consequently, a disproportionate number of Black women may be categorized as mutual combatants, or even primary aggressors, and later arrested. Paradoxically, legal reforms, such as mandatory arrest policies that were originally designed to protect victims, have been associated with an increased number of women, particularly Black women, being arrested for IPV (Melton & Belknap, 2003; Simpson, Bouffard, Garner, & Hickman, 2006).

Accordingly, the purpose of the present effort is to examine the experiences of Black victim-defendants. In the first section, I will present an integration of both the family violence gender symmetry perspective and the contextual perspective to review the literature on Black women's use of violence within heterosexual relationships, and introduce the concept of *bidirectional asymmetric violence* as a result of that integration. In the second section, I will explore possible factors that may contribute to Black women's overrepresentation in the legal system, including the enactment of mandatory arrest laws. Black feminist scholars have used life histories to document the experiences of Black victim-defendants to good effect (e.g., Richie, 1996). Similarly, the third section will describe the experiences of one Black female victim who was arrested after using physical aggression to defend herself against an abusive boyfriend. Finally, strategies for advocacy and intervention are offered.

BLACK WOMEN'S USE OF VIOLENCE

Bidirectional Asymmetric Violence

High rates of female-perpetrated dating violence have been documented among adolescent Black youth (West & Rose, 2000). For example, when compared to their male counterparts, Black female college students (35% vs. 47%, respectively) reported using more physical aggression within their dating relationships, such as pushing, slapping, and hitting (Clark, Beckett, Wells, & Dungee-Anderson, 1994). Cohabiting and married Black women have reported aggression against their boyfriends and husbands as well. According to the National Family Violence Surveys, the rate of Black husband battering increased from 76 per 1,000 in 1975 to 108 per 1,000 in 1985. Although this 42% increase in IPV was not statistically significant, this finding

led some researchers to conclude that a growing number of Black men have experienced IPV victimization (Hampton, Gelles, & Harrop, 1989).

It should be noted, however, that a substantial number of couples are involved in mutual or bidirectional aggression. Among the violent Black couples in the National Alcohol Survey, the rate of self-reported bidirectional partner violence (61%) was two times that of unidirectional female-to-male partner violence (31%) and about six times higher than unidirectional male-to-female partner violence (8%). One-third of Black couples who reported bidirectional partner violence described it as severe, defined by such descriptors as beat up, choked, raped, or threatened with a weapon (Caetano et al., 2005). When the couples were re-interviewed five years later, 17% of the Black couples continued to engage in mutual violence (Field & Caetano, 2005). Interestingly, the occurrence of higher rates of bidirectional partner violence among Black couples, when compared to their White and Hispanic counterparts, was independent of education, income, employment status, alcohol problems, and history of violence in the family of origin. Researchers concluded that “. . . violence among Blacks is more likely to be mutual violence where both partners are committing and being exposed to partner violence” (Caetano et al., p. 401).

However, mutuality of violence does not mean that women's and men's violent acts are equal. While both partners may use violence, when taken in context it is evident that the frequency and severity of their assaults are seldom equal. These relationships may be better characterized as bidirectional asymmetric violence. The following scenario is offered to illustrate this point: A wife shoves and scratches her husband. He then punches her in the face and breaks her nose. In other words, although this scenario is an example of bidirectional IPV in that both partners are violent, the outcome is asymmetrical because the wife sustained the most serious injury (Temple, Weston, & Marshall, 2005).

Moreover, there are often significant gender differences in the types, frequency, and severity of aggressive acts committed by perpetrators. For example, Swan and Snow (2002) interviewed a predominately Black sample of 108 low-income women who had used physical violence against a male partner during the previous six months. The authors found that women and men committed equivalent levels of emotional and verbal abuse (e.g., yelling, screaming, name calling). Women also perpetrated significantly more moderate physical violence than their male partners, defined as throwing objects, pushing, and shoving. In contrast, women reported that their male partners engaged

in significantly more severe acts of physical violence such as choking, sexual aggression, and coercive control. Male perpetrators were more prone to restrict their partners' use of the car, telephone, or access to family and friends, and to prevent their partner from leaving the house, seeking medical care, or obtaining employment. When Black women attempted to use coercive control, they used fewer controlling acts and were less successful in controlling their partner's behavior. The researchers concluded that "although these women were just as or more violent, the partners were still controlling the women's behavior" (p. 303).

Intersecting Oppressions

In addition, IPV obviously occurs within a social, historical, and economic context in which Black women are often disadvantaged. Alternatively stated, Black women's use of force and their reactions to abuse are affected by their social location and place in society. Living at the intersection of multiple forms of oppression, including but not limited to race, class, and gender discrimination, increases the probability that Black women will be economically disadvantaged and will experience IPV as both victims and perpetrators (Potter, 2006). For example, as with Black male-to-female violence, Black couples who reported female-to-male partner violence had significantly lower mean annual incomes (Cunradi, Caetano, & Schafer, 2002) and were more likely to live in impoverished neighborhoods (Cunradi, Caetano, Clark, & Schafer, 2000).

Several factors may account for the association among poverty, residence in economically disadvantaged neighborhoods, and Black female-perpetrated IPV. Low-income urban areas are often characterized by racial segregation, social isolation, rampant unemployment, and community violence, including high rates of non-IPV homicide. In these communities, the appearance of physical or emotional weakness can be dangerous, making at least the show of violence essential for survival. When violence is routinely modeled for Black women (and men) as a way of achieving one's goals, as a means of self-protection, or as a conflict resolution strategy, this aggressive behavior can easily spill over into intimate relationships (Benson & Fox, 2004; Websdale, 2001).

In order to cope with the stress and trauma of living in such harsh conditions, individuals may drink or use drugs, which is also associated with IPV. Alcohol-related problems are strongly related to both Black

female and male perpetrated IPV (Cunradi, Caetano, Clark, & Schafer, 1999). With few economic resources to escape the violence, coupled with limited access to social services such as battered women's shelters, some impoverished women may resort to IPV homicide. For example, some researchers suggest that since welfare benefits have declined, more unmarried Black males have been killed by their girlfriends (Dugan, Nagin, & Rosenfeld, 2003). On the other hand, the most recent U.S. justice system data show that, for the year 2004, Black females killed by a spouse or ex-spouse were 2.76 per 100,000 population, compared to Black males (1.12 per 100,000), suggesting that Black females are still about 2.5 times more likely than Black males to be murdered by their marriage partners (Fox & Zawitz, 2006). Similarly for unmarried partners (girlfriend/boyfriend), Black females were about twice as likely to be killed by their intimates compared to Black males (3.49 and 1.75 per 100,000, respectively).

BLACK WOMEN AS VICTIM-DEFENDANTS

Beginning in the 1980s, legislative attention to the problem of IPV has led to the enactment of an avalanche of laws across the U.S. In fact, between 1997 and 2003, more than 700 laws were created, including both amendments to old laws and enactment of new laws. For example, many jurisdictions enacted mandatory arrest policies that required police officers to detain a person based on a probable cause determination that a domestic assault had occurred and that the accused person had indeed committed the offense. Pro-arrest laws considered arrest to be the preferred, but not the required action in domestic violence incidents. "No drop" policies also were established that required the prosecution of batterers, regardless of a victim's recantation or pleas for leniency. These laws were designed to send a clear message to the public that IPV is a serious crime that will not be tolerated, as well as to empower and protect victims and to prevent selective enforcement of laws based on extralegal factors such as race and social class (for reviews, see Miller, 2003, 2004).

Undoubtedly, legal interventions have saved the lives of many victims and their children. However, the enactment of mandatory/pro-arrest legislation has had several unintended negative consequences, including a measurable rise in the single and dual arrests of women in which victims are been arrested along with their abusers (DeLeon-Granados, Wells, & Binsbacher, 2006). Although this arrest pattern has occurred

across ethnic groups, Black women are being arrested and incarcerated at higher rates. To illustrate, after pro-arrest legislation was expanded in Maryland, there was an increase in the number of White women being arrested, with 18% detained before and 25% after the new law was implemented. The increase was even more dramatic for Black women, with 25.3% and 38% being arrested before and after the policy, respectively (Simpson et al., 2006).

The severity of IPV assaults perpetrated by Black women may be one factor that explains these higher arrest rates. As evidence, using police records concerning a predominately Black sample, researchers have compared the demographic characteristics, criminal history, and the past IPV history of men and women who had been arrested. Compared to male defendants, more females bit, hit, scratched, threw an object, used a weapon, or struck their partner with a vehicle (Melton & Belknap, 2003). Although female arrestees were no more likely than their male counterparts to have injured their partner/spouse during the incident for which they had been arrested, more women had used a weapon during the incident, perhaps to level the playing field once abuse had begun. The use of deadly force may explain why more women had been charged with a felony assault (Henning & Feder, 2004).

However, there is compelling evidence that a substantial number of female arrestees are actually battered women who have been arrested after they used violence to defend themselves. In a sample of Black couples who were dually arrested, more male arrestees had choked, sexually assaulted, threatened, or actually used a weapon against their victim when compared to female arrestees (Feder & Henning, 2005). Equally as disturbing, more male arrestees had pushed, shoved, hit, or threatened a child during the attack or had made homicidal threats against themselves, the female arrestee, or the children if the victim attempted to end the relationship. In addition, more male arrestees had attacked their partner after a separation, had a gun in the house, and had violated existing protection orders (Feder & Henning). Understandably, female defendants reported greater fear and cited self-defense more often as the primary motivation for their aggressive acts (Melton & Belknap, 2003).

Taken together, the research indicates that an alarmingly high number of Black women have assaulted their male partners or have been involved in mutually abusive relationships (Caetano et al., 2005). However, Black women's use of violence often occurs in the context of gender inequality in which their aggression lacks the same meaning and impact as their male partner's violence. More specifically, Black

women assaulted their partners, sometimes severely enough to cause injuries, yet they also sustained injuries, experienced mental health problems as a result of the abuse, and generally lacked the power to use coercive control to terrorize and subjugate their male partners (Swan & Snow, 2003).

While middle- and upper-middle class Black women may also be involved in IPV (Lockhart & White, 1989), poverty and residence in impoverished communities can curtail the ability of many poor couples to create nurturing, nonviolent relationships. Consequently, economically disadvantaged Black women are at elevated risk for inflicting and sustaining IPV (Cunradi et al., 2000, 2002). Paradoxically, enforcement of mandatory/pro-arrest laws that were intended to protect IPV victims has oftentimes resulted in unintended consequences. Indeed, more women, particularly Black women, have been arrested as a result. When the context of violent heterosexual relationships is considered, it appears that a substantial number of these women are arrested after using force to protect themselves (Melton & Belknap, 2003).

IRENE'S STORY

Black feminist scholars have used life histories and narratives to document the experience of battered Black women who have been arrested for IPV (e.g., Richie, 1996). Accordingly, I will describe the experiences of Irene (not her real name). Irene is a 41-year-old Black woman who has an extensive history of IPV as both a victim and perpetrator. I met her in 1997, shortly after I moved to Washington state. In 2001, Irene began dating Dennis, a 38-year-old Caucasian man, who quickly became controlling and violent. Several months later, Irene attempted to terminate the relationship. After she had used violence to defend herself from a potentially lethal attack, she was arrested for assault and incarcerated for several days.

During Irene's relationship with Dennis, I frequently spoke with her about the abuse. Following her arrest, I also reviewed the court transcripts, attended her trial, and offered emotional support. After receiving permission from the Human Subjects Review Board at my location, I conducted two tape-recorded interviews with Irene (each lasted more than two hours). My purpose was to use Irene's words to vividly capture the experience of one Black woman victim-defendant.

First, I describe below how she and Dennis met and present some early indicators of his abusive nature. I then follow this with a descrip-

tion of the most serious violent event that led to Irene's arrest. Next, I describe the arrest, her time in jail, and the trial. The section ends with a case analysis and discussion.

The Meeting and Relationship

Life was good for Irene. After many years of working for other shop owners, she had purchased her own beauty salon. Dennis walked into her salon in March of 2001. He was a 38-year-old White man with striking blue eyes, and his 295 pounds looked good on his 6'3" frame. Monday afternoons were slow, which left time to chat while she cut his hair. Irene was impressed because Dennis appeared to be the "complete package." He disclosed he was a single parent of a small son who had moved back home to care for an aging mother. He also said he worked as a professional pilot while balancing his family obligations. This suggested that he was intelligent, educated, and responsible. "Wow," Irene thought, "when a man said 'I'm raising my 3 year old son alone,' that automatically put him at a level of respectability and status." Her emotional involvement grew after she met Dennis' son, Howard. Irene felt that this adorable child and his father, who both appeared to be vulnerable, needed female attention. Although she did not have children of her own, she believed that her nurturing tendencies made her the perfect person for a new maternal role.

It was official: Irene was in love. She quickly became immersed in Dennis' life. He provided new adventures, including camping trips and flights in his private airplane. She even learned to appreciate country western music. The relationship went well for five or six months, although maintaining the relationship began to feel like a chore. Dennis made frequent calls to the salon, which disrupted Irene's work. After a long work day, Irene sometimes wanted a hot bath and a quiet evening alone. "It became like they were imposing on me," she said.

During December of 2001, a job opportunity took Dennis and Howard to Alaska. This was a good time for Irene to explore her feelings about the relationship. Although Irene was hopeful, family members and friends, myself included, thought the relationship was unhealthy and dangerous. More specifically, Dennis appeared to be marginally employed, yet he returned from several "business trips" with stacks of cash. I suggested that Irene inquire about the nature of these lucrative business ventures. In addition, Dennis exhibited signs of alcoholism. Although there were periods of sobriety, abstinence made him shake and tremble. When liquor was unavailable, he drank cough syrup

or took pills to overcome these symptoms, and Irene found herself buying alcohol to temporarily help him feel better.

In addition, Dennis had an arsenal of weapons and a very bad temper, which he routinely displayed to Irene and others. In one particular instance, the neighborhood antiques dealer had offended Irene and her multiracial clientele by bringing a "Colored Only" sign into her salon. For them, this piece of "art" was a reminder of the painful days of segregation. When Irene described the upsetting racial incident to Dennis, he confronted the antiques dealer and threatened to "shove my gun up your tailbone if you bother my Black woman again!" In another instance, there was the July 4th camping trip. After nightfall, the campers across the lake began discharging their weapons. Convinced that the campers were expressing disapproval of their interracial relationship, Dennis returned fire and shot across the lake at the group of patriotic revelers. Fortunately, there were no injuries. Still, Irene continued to convince herself that Dennis was a social drinker who used guns and violence only to protect her from harm.

The First Violent Incident Against Irene

It was February of 2002 when Dennis and his son returned from Alaska. Although Dennis' mother was less than enthusiastic about her son's romantic involvement with a Black woman, she felt obligated to tell Irene the truth. Dennis was not a pilot. Instead, he was unemployed and lived at home with his mother, who also paid for all of his expenses including the costly flying lessons. Dennis also was not a social drinker. He was an alcoholic who had been charged with driving while under the influence, and had been unable to successfully complete any treatment program. Dennis certainly was not a single father. His soon-to-be ex-wife in Texas, whom he had battered in the past, planned to charge him with parental kidnapping for taking their son to Alaska. Finally, Dennis also was not raising his son alone. June, the nanny, provided the majority of child care, also paid for by his mother.

On Valentine's Day, Irene confronted Dennis. "You lied!" she said. He did not deny the truth. "I can't do this!" Irene said, and attempted to leave. Dennis could not accept this response, grabbed Irene, and pleaded with her to stay. When this did not work, he slapped her. In the past, he had yelled and pounded on the furniture, but he had never put his hands on her violently. How could she make sense of this behavior? Irene said, "I took that as he loved me" and "I saw that as 'Please don't leave, I need you.'"

Despite the deception and his violence, Irene tried to salvage the relationship. "You just hope there is going to be a rainbow at the end, and you're going to be the one to find it," she said. Dennis entered yet another alcohol treatment program, but he soon dropped out because he could not believe he had a serious alcohol problem. As a woman of faith, Irene took Dennis to church, which did nothing to change his conduct. For moral support, she even accompanied him to his attorney's office to discuss his pending divorce. Eventually, Irene ran out of hope and options. She stopped taking his calls and tried to occupy herself with the salon and her clients.

Irene's Arrest and Time in Jail

In late March of 2002, Howard called and said, "I need you and Daddy needs you! We miss you real bad." Irene ignored her own internal voice and the advice of three friends that warned her of the impending danger. She decided instead to respond to the child's pleas for attention. It was evident that Dennis still knew how to manipulate Irene. "When he couldn't pull on my heart strings, his son became the heart string puller," she later recalled, although she told herself this would be the last time. Tonight, she would finally end the relationship.

When she arrived, June was on the front porch. As usual, the nanny was drunk. Irene searched for Dennis in the sprawling, suburban home. Howard came out first, jumped into her arms, and then Dennis appeared. Dennis became increasingly belligerent as he watched the interaction between Irene and his son.

After sending the child to his room, Irene tried to leave. Dennis grabbed her by the throat, threw her against the wall, and began choking her. He pulled a gun, put it to her head, and said, "You won't leave me and my son." June, who Dennis had attacked in the past, simply walked away when she observed Dennis' extremely lethal behavior. Irene was then alone, cornered by a large, drunk, angry man who had a weapon. She fought back desperately, was able to break free, and jumped into her car. Dennis followed and began pounding on the hood. As Irene drove away, she watched Dennis dial his cell phone. He yelled after her, "You're going to jail tonight!"

Irene was crying and shaking when she arrived at home. Her neck was hurt and swollen from the strangulation. Initially, she was reluctant to report the assault. "I was just going to take a bath and play like it didn't happen," she said, especially since her experience with two abusive ex-husbands had taught her that batterers could be unpredictable and

reporting often made things worse. But Irene also thought, "This man could come over here and finish me off. It's better to be safe, so I called the police." Using a calm and reassuring voice, the 911 operator explained that the police would arrive shortly and take a complete statement.

It was nearly midnight when the police arrived. Dressed in her nightgown and half asleep on the sofa, Irene awoke to heavy footsteps, which "sounded like elephants." "Good, the police are here," she recalled. When she peeked outside the window, the parking lot was "lit up like it was bright morning." She quickly opened the door and six police officers pushed their way into her small apartment. At the time, Irene did not understand why they needed so much manpower to take her statement. After a brief search, four of the officers left. Then Irene was allowed to tell her story:

God, I'm glad you guys are here. I was at my boyfriend's house and he's got issues and he's been lying to me about being married. He's a drunkard and has a nice son with him. He has all these guns and he tried to choke me and use a gun on me tonight.

The officers seemed to be sympathetic, until one said, "We're sorry, but we have to take you in." While an officer recounted the Miranda rights, she stood up, turned around, and heard the sound of handcuffs closing on her wrists. The charges against her were serious: home invasion, assault and battery with intent to do harm, and possession of an unlicensed firearm.

As he had threatened, Dennis immediately called the police and, according to Irene, told the following story: "My violent, Black girlfriend broke into my house, assaulted me in front of my young son, stole a gun, and took off. See, I even have bruises and June as a witness." As a result, officers from five municipalities were involved in the search for Irene. She then understood the show of force and the search of her apartment. Her heart sank as she argued for her release: "Y'all got it all wrong, he attacked me!" She concluded, "I'm being arrested because I'm a Black woman!" The police denied racial discrimination, and told her that color had nothing to do with it. Dennis had phoned in first, she had been on his property, there was a witness, and there was evidence of an assault. She had to be taken into custody, and the judge could sort things out later.

Irene screamed, cried, and dropped to her knees as the officers escorted her to a waiting patrol car. "I felt like a limp noodle," she said later. She wore a nightgown, with no bra, no panties, no socks, and no

shoes. Irene was so afraid that she urinated on herself, which made her legs feel wet and cold. Concerned neighbors peered out of their windows, and watched while the police officers bickered back and forth. Although the assault happened in the suburbs, she lived in the city. Where should she be taken? Finally, they decided to take her to the city jail. She was going to jail—just as Dennis had predicted.

Irene had never been arrested before. She resented being treated like a career criminal. She protested her treatment and immediately began asking questions: “Where do I stand?” “How do you take finger prints?” As a result, she was quickly labeled uncooperative and transferred to solitary confinement. Irene surveyed her dark, dirty surroundings. The thin mattress was filthy, there was blood on the floor, and she listened as the prisoner across the hall banged his head against the cell door.

Yet there was time to reflect on her previous intimate relationships. Her parents had a traditional marriage. Her father worked as a butcher, which enabled him to support the family, and her mother cooked, cleaned, doted on her husband, and raised Irene and her five siblings. However, she was unable to recreate this happy family arrangement. After becoming sexually active, her father, who was a stern disciplinarian, insisted that she get married. So, at age 17 she became the wife of an abusive Black military officer. Irene sought refuge in a battered women's shelter after her first husband threatened her with an ax. In her thirties, she met her second husband at a church function. Although he was a successful Black business man, his physical abuse, heavy drinking, and infidelity eventually ended the marriage.

Interspersed between her two marriages, Irene was involved with several live-in-boyfriends. While there were happy times, there were also arguments, name calling, insults, and physical violence. In most cases, she was the victim. Other times, she verbally abused her partners, and recalled instances where she used violence in retaliation. For example, Irene vandalized one boyfriend's house and car after he had raped her. She shoved another boyfriend down the stairs after he cheated on her. Half jokingly, her mother once called her a “bum magnet.” After all, her two Black ex-husbands had been abusive and she had a long history of chaotic relationships. But this was different.

I was the “bounce back kid” when it came to broken hearts. For once, this was really going to take everything I worked for. It could have took my business. My reputation was on the line. I was embarrassed. I had humiliated my family.

Then, the guard returned and barked, "Are you ready to go through the process?"

She was humble and cooperative. After being strip-searched, she was issued jail underwear, toiletries, and an orange jumpsuit, and then the procedure was over. She was now officially Inmate Number 27. After languishing in jail for two days, it was time for her arraignment. Irene was shackled and moved from the jail to the courthouse. There were two men chained in front and to the back of her. Although it was a short walk, she felt humiliated and prayed that she would not be recognized by a customer, church member, or friend.

After reviewing her case, the judge acknowledged that she had been inappropriately placed with the felons. While the court officials completed the paperwork for her release, Irene was moved to a jail annex that housed inmates who were accused of misdemeanor crimes. This area did not seem as dark and cold, and the guards were friendlier. She said the annex felt like "a cakewalk compared to the other side."

Then, she was released. She carefully gathered and returned all the personal items labeled number 27. In exchange, the guards retrieved her personal property, which included a check for the spare change they had found in her nightgown pocket the night of her arrest. It was late Monday night when she was taken into custody, and she was released at 3:00 o'clock Friday morning. Dressed only in her nightgown, she stood outside of the jailhouse and waited for a friend to pick her up. Although Irene was deeply embarrassed, she was happy to be free.

The Trial

Irene wanted to keep everyone safe, including her customers and other shop owners in the area. However, after multiple visits to the courts, the judge was unwilling to issue a no-contact court order against Dennis. The judge reasoned that Irene was the defendant and supposedly a threat to Dennis. Although Dennis had contacted the courts and asked that the charges be dropped, the prosecutor believed that there was sufficient evidence of an assault and decided to proceed with the case.

"Not guilty!" she asserted at two pre-trial hearings. The court-appointed attorney had an impossible caseload that he could lighten if Irene pled guilty like the other defendants. Irene could not plead guilty, there was just too much to lose. However, she did not have the money to retain a personal lawyer or private investigator, so Irene became an amateur detective. In preparation for the trial, she spent more than \$1,000

gathering information such as court transcripts and hospital records. She wanted to prove that Dennis had a long history of alcoholism and violent assaults.

Finally, it was the day of the trial. Her overworked court-appointed attorney had assigned the case to an inexperienced young woman who had recently passed the bar exam. Irene, her friends, and her new lawyer gathered in the hall to devise a plan. I recalled some prior research that suggested that people generally believe that IPV is wrong, yet may feel that it is justified under some circumstances, such as infidelity. Throughout the trial, Irene and the lawyer planned to remind the jury members, who were primarily female, that Dennis had a history of infidelity, alcoholism, and violent assaults against women. We speculated that the jurors would have little sympathy for Dennis and would find Irene not guilty.

The huddle was over and the trial proceeded. As expected, June and Dennis were not credible witnesses. The nanny testified that Irene had broken into the house, jumped on Dennis, and pounded him in the face. Upon cross examination, June reluctantly admitted that she too had once called the police after Dennis had slapped her and spit in her face. Next, Dennis took the witness stand. He looked disheveled and intoxicated. Without making eye contact with the jury members, he repeated the nanny's story in a barely audible voice. Irene's lawyer raised questions about his marital status and alcohol abuse. The prosecuting attorney objected and explained that this information was irrelevant because Dennis was the victim.

Although Irene's freedom was in jeopardy, she was still uncomfortable with this line of questioning. She still cared for Dennis and did not want to see him humiliated in court, even though his violence had resulted in her arrest. During the lunch break, Dennis and June retreated to the parking lot, where the lawyers and jury members observed the pair drinking in Dennis's truck. The damage to their credibility was done. After lunch, the prosecutor called for a mistrial because he claimed the jury could not be fair to his client. The judge was not convinced and ordered that the trial proceed.

Finally, Irene took the stand and told her story. In contrast to Dennis, she was neatly dressed in a business suit, spoke in a humble voice, and made eye contact with jury members. Yes, she had been in his house that night, but she was not a violent intruder. She described the house as a virtual fortress that was well-protected by security gates. She also asked, "How did I beat him down?" After all, he was a large man with easy access to weapons. To conclude her testimony, Irene emphasized

that she was actually a victim who had used self-defense. "What they considered me assaulting him was really my trying to get away," she said. She never intended for anyone to be hurt.

Ultimately, there was no need for hospital records, character witnesses, or police reports. The jury quickly returned with a not guilty verdict. After lunch, Dennis and June never returned, so they missed the verdict. However, there was one last court appearance. With the help of another friend, Irene asked a judge for a no-contact order against Dennis. It was granted and Dennis was ordered to avoid future contact with Irene, and he has since complied.

CASE ANALYSIS

The Meeting, Relationship, and IPV

As previously noted, Irene had a long history of violent, chaotic relationships with Black men. Her strong adherence to traditional gender roles may have created the foundation for these abusive relationships. Life histories conducted with Black battered women incarcerated for crimes related to IPV revealed a similar pattern of gender role entrapment (Richie, 1996). More specifically, Irene described herself as a "Daddy's girl" who idolized and romanticized her parent's traditional marriage. Despite her efforts to recreate this family arrangement, she had married and divorced two abusive Black men. Although she was eventually able to extricate herself from these relationships, she continued to believe that women were primarily responsible for maintaining intimate partnerships. Irene hoped that her next relationship, this time involving a White partner, would be different. Gender role entrapment may help to explain why she put the needs of Dennis and his son before her own, and how she could ignore or otherwise explain away the warning signs of escalating violence.

Their rapid and intense relationship was characterized by early expressions of love; however, her friends and relatives were well aware that Dennis had the potential to be extremely dangerous. Although she was reluctant to admit that her life was in danger, there were many indications that Dennis was a potential batterer. For example, he was unemployed, frequently demanded attention, drank heavily, used intimidation and coercive control, and had a fascination with weapons. His level of physical violence, which had increased in severity and frequency from slapping to choking and threats with a weapon, had escalated when Irene attempted to terminate

the relationship. These are all risk factors for femicide, which is “the leading cause of death in the United States among young African American women aged 15 to 45 and the seventh leading cause of premature death among women overall” (Campbell et al., 2003, p. 1089).

Irene used self-defense to protect herself from a potentially lethal attack by Dennis, which is consistent with the behavior of other victim-defendants (Melton & Belknap, 2003; Miller, 2001). Although research is limited, it appears that when compared to their White counterparts, Black battered women may have a greater propensity to fight back. This ethnic difference in response to abuse may stem from the frequency and severity of the violence in the lives of Black women, coupled with their historical need to physically defend themselves in order to survive in a society with few systems to protect them. For some Black women, Irene included, their ability to protect themselves was a source of pride and linked to their definition of Black womanhood (Moss, Pitula, Campbell, & Halstead, 1997). As a result, they may not perceive themselves as battered women, even when they sustain serious injury. For example, Johnetta, a 36-year-old woman who had been battered by her husband for nine years, explained:

Part of the problem is that I am a strong Black woman...so even though he beat me almost to death, I beat him too...by that I'm no regular battered woman, because he got his share of licks. (Richie, 1996, p. 95)

However, the social construction of the “strong Black woman” who fights back is incongruent with the preferred traditional profile of the battered woman as passive, frightened, and helplessly trapped in an abusive relationship. As a result, Black women who use active resistance may receive limited understanding, support, or assistance from others, including the criminal justice system (Richie, 1996).

On the other hand, women's use of violence is not always motivated by self-defense. Sometimes, violence is used in retaliation, as an expression of anger, or as an attempt to gain attention from unresponsive or emotionally unavailable partners. For example, Black women who had been mandated into treatment for IPV offenses were found to be concerned about their partners' infidelity (Henning, Jones, & Holdford, 2005). In addition, they frequently exhibited excessive levels of interpersonal dependency, which is an indicator of an insecure adult attachment style significantly associated with psychological aggression, physical assault, and severe injury to their intimate partners (Carney &

Buttell, 2005). Similar to the research noted above, Irene was often very emotionally dependent on her partners, and the possibility of rejection or infidelity was almost unbearable to her. Consequently, she shoved one boyfriend down the stairs after she discovered his affair, breaking his leg. When his leg healed, he tracked Irene and severely beat her. According to one of Irene's co-workers, his boot prints were visible on her body for days.

Irene may be more appropriately categorized as an example of the "Abused Aggressor" reported by Swan and Snow (2003). In a predominantly Black sample, many female IPV perpetrators had initiated violence or injured their partner. Retribution, or getting even with their partners for some actual or perceived misdeed, was a common motive. Despite their violent behavior, these women seldom felt a sense of control, independence, or power within their relationships. Emotionally, they fared almost as poorly as women who had sustained unidirectional male-to-female IPV. In addition, Abused Aggressors tended to suppress their anger and use avoidance as a coping strategy, and reported symptoms of depression, anxiety, and posttraumatic stress. Swan and Snow concluded that "Abused Aggressors may respond to their partners' violence by fighting back with even more violence, but their poor indices of well-being indicate that this strategy does not serve them well" (p. 103).

Arrest, Jail, and Trial

Dennis called the police first, and this gave him the opportunity to proactively define the situation. He described Irene to the police as an armed aggressor who had assaulted him, threatened his family, and fled the scene. Other male IPV perpetrators have also used the "phone first" strategy to manipulate the criminal justice system. In fact, according to one shelter worker in Delaware, "We've had guys wound themselves, cut themselves, and say 'she did it!' and know that she is going to get in trouble and often these are guys who have been perpetrators for some time" (Miller, 2001, p. 1356). This can set the stage for a retaliatory arrest against a victim-defendant after an exaggerated or false complaint is filed by the abuser (Cramer et al., 2003).

Despite her ambivalence, however, Irene eventually called the police. While she felt a sense of relief when they arrived, she felt confused, angry, and betrayed when she became one of the growing number of victims arrested for IPV. In fact, a comparison of the number of IPV-related jail bookings for adult female intimates demonstrates an increase

from 588 in 1990 to 1,065 in 2000 in the Washington state county where Irene was arrested (Cramer et al., 2003).

Irene denied having committed the assault and speculated that the officers' racial bias had resulted in her arrest. There may be some truth to this belief, especially since it is known that compared to their White counterparts, Black women are incarcerated at higher rates for IPV (Simpson et al., 2006). However, Irene's case was nevertheless unique. There was probable cause for an arrest at the scene based on the report from Dennis and a witness (June), as well as the presence of bruises on Dennis's body. In addition, Washington state police officers are required to make an arrest if there is evidence of a domestic assault within the preceding four hours. After the 4-hour mandatory arrest period, an officer has the option to make an arrest or issue a citation (Metropolitan King County Council, 2002). Without proper training, many police officers operating under mandatory arrest procedures may fail to conduct a thorough investigation or miss the obvious signs of a false accusation, and in Irene's case, therefore make an erroneous arrest.

Although Irene's description of her experiences may seem overly dramatic, it is not uncommon. Similar to other victim-defendants (Rajah, Frye, & Haviland, 2006), Irene described being publicly arrested, incarcerated, and shackled as traumatic, painful, and horrifying. At times, she felt transformed from a strong, independent woman to a stigmatized criminal. When she attempted to challenge her maltreatment at the jail, Irene was quickly labeled recalcitrant and placed in solitary confinement. Similar to other marginalized groups, including the mentally ill, people living with HIV, and gang members, this form of institutionally sanctioned isolation has been described as traumatizing and dehumanizing (Shaylor, 1998).

Still, Irene was more fortunate than many others. She had access to financial resources and a strong support system of friends and colleagues. Rather than plead guilty, Irene learned about her rights, gathered information, and went to trial despite her fear and embarrassment. In addition, Irene has since shared her experiences with friends, family members, and business clients in an effort to help other women avoid IPV and possible arrest. Similar to other Black battered women who have participated in research projects (Taylor, 2002), Irene described her testimonial and research involvement as an act of resistance and healing.

Many other battered women may be mystified and intimidated by the criminal justice system, as well as lack the resources available to Irene. If a victim is convicted of an IPV-related crime, she may be forced into a

batterers' treatment program and denied access to victim assistance programs, such as entrance in battered women's shelters or issuance of restraining orders. Victims may also incur devastating financial hardships, such as loss of eligibility for welfare benefits, loss of a job or housing, and restrictions on employment opportunities in childcare, teaching, and healthcare. In addition, wrongful convictions may render many victims ineligible for crime victim compensation and contribute to loss of child custody to the abuser or the state. Besides the negative consequences noted above, subsequent threats made by the woman's abusive partner to report her for probation violations or have her re-arrested also make these victims increasingly vulnerable to future manipulation and abuse (Cramer et al., 2003).

STRATEGIES FOR ADVOCACY

Assisting Black victim-defendants will require collaboration among researchers, advocates, therapists, and legal professionals such as police officers, prosecutors, and defense attorneys (for specific suggestions for each professional group, see Cramer et al., 2003; McMahon & Pence, 2003; Osthoff, 2002). Based on the literature, the following recommendations are offered.

Conduct More Socially-Responsible Research

Although the literature is growing, there needs to be more research conducted on women who aggress against their intimate partners. More specifically, scholars in conjunction with victim-defendants and other stakeholders must develop a more complex model that:

... provides us with a valid and complex understanding of violence by women as it takes into account the interactions of antecedents (e.g., historical context, social prescriptions of gender roles, social and legal reactions) as well as immediate conditions and consequences (e.g., early socialization, individual experiences, intentions, partner's responses, repercussions on the individual as well as work and family) of such actions. (Dasgupta, 2002, p. 1376)

For Black women, such theoretical models should explore their use of violence within the intersections of race, gender, and social class (Swan & Snow, 2006).

Identify the Primary Aggressor

Service providers should work harder to identify the primary aggressor. This would require asking difficult questions such as: Who uses violence? When? What kinds of violence do they use—physical, sexual, psychological, coercive control? What are the motivations, intent, and outcome of the violence? (Osthoff, 2002).

Professionals should also consider the history of abuse, prior medical records, past police reports, the presence of protective orders, 911 tapes, neighbor and witness statements, and injuries. For example, if a victim is being strangled or restrained, she may bite or scratch her batterer to get away. In contrast, victim bruises due to strangulation may not be visible immediately, especially on dark-skinned women. Consequently, when the police arrive, the batterer may present with very visible scratches or bite marks while the victim does not, possibly resulting in victim arrest if officers are not aware of such common injury patterns (Cramer et al., 2003). With Black women, it would also be quite important to challenge the myth that they are inherently more violent than women from other ethnic groups. Some Black women are socialized to fight back, and sometimes they may injure their partners; however, they may not be the primary aggressors (Moss et al., 1997).

Offer Appropriate Services

Women who are arrested (Henning et al., 2006) or in treatment (Miller & Meloy, 2006; Swan & Snow, 2002) for IPV are not homogeneous groups. While a small number of women are indeed the primary aggressor within their relationships, other women engage in mutual aggression, and some have never been violent within an intimate relationship prior to the incident that led to their arrest. Assuming that women arrested for IPV form a heterogeneous group, services should be tailored to individual needs. For example, victim-defendants and/or women who are engaged in bidirectional asymmetrical violence should receive safety planning and access to support services such as emergency shelters, affordable housing, and transportation. Legal advocacy to expunge erroneous convictions should also be considered. In contrast, the small number of women who appear to be primary perpetrators may need programs that challenge their attitudes toward violence and reduce their minimization, denial, and externalization of blame for their offenses (Henning et al.; Miller & Meloy).

Even though there are successful treatment programs for women convicted of IPV offenses (e.g., Larance, 2006; Miller & Meloy, 2006), their numbers are few and the development of such programs is still in its infancy. However, the literature that is available suggests that curricula should be developed with the awareness that many women in batterer treatment programs have had previous victim-related exposure to violence, and may experience anxiety, depression, and post-traumatic stress disorder. Many other women face serious life challenges, including unemployment, lack of transportation and housing, child care problems, and ongoing substance use (Miller & Meloy). Furthermore, Black battered women are somewhat more likely to be enrolled in programs for batterers, even though they have high rates of past trauma and have accessed victim services in the past (Abel, 2001). Consequently, therapists and advocates should consider how class and race discrimination can create additional challenges for Black women (Loy, Machen, Beaulieu, & Greif, 2005; McAdory, 2005).

To conclude, I am aware that proponents on both sides of the gender symmetry debate can find evidence to support their position. For instance, those who believe that women are equally as violent as men and should be treated accordingly by the criminal legal system will see Irene's experience as evidence that mandatory/proarrest laws are being applied properly. Those arguing that IPV is a gender-based crime with primarily female victims and male offenders may highlight the severity of the violence directed toward Irene. There is also the danger of reinforcing stereotypes about the inherent violent nature of Black women by focusing on Irene. Ultimately, anti-violence activists, mental health service providers, shelter workers, and researchers must engage in candid discussions about the complexity of women's use of IPV and therefore move past a polarized debate, especially for Black women. Hopefully, if we can begin to grapple with this difficult topic, fewer victim-defendants will hear the words: "Sorry, we have to take you in."

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