

# Victim-Defendants in Mandated Treatment: An Ethical Quandary

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I have been providing services to battered women arrested for violent behavior against their abusers for the past nine years. I co-facilitate a group called "Women Who Resort to Violence" (WWRTV) with another facilitator from a local batterer intervention program. The group is held at the Artemis Center for Alternatives to Domestic Violence, an advocacy center in Dayton, OH that has been in operation for over 20 years.

It should be noted that the context for beginning and continuing this group has included the recent passage of a preferred arrest statute that often appears to be implemented as if it were a mandatory arrest statute, and a state that has no batterer intervention standards other than a voluntary set of standards endorsed by the Ohio Domestic Violence Network (ODVN). In the Dayton area alone, there are at least seven batterer intervention programs with very different requirements and philosophical foundations. For example, some programs accept both men and women into the same treatment groups, some focus on "anger issues" rather than on power and control dynamics, few are monitored by victim service agencies, and most give little recognition to the over-riding context or motivation for violence when assessing the individuals referred to them. Therefore, even while advocates have continued to educate members of the criminal justice system, it is apparent that victim defendants are still being mandated to intervention programs whether or not that particular program meets the ODVN standards. Within this context, the present article documents my experiences with women in the WWRTV group.

After spending two hours every Tuesday night for nine years working directly with battered women who have used violence or been accused of such, I have certainly been transformed by some of the strong feelings they bring to group. These feelings include anger, betrayal, grief, sorrow, frustration—specifically frustration with the criminal jus-

tice system and the domestic violence movement, both of which were supposed to be composed of people who would understand and provide a safety net for survivors using a wide range of strategies, including forms of social and legal resistance, to maintain safety.

Yet as advocates try to figure out how to best assist battered women caught up in the criminal justice system, we once again seem to be leaning toward a one-size-fits-all remedy such as the approach that got us into the situation in the first place (i.e., abused women being arrested for intimate partner violence [IPV] after poor implementation of preferred/mandatory arrest policies). Agencies that serve survivors of IPV are clamoring for some sort of alternative group curriculum or some other type of service for survivors who have been charged and convicted of IPV-related crimes. While many of us have the intention of treating each survivor as a unique person, there is still the tendency to find the quick fix—that is, to find some way to get around courts referring victims to batterer intervention and to reach out to those survivors who never planned to go to a victim-assistance agency, let alone be charged with IPV-related crimes.

Indeed, we should be doing all we can to right such injustices. But to what extent do those of us in the domestic violence movement re-victimize survivors by offering court-mandated groups such as WWRTV? Are we inadvertently legitimizing a miscarriage of justice? Are we simply perpetuating sorrow and further alienating women who might eventually want our services by implicitly agreeing with the label of ‘perpetrator?’ Might any survivor benefit from a mandated group? And whose voices do we listen to when making such decisions about offering services that the courts mandate? Regarding the last question posed, we obviously need to listen to the voices of victim-defendants themselves. However, we know this group is heterogeneous, with some who report that their lives are better and safer after having attended mandated treatment, while others report their lives are no better, and perhaps more complicated, as a result of being considered “bad enough” to warrant a sentence and subsequent referral. Thus, this article will offer far more questions than answers. Deep philosophical and practical issues abound when discussing best practices for survivors identified as battered women who are victim-defendants.

## WOMEN'S USE OF VIOLENCE

### *Increased Arrests of Women: Changes in the Law and Unintended Negative Consequences*

In 1994, the state of Ohio passed legislation concerning domestic violence that was celebrated state-wide. The new law stated that arrest would be the preferred course of action for police officers called to an IPV incident. If officers did not make an arrest, documentation was required explaining why an arrest did not occur. After this law was passed, for various reasons many police agencies, on their own, instituted mandatory (rather than preferred) arrest policies for domestic violence calls.

Following these policy changes, more and more women were arrested for IPV within Ohio communities served by Artemis advocates. Women tended to plead guilty as charged, or plead guilty to a lesser charge. Reasons for these pleas varied as reported by women in the WWRTV group. Some women stated that they had children who needed them at home and could not afford to stay in jail any longer than they already had. Other women believed that since they had actually struck, slapped, and/or used other forms of violence found in police reports, they would be found guilty anyway. They sought to exit the system as quickly as possible—a system that did not understand them in the first place. Still other women reported that they never envisioned they would experience consequences such as probation, mandated treatment, or a criminal record that could haunt them for the rest of their lives. Interestingly, several survivors noted they had partners who had previously been processed through the courts and had not received any significant consequences for IPV (other than a criminal record that did not seem to affect their ability to work). Not surprisingly, many victim-defendants looked to the past criminal justice system experiences of their abusive partners as a predictor of what would happen to them. They were often quite wrong in their assumptions.

Rarely have women gone to trial for domestic violence in the jurisdictions that Artemis serves. This trend continues, and is one of the primary reasons that WWRTV groups have seen a major increase in women referred for treatment. This is similar to other locations in the U.S, where an increase in single or dual arrests of women has been documented (Cramer, Cousin, & Hardy, 2003; Henning & Feder, 2004; Henning, Renauer, & Holdford, 2006; Klein, 2004; Martin, 1997; Miller, 2001). Over a decade ago, Hamberger and Potente (1994) first

documented a large increase in women referred for batterer treatment following the implementation of mandatory and/or preferred IPV arrest policies in their communities. Hamberger and Guse (2002) also noted that while many different communities now dealt with increased arrests of battered women, no clear solutions to the problem had emerged.

Although many legal statutes require police at the scene to determine the primary batterer and then make arrests accordingly (Zamora, 2004), these statutes are often not being followed by police at the scene (O'Dell, this issue). Furthermore, Dasgupta (2002) outlined many of the moral and ethical concerns surrounding the arrest of women who have used violence in response to their own battering. She stated that "even the popular emerging rhetoric has marked women thus arrested as 'woman batterers'" (p. 1366). She goes on to say that identifying these women as batterers and "resocializing them to be nonviolent through education classes that are similar to men's programs seems illogical and inappropriate" (p. 1368). Thus, in this instance as an advocacy strategy, using the legal system as a means of protecting battered women has turned out to be much more complicated than previously supposed (DeLeon-Granados, Wells, & Binsbacher, 2006), and has created unintended and highly negative consequences for many abused women (McMahon & Pence, 2003).

Victims arrested for IPV may lose the ability to be self-sufficient through many pathways. Worcester (2002) states that having a criminal record often negatively affects career opportunities, child custody issues, immigration status, housing options, and the availability of social safety net funds such as Section VIII housing vouchers and welfare benefits. Bible and Osthoff (1998) also note that many of the careers heavily affected by having a criminal record are "... 'women's work,' such as child care and health care jobs" (p. 8). These authors also state that a criminal record especially discriminates against women and their children precisely because "... as primary caretakers for their children, [they] are the ones [most likely] to apply for public benefits and housing" (p. 8). Renzetti (1999) states these issues are examples of widespread and common gendered injustice within our society.

### ***Identifying the Primary Perpetrator of IPV***

Worcester (2002) believes that "issues of power and control and the context of violence should be the foundation of policies and services regarding IPV and battered women's use of force" (p. 1391) in order to identify the primary batterer. For the criminal justice system, this would

require an approach that runs counter to the prevailing lens of isolated and discrete incidents by including historical and contextual information, resulting in the need to almost completely overhaul the system itself. Indeed, McMahon and Pence (2003) remind us that “advocating for women in a sexist society is a radical act that cannot fit easily or comfortably in dominant institutions” (p. 49). Nevertheless, victims will continue to be arrested if police officers, prosecutors, and judges are not educated about the gendered nature of the factors that help identify primary batterers (Cramer et al., 2003). Obvious and costly injustices will result from the failure to determine whether violence is part of a pattern of control, intimidation, and coercion (Dagsgputa, 2002; Strauchler et al., 2004), or if it is a response within the context of self-defense and fear (Perilla, Frndak, Lillard, & East, 2003).

It should be noted that this is not a discussion about how frequently women or men are victimized. It is also not an attempt to provide the final word about women who have been victimized and are actively resisting. Instead, the discussion presented here focuses on the uniquely gendered expressions of women’s IPV as it relates to determining the primary batterer. Worcester (2002) notes that it is important not to overlook the social, historical, and economic context of an individual’s life when discussing the use of violence, especially the impact of multiple intersecting inequalities and gender roles. Society continues to fail many battered women of color, as well as battered women who are poor, drug or alcohol using, mentally ill, or from marginalized communities (Richie, 1995). Richie states:

The choices are harder and the consequences are more serious for women with low incomes, women of color, lesbians, women who become pregnant at a young age, and others whose decisions, circumstance, and status violate the dominant culture’s expectations....those whose lives are complicated by drug use, prostitution, undocumented immigrant status, low literacy, and a criminal record continue to be misunderstood, underserved, and isolated. (p. 11-12)

In addition to these types of inequalities, there are also gendered expectations for battered women. For example, women are not expected to react to their own victimization with violent resistance if they are to maintain the façade of being a “good woman” (McMahon & Pence, 2003; West, this issue). Thus, in the face of multiple constraints, women are expected to rationally, and in an orderly fashion, escape their abus-

ers. The reality of multiple gendered barriers to this rational and orderly retreat (see Davis, this issue; Grigsby & Hartman, 1997) does not overcome the plaintive cry of “why doesn’t she just leave?” still found emanating from many quarters (Anderson et al., 2003). Conversely, if a woman responds to her own victimization with violence, she is now increasingly likely to be arrested and thus revictimized by the justice system. Inconsistent and contradictory “double-bind” expectations are common for battered women, and constitute a major barrier to accurately identifying the primary batterer.

Despite this gendered double-bind, women continue to resist their own abuse in multiple ways (Goodman, Dutton, Weinfurt, & Cook, 2003). Some women utilize more socially accepted means such as calling the police, telling friends and family about the abuse, and learning about resources for battered women in their community. Other women engage in retaliation such as hiding their abusive partners’ alcohol or cigarettes. Some intentionally resist their batterer’s demands, such as actively seeking work and money independently of their abusive partner’s wishes. Women also report utilizing internal resistance in the form of positive self-talk, thinking about what they would like to say in response to their abusers, and making plans for future change.

However, the rhetoric of zero tolerance found in such writings as Straus (1999, 2005) serves to decontextualize and equalize all violent acts between intimate partners at the level of topographic similarity, virtually ignoring the context, intent, or consequences related to these acts. Thus, in the words of McMahon and Pence (2003), IPV should be interpreted with “conditional tolerance and contextual sensitivity” (p. 66) in order to accurately identify the primary batterer, and yet often is not. In other words, not all slaps are created equal (Murphy & O’Leary, 1994; Osthoff, 2002). However, the insistence on proving gender equality within the IPV arena is nothing new. The debate over the appropriate definition of IPV continues (e.g., Saltzman, 2000), and currently there is still no universally accepted definition. Indeed, evidence of this ongoing definitional controversy can be seen in the recent infusion of multiple research publications targeting women’s use of IPV (Bible, Dasgupa, & Osthoff, 2002-2003; Buttell & Carney, 2006; Cook & Swan, 2006; Frieze & McHugh, 2005; Hamberger, 2005; McHugh & Frieze, 2005).

Nevertheless, the motivation, intent, and consequences of violence within intimate relationships are quite different for men and women, and also vary within the context of the multiple inequalities mentioned above (Malloy, McCloskey, Grigsby, & Gardner, 2003). For example, Perilla et al. (2003)

states that "...the more options and resources that a woman sees as available to her, the more alternatives she will see to the use of violence . . . the effectiveness of violence as a deterrent to further abuse and victimization serves as a powerful reinforcer to young women whom society has failed to protect, and responding to violence with violence can appear a logical choice...." (p. 38). Without alternatives, violence may be the only option for many battered women, especially when confronting the choice between dying at the hands of an abuser or continuing to live.

### **SUMMARY**

Women are being increasingly arrested for IPV and ordered into treatment. Battered women have found that their abusive partners are effective in charming the police into believing they have not been violent. Many victims have also been taken to jail after their abusers are successful in convincing police officers they are the injured party. Thus, many primary batterers have now added yet another tool to their abusive tool box that allows them to maintain power and control over their partners. Many batterers have found they now have the justice system at their disposal, and are able to manipulate the system in a way that is more damaging to their victims than they could have ever hoped.

Primary batterers are often well aware of how de-contextualized the criminal justice process is. When a victim utilizes physical violence or threats in retaliation, the predominant aggressor often strategically knows that the police will arrest her. Even when no violence is used, in some jurisdictions it is well-known that whoever calls the police first is assumed to be the victim regardless of degree of evidence, past criminal record, or other factors.

When abused women get to court, they often have to make difficult decisions with little information and even less time. Between being more likely to quickly plead guilty and being seen as an anomaly that must be seriously dealt with by the court system (e.g., a violent woman who clearly falls outside the predominant stereotype of femininity), women are increasingly finding themselves ordered to treatment for violent acts they committed within the context of their own victimization. It should not be surprising, then, that abused women often find that court-ordered treatment ranges from unhelpful to re-victimizing.

## ***THE WOMEN WHO RESORT TO VIOLENCE (WWRTV) GROUP***

Perilla et al. (2003) suggest that women's use of IVP is at least partially a result of learning, opportunity, and choice. Women may have learned, both within their intimate relationships as well as in the communities in which they live, that violence may elicit respect, or at least fear and compliance, from others. Violence often works to get what one needs, at least in the short term. The opportunity to use violence may be created by an abusive partner becoming incapacitated by drugs or alcohol, or it may simply be due to the availability of a knife on the kitchen counter next to where the survivor is standing. Alternatively, the choice to use violence may be an either/or proposition, such as whether to use violence or likely suffer extensive injury. The choice may also be a decision based on knowledge that little else has lessened the violence in the past.

### ***Motivations for Women's Violence***

An example of how this theory applies comes from a group member who attended WWRTV. During much of her childhood, Shauna<sup>1</sup> had witnessed her father assault and control her mother. She had also seen her mother self-defend and retaliate. Over time, her father stopped his physical assaults, which Shauna directly attributed to her mother's counter-assaults. When Shauna became involved with her latest intimate partner who is abusive and controlling, she knew that violence had worked for her mother in lessening her father's assaults. Shauna also knew she needed to take action immediately rather than wait until she was so hurt or depressed that it would be more difficult to take action. Finally, she made a clear choice about using violence in response to any violence she suffered from her partner.

Certainly many, if not all, women who come to the WWRTV group have used some form of resistance against the controlling tactics of their partners (Goodman et al., 2003). They may have shoved, slapped, thrown items, or simply refused to do something their partners demanded they do. Below is an account given by a WWRTV group member about how she ended up in treatment.

Although Cheryl had been married to Jerry for 10 years and had endured even more years of put-downs, shoves, thrown dishes, phones ripped out of walls, and threats to her and her family, this was the first time she had called the police. In her opinion, the most recent incident was much worse than past ones. She reported that she had physically fought back this time because she was tired of the stress, pain, and tears,

but most of all she was tired of her children witnessing Jerry's violent behavior. In Cheryl's own words:

It wasn't supposed to happen this way. I was supposed to be able to call the police, they would understand all I'd been through, and they would talk to him [Jerry] and make him understand that he'd better stop his abuse or he'd go to jail next time. The police would give me some agencies to call for help and take me seriously. It wasn't that I wanted to hurt him. I love Jerry. I just wanted him to know I'd reached my limit. When Jerry came into the kitchen sneering about how I do nothing during the day while he works so hard, I tried to tell him all the chores I'd done. Then he came right up to me and spit in my face! I was so shocked, I just moved away from the stove toward the sink to wipe my face. He came at me and pulled my pony-tail, yelling "Bitch, are you listening to me?!" That was it. It was like I physically felt something snap. I picked up the knife on the counter just to show him that I'd had enough, but when I turned around fast he was right there beside me and I cut his arm. I couldn't believe it. After all he'd done to me and here I was holding a knife, his arm bleeding. All I could think was how to stop the bleeding and now I was as bad as him. I dropped the knife and looked for a dishtowel to put on his arm. But Jerry said in this low voice that I'd better get out or he'd kill me. He just looked at me with those cold eyes and I knew I'd better go. So I ran down to my sister's house and called 911 from there. When the police arrived at my sister's, I went out to tell them how Jerry had threatened to kill me and had been violent in the past. The police went down the street to talk with Jerry and told me to stay at my sister's house. When they came back, they said I was under arrest for stabbing Jerry. I know I shouldn't have been surprised, but I was. I couldn't believe that I had finally called the police and I was the one going to jail.

Another survivor in the WWRTV group, Jeri, is no longer surprised that no one, including the police, will help her avoid her partner's violence. She states:

There's nothing more I can do. I call the police, I get arrested. I try to move, he finds me. I try to get a job, he finds out and calls the employer and tells lies about me. He follows me everywhere. He threatens to kill my family. At this point I don't even leave my room.

When she was arrested for using force, she felt backed into a corner and saw no way to escape her former partner. Her response is similar to

many others who have been mandated to the WWRTV group by local probation offices or children services. For Jeri, the safety net of a coordinated community response has many holes in it—holes she has fallen through every time she tried to rely upon it. At this point, while she doubts her own ability to help herself, she has found through experience that there is no one else who truly will.

These are but three examples of what might precipitate a battered woman's use of violence against her abuser. Women who use instrumental violence often have the goal of stopping a partner's violence and abuse. Sometimes they also wish to seek retribution, or somehow make the batterer understand all he has put her through. For victims who use violence, they may fall into one of the following categories: (a) immediate self-defense, or violence used during an assault to protect self or children; (b) delayed self-defense, or violence used soon after an assault when the victim feels she is still in imminent danger; (c) retaliatory violence, or violence used when imminent danger is passed, but still with the goal of demonstrating power in order to get a partner's violence to stop; (d) hyper-vigilant violence, usually used by women who have been victims of trauma by multiple offenders across the lifespan, who perceive a new threat or likelihood of abuse in the current environment, and whose response is often disproportionate to the current situation to make sure they are "never again" a victim; and (e) anticipator/preemptive violence, also used by women abused by multiple offenders across the life span, who use violence before any signal of a new threat, and seek to establish themselves as off-limits to any possible offender, real or perceived.<sup>2</sup> Certainly, these categories noted above are not mutually exclusive, nor should they be used to pigeon-hole battered women. Nevertheless, assessing for this type of motivation behind women's violence may allow us to intervene in more appropriate ways, especially if women themselves can see their own experiences and choices within the descriptions outlined above.

The women whose violence falls within the first two categories above have clearly acted in self-defense (immediate or delayed). Nevertheless, the criminal justice system is often not responsive to self-defense reasoning when female violence is involved. The third type of violence, retaliatory, is in a "nether region" that often makes sense only from the perspective of battered women or other victimized individuals, and is an extremely hard sell in most court rooms. The last two types, hyper-vigilant and participatory/preemptive, are clearly not seen as acceptable reasons for violent behavior, regardless of gender. However, some women who end up in the criminal

justice system have not used violence, not even in self-defense. Instead, they were dealing with savvy batterers who knew that if they said the right things, the police would arrest their victims, again proving the batterers' omnipotence. When women have not been violent at all but are nevertheless referred to treatment, providers need to consider doing intense advocacy within the criminal justice system, as well as question the need for treatment. A clear needs-assessment with the referred women is warranted in order to determine if victim advocacy and support is wanted.

### ***ENHANCING KNOWLEDGE AND SKILLS FOR WORKING WITH BATTERED WOMEN WHO USE VIOLENCE***

An either/or perception of IPV has closed the doors of hope and safety to more than a few victims who have either used violence or otherwise become involved with the criminal justice system. In the not-so-good old days, one simply assumed that any woman who called a domestic violence crisis line must be a victim. If that victim were to say that she had been convicted of domestic violence, then there was a quick assumption that she was not someone who could be served with support, advocacy, or the other services that shelters and victim advocates provide. She would either be provided a referral to batterer intervention, a mental health provider, or simply denied services. Today that assumption is no longer valid. Victim service agencies are now recognizing the need to conduct full assessments for anyone calling a crisis line in order to both determine the primary batterer and to refrain from turning away those who could benefit and qualify for services.

In the case of Artemis, the agency that houses the WWRTV group, as we began completing more in-depth assessments of those victim-defendants who contacted us for mandated services, the muddier the waters became. Questions arose concerning how we should handle service provision, and certainly if we should provide any mandated services at all. This should continue to be a central question for any agency when discussing provision of a WWRTV group.

There are disturbing consequences to providing WWRTV-type groups. These consequences include but are not limited to: (a) arrested/convicted survivors may be mandated into treatment that runs counter to many of the core values of the advocacy field, such as self-determination and empowerment; (b) the criminal justice system

may use such groups as an excuse to mandate victims into treatment, especially if victims are seen as more amenable to change compared to batterers; and (c) victim advocates may face the choice of whether or not to encourage prosecutors to mandate arrested victims into treatment as an alternative to conviction.

In fact, regarding this last point, McMahon and Pence (2003) encourage advocacy with prosecutors for reduced charges and WWRTV-type treatment in lieu of domestic violence convictions. This removes the extremely negative consequences of having an inaccurate domestic violence conviction on one's record. However, this approach clearly places both victims and victims' advocates in a double-bind when prosecutors present domestic violence conviction or mandated treatment as the only viable options.

### ***Principles Based on the "Double-Bind": WWRTV-Type Groups***

The WWRTV group, presented here as an advocacy-based template, was designed with the above double-bind in mind. The group curriculum was designed for IPV victims who have used violence against a partner in self-defense or retaliation (Waller, Malloy, & Gardner, 2002). Techniques and core values of the group are founded upon feminist theory, social learning theory, and cognitive behavioral theory. The goals are to empower the individual, increase knowledge, teach skills, and change attitudes through various methods including lecture, discussion, exercises, videos, and homework. Topics covered in group sessions include basic information about IPV dynamics and statistics, safety assessment and planning, anger management, healthy communication techniques, effects of IPV on parenting and children, and other key topics that allow for deeper reflection of the abuse that group members have endured, as well as survival skills they have developed (Waller et al., 2002).

One key method that is used in assessing the benefits and consequences of providing a WWRTV-type group for victim-defendants is talking directly with the women involved. Throughout their participation and at post-treatment, we ask the women about barriers that the treatment may have created, as well as opportunities. However, results are mixed. We have had women tell us that they believe group may have saved their lives. While they wish they would never have been arrested, convicted, or sentenced, they also believe they have better safety plans, are making better decisions for themselves, and more clearly under-

stand IPV dynamics. They also often report a sense of relief from knowing that other women have experienced similar victimization and have similar feelings.

Conversely, other women participating in the WWRTV group have experienced great difficulties in securing transportation, getting time off from work, and/or securing childcare in order to attend treatment. Some also report that moving out of state and away from their batterers has been delayed as a result of probation requirements that dictate they must successfully complete the WWRTV in order to be released from mandated oversight. Thus, the very barriers that we as victim advocates must aid victims in overcoming (Grigsby & Hartman, 1997) can be the very ones we create for the women we serve unless we proceed with flexibility and responsiveness guided by victim safety, including in-tense advocacy with probation officers and judges.

### *Pairing WWRTV-Type Treatment with Creative Advocacy Strategies*

It seems clear that advocates must seriously consider multiple strategies for overcoming such contradictions. McMahon and Pence (2003) offer categories concerning advocacy strategies on behalf of victims who resort to violence that encompass the criminal justice system from initial contact at the IPV scene to possible post-conviction sentencing and probation monitoring (see Table 1 for an expansion of these categories). These suggestions deal with the overall working of the system, but can also be tailored for use with an individual victim-defendant.

McMahon and Pence (2003) offer an important point—the single most effective remediation strategy concerning this problem would be to reduce the overall number of dual arrests within a jurisdiction. While this most certainly is important, some communities have found that a reduction in dual arrests still does not significantly reduce the number of battered women charged (Crager et al., 2003). A common statement heard from WWRTV group members during their first session is that the police told them “we have to arrest someone,” with little primary batterer assessment conducted at the scene.

Once a victim is arrested, advocates should strongly consider intervening with both defense attorneys and prosecutors. Discussion with defense attorneys regarding the consequences of a trial versus pleading guilty should be considered, as well as educating defense attorneys about the long-term negative consequences of a conviction for victims. While working to change defense, prosecution, and sentencing strategies is certainly important, the fact remains that most women in the

TABLE 1. Advocacy for Victims Who Have Used Violence (adapted and liberally expanded from categories given in McMahon & Pence, 2003)

Police	Defense	Prosecutor	Sentencing/Rehab
- Review police reports where a woman is arrested for IPV.	- Work with defense attorneys to more aggressively defend women charged with assaulting their batterers.	- Educate prosecutors about the injustice of prosecuting victims acting in self-defense.	- Send only primary batterers to batterer treatment.
- Calculate those arrests of women that may have been self-defense.	- Educate defense lawyers about the long-term consequences to victims of pleading guilty.	- Work to increase understanding of the gendered nature of IPV.	- Send victims who have used violence to WWRTV-type groups.
- Train officers on determination of self-defense in IPV cases.		- Educate prosecutors about the risks to victims no longer willing to remain passive.	- Educate judges and probation officers about the differences in treatment needs.

WWRTV group say that the “worst part of the nightmare” was being arrested (often in front of their children), put in a police car, and then spending time in jail. Injustice and the shattering of faith in the criminal justice system occur long before the victim-defendant’s case reaches a prosecutor.

### ***CONCLUSIONS: CONFRONTING CRITICISM***

It seems clear we should conduct aggressive advocacy to take up the cause of women who are victim-defendants. Victim advocates have an obligation to educate others and state the case appropriately. Explaining primary batterer assessment approaches more strenuously and in a detailed manner can only help. It is important that advocates inform defense attorneys, prosecutors, judges, and probation officers about the miscarriage of justice that occurs when primary batterer assessments are not appropriately completed, often resulting in the arrest and conviction of battered women.

Advocacy within the justice system about injustices it has committed against IPV victims certainly is not easy. It is difficult to introduce a

change of focus within this system to create sensitivity to the patterns and contexts important to IPV. It is also difficult to overcome feelings of frustration and hopelessness held by many criminal justice professionals concerning the "revolving door" issue of repeat offenders and victims. In addition, advocates often face an uphill battle in overcoming the stereotypes that most advocates are man-haters who refuse to believe that men could ever be IPV victims (Klein, 2004).

Despite these often entrenched roadblocks to change, advocates must remain aware of the everyday and sometimes mundane forms of injustice that victim-defendants face. Every time women gather for the WWRTV group, there is always at least one victim who discusses the difficulty in simply showing up, ranging from problems with bus schedules to securing safe and adequate child care. Every group, there is always at least one victim who discusses her frustration that her abusive partner is not being held accountable for his violent behavior. All the while, we as facilitators must question whether or not we have created an easy rationalization used by the criminal justice system to justify the arrest and conviction of IPV victims.

Have we made it easier for the criminal justice system to arrest and convict IPV victims because now there is a mechanism to "reform" them? Quite possibly. Should we focus advocacy efforts on educating police, prosecutors, probation officers, and judges, as well as modifying existing laws, so it is not as easy to charge victims who self-defend, retaliate, or are not violent at all? Absolutely.

Should those of us who live in states in which there are no required batterer intervention standards advocate for them so that no victim is put in a group with primary batterers? Should we spend our time educating traditional batterer intervention providers and gaining consensus about service to victims who have used violence? Should we research and modify primary batterer assessment tools and then market them to members of the criminal justice system so that victims and batterers are correctly identified? Have we become co-opted by the very system we originally tried to reform? Does a treatment group for women who use violence or who, in some way, have become defendants in the criminal justice system and are mandated to attend, benefit them or empower them in any way? How, if at all, can an agency that prioritizes empowerment for victims provide a group that requires their attendance as a result of their methods of resisting the abuse they are experiencing? How can we, with limited resources, simultaneously address the needs of today's victim defendants while achieving system change?

These are but a few of the questions we must consider as we offer services to victim-defendants mandated to treatment. There is no best an-

swer concerning how we should respond to the current situation of battered women arrested for IPV. Clearly traditional batterer intervention is not an answer. Yet also as clearly, we have yet to find the best answers for the victim-defendants now involved in a system that, even with our best advocacy efforts, may not recognize their unique needs for years.

## NOTES

1. All names of victims and perpetrators are pseudonyms for reasons of confidentiality.
2. Certainly there are women who are primary aggressors whose coercive violence is used as a means to establish power and control over a partner, and not as a protective measure. Women who are primary aggressors are beyond the scope of this discussion.

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