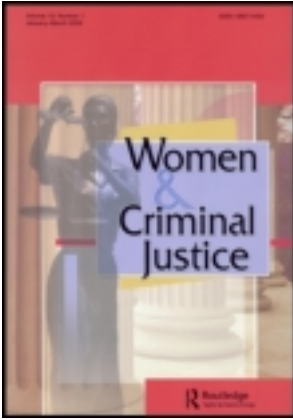


This article was downloaded by: [68.41.55.206]

On: 12 April 2013, At: 06:46

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Women & Criminal Justice

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/wwcj20>

### “They Arrested Me—And I Was the Victim”: Women’s Experiences With Getting Arrested in the Context of Domestic Violence

Melissa E. Dichter<sup>a</sup>

<sup>a</sup> Center for Health Equity Research & Promotion, Philadelphia VA Medical Center, Philadelphia, Pennsylvania, USA

Version of record first published: 11 Mar 2013.

To cite this article: Melissa E. Dichter (2013): “They Arrested Me—And I Was the Victim”: Women’s Experiences With Getting Arrested in the Context of Domestic Violence, *Women & Criminal Justice*, 23:2, 81-98

To link to this article: <http://dx.doi.org/10.1080/08974454.2013.759068>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.tandfonline.com/page/terms-and-conditions>

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

## **“They Arrested Me—And I Was the Victim”: Women’s Experiences With Getting Arrested in the Context of Domestic Violence**

MELISSA E. DICHTER

*Center for Health Equity Research & Promotion, Philadelphia VA Medical Center,  
Philadelphia, Pennsylvania, USA*

*Since the implementation of mandatory and pro-arrest policies, there has been a sharp increase in the number of women arrested for violence against intimate partners; many of these women are also victims of intimate partner violence (IPV). Through questionnaires and interviews, this study uncovers the experience of getting arrested from the perspective of women who were both victims of IPV and arrested in IPV-related incidents. Women reported that their arrest was unexpected, led to multiple losses and collateral consequences, and served as a turning point in their relationships. Findings support emergency intervention services that include alternatives to arrest for women experiencing IPV.*

**KEYWORDS** *arrest, battering, domestic violence, intimate partner violence*

### BACKGROUND

When the members of the battered women’s movement advocated for the criminalization of assaults against intimate partners, the goal was for the criminal legal system to take violence within the household seriously, to

---

This work was supported by the Centers for Disease Control and Prevention, National Center for Injury Prevention and Control (Grant No. 1R49CE001226-01). Dr. Dichter is a Career Development awardee, supported by the Department of Veterans Affairs, Veterans Health Administration, Health Services Research and Development Service. The views expressed in this article are those of the author and do not necessarily represent the views of the Department of Veterans Affairs or the U.S. government.

Address correspondence to Melissa E. Dichter, Center for Health Equity Research & Promotion, Philadelphia VA Medical Center, 3900 Woodland Avenue, Building 4100, Philadelphia, PA 19104, USA. E-mail: mdichter@sp2.upenn.edu; Melissa.Dichter@va.gov

provide protection and accountability in cases of women being beaten by their husbands. Prior to these advocacy efforts, the norm had been for police not to make an arrest in the typical case of spousal violence, to avoid public intervention into what was considered to be a private matter, or to simply tell the couple to “get along.” Battered women’s advocates argued that women experiencing violence at the hands of their husbands should be treated as any other victims of crime and that law enforcement’s lenient response to intimate partner violence (IPV) served as implicit endorsement of violence against women (Ferraro 1989). This advocacy led to policies that encouraged or mandated arrest in IPV cases, which led to sharp increases in the number of arrests for assaults against intimate partners. As with all policies, however, there have been unintended consequences, one of which is an increase in the number of arrests of women who are victims of IPV (Busch and Rosenberg 2004; Hirschel and Buzawa 2002; Miller and Meloy 2006; Swan and Snow 2002). Arrest can lead to a host of negative consequences for a victim, including increasing her risk of future violence (Busch and Rosenberg 2004; Miller 2001; Miller and Meloy 2006). This article presents an analysis of the arrest experience from the perspective of women who were victims of IPV and who were also arrested in an IPV-related incident.

### VICTIMS ARRESTED: CAUSES AND CONSEQUENCES

One might ask how it can be that a *victim* could get arrested as an *offender*. As Leisenring (2011:368) described, crimes of violence typically have a clear “victim,” who is “entitled to sympathy, support and services,” and “victimizer,” who is “stigmatized and subjected to various penalties and punishments.” Yet in IPV cases, it is not uncommon for both members of a couple to use violence or to be arrested for using violence (Swan et al. 2008), clouding the victim/victimizer dichotomy and potentially causing conflicts in identity and consequences associated with social response to perceived deviance. Goffman (1963) noted the tension that arises when there is a conflict between one’s self-identity (how one views himself or herself) and the identity ascribed by others. According to Goffman’s theory, a societal labeling of deviance, regardless of the individual’s self-identity, leads to stigmatization and discrimination, “spoiling” the individual’s identity. A woman may view herself as a “victim,” but when arrested, the stigma attached to perceived deviance may obscure and replace her more sympathetic victim identity.

So under what circumstances do victims become labeled as victimizers through getting arrested? Women victims of IPV may use violence against their partners; most often, their use of violence is in response to their own victimization, to protect or defend themselves (or others, like children) from further harm or violence, or to retaliate against an attack (Hirschel and Buzawa 2002; Loy et al. 2005; Miller 2001; Miller and Meloy 2006; Swan and Snow 2002). In

other cases, women victims do not use violence but are falsely accused of doing so. As an unintended consequence of pro-arrest policies for IPV, batterers who use violence and threats of violence to establish dominance and control over the victim may manipulate the system to use arrest as a tool in the battering, whether or not the victim has used violence. They may falsely claim that the victim has used violence, or that the victim is the predominant aggressor in the incident or in the relationship, and then use arrest to further decrease the victim's freedom (Finn and Bettis 2006; Haviland et al. 2001; Pollack, Battaglia, and Allspach 2005; Wolf et al. 2003). The frequency of such cases is difficult to determine. However, the existing literature does indicate that such manipulation occurs. For example, criminal legal system and social service professionals in Delaware reported instances of

men self-inflicting wounds so that police would view the women as assaultive and dangerous, men being the first ones to call 911 to proactively define the situation, and men capitalizing on the outward calm they display once police arrive (his serenity highlights the hysterical woman). (Miller 2001:1354)

In addition, Pollack and colleagues (2005:11) found that 10 of 19 women who had been arrested for assault against a partner "reported that their male partner used his knowledge of the criminal justice system (including how mandatory charge policies work) to portray her as the primary aggressor and have her arrested and charged."

Whether an IPV victim has used violence or has been accused of doing so, police may be unable or unwilling to determine whom to arrest in IPV cases. Identifying the primary aggressor may require an examination of the larger context of the relationship, beyond an individual incident, that police may not be trained or prepared to conduct (Finn and Bettis 2006; O'Dell 2007). Victims' survival strategies, which may include using force, may not be recognized as such, as they may not fit within the traditional picture of self-defense actions that are based on imminent threat in an isolated incident (Campbell et al. 1998; Miller 2001; Osthoff 2002). In cases of ongoing abuse, threats of violence may be omnipresent and victims may initiate a strike against their abusers in order to protect themselves and others immediately following a physical attack or at a more distal point in time. Victims may also use force or violence in response to forms of IPV that are not as clearly identifiable to outsiders but may be as damaging as, or more damaging than, physical attacks; examples include isolating the victim from social supports, controlling the victim's activities and access to resources, and using verbal threats and nonphysical forms of intimidation (P. H. Smith, Smith, and Earp 1999).

Without knowing the full context of the relationship, police may be unable to determine the intent or motive behind the behavior (e.g., violence used in self-defense), especially when both parties have, or claim to have,

injuries, leading to the arrest of the wrong party or both parties (Finn and Bettis 2006; Hirschel and Buzawa 2002; McMahon and Pence 2003; Miller 2001; Wolf et al. 2003). Officers may feel that determinations of who is criminally liable should be left to the courts, that they have neither the training nor the resources to make such determinations. Police may also err on the side of arresting both partners (dual arrest) because they fear liability if they fail to arrest a perpetrator who subsequently commits other acts of violence (Finn et al. 2004).

Police may believe that their intervention will be ultimately beneficial to the female victim, even if she is arrested: "They view dual arrests as providing for victim safety and motivating victims to seek help for the abuse" (Finn et al. 2004:568; see also Finn and Bettis 2006). However, arrest may also present potentially severe consequences for victims, compromising their safety and overall well-being (Cramer, Cousin, and Hardy 2003; Miller 2001). Even in cases in which a victim's actions warrant arrest, the impacts of the arrest may extend far beyond that which is intended as punishment, treatment, or retribution. What police and others may not realize is that victims of IPV are likely to be in an even more precarious situation following arrest (Finn et al. 2004).

Victim arrest can lead to an increase in violence, as a victim may lose access to criminal legal system protection and thus be more vulnerable both to using violence in self-defense and to further victimization. It is understandable that a victim who has been arrested may be reluctant to call on police for help in a future incident, fearing at worst that she may be arrested again and at best that the police may provide little or no assistance (Cramer et al. 2003; Hirschel and Buzawa 2002; Saunders 1995; Wolf et al. 2003). Without the police as a resource, partners may be less deterred by the threat of arrest and victims may be forced to rely on alternative methods of self-protection, including fighting back or using violence in self-defense (Miller 2001), further increasing their risk of victimization (Stith et al. 2004).

Victims of IPV who are arrested may also be denied services from organizations that have a policy against working with perpetrators or offenders (Cramer et al. 2003; Hirschel and Buzawa 2002; Miller 2001; Osthoff 2002; Saunders 1995; Wolf et al. 2003). Advocacy programs focusing on victims may be reluctant or unwilling to provide services to women who have been arrested for IPV. Other supports dedicated to victims, including assistance with shelter or temporary housing, counseling and empowerment programs, support groups, and employment training programs, may also be unavailable to women who have been arrested (Hirschel and Buzawa 2002; Miller 2001; Osthoff 2002). Arrested women who are also victims, then, lack access to services that could assist them in managing both the emotional and the tangible consequences of abuse.

For women with children, the impact of arrest on their children may be a primary concern (Cramer et al. 2003). As a result of arrest for a crime of violence, mothers of minor children may face child welfare charges of failing to

protect their children from exposure to domestic violence (Kantor and Little 2003; Lemon 1999; Magen 1999) and may face the risk of losing custody of their children (Hirschel and Buzawa 2002). If women are detained or incarcerated as a result of the arrest, their children may be forced into alternative (and potentially harmful) living conditions, including being placed in foster care, in a group home, or with the abusive partner (R. Smith and Coukos 1997).

Finally, the arrest itself may create additional hardships and barriers to self-sufficiency. If convicted of a crime, a woman is likely to face difficulty maintaining or gaining employment, particularly in industries or jobs dominated by women, such as child care or teaching (Cramer et al. 2003; Hirschel and Buzawa 2002; Miller 2001). Other financial costs are likely incurred as the result of an arrest—possibly attorney's fees, transportation and child care costs to attend court dates or mandated programs or appointments, and time away from work. A criminal defendant may need to spend time and resources to prepare a defense case and call on others for support and corroboration. Furthermore, as a result of arrest or criminal conviction, individuals may lose eligibility for public welfare benefits, including Temporary Aid to Needy Families (Coker 2000). Economic deprivation may cause a woman to be dependent on her partner or on other (potentially abusive) partners.

## THE CURRENT STUDY

As reviewed previously, the literature indicates that women are sometimes arrested for violence against intimate partners, that some of the women who are arrested are also victims of violence, and that getting arrested can have negative consequences for women's safety and well-being. The purpose of the study presented here was to understand the experience of getting arrested from the perspective of women who are also victims of partner violence. The study was guided by a social constructionist framework, recognizing the subjectivity of reality and that experience and knowledge are shaped through social interaction (Berger and Luckmann 1966). The focus of this study is on the participants' voices in describing their own reality of how their identities and options are shaped by their interaction with societal systems. The findings are considered within the social context and applying tenants of labeling and stigma theories.

## METHODS

Data for this study came from a larger study of 173 adult, English-speaking women who had experienced a police call in response to an incident of fighting or violence between themselves and a male partner or ex-partner. Participants were recruited from community-based social service agencies and a hospital emergency department and completed surveys about their

experiences with the criminal legal system. A subset of those women also participated in in-depth interviews to elucidate the same topics in more detail. For this article, I focused on the 24 survey participants who reported that they had been arrested for “fighting, using force, assault, or abuse” as a result of the police call, including 7 who also participated in in-depth interviews. All of the arrested participants reported experiencing violence (victimization) from their (ex-)partners.

Data were collected between September 2006 and June 2008 in a large East Coast city. Data collection took place in a private space at the organization from which the participant was recruited. In-depth interviews were audio recorded and transcribed verbatim, excluding any individually identifying information.

Demographic data, as well as information about who was arrested and about the violence in the relationship, were collected through the questionnaire. Questions from the Short Form of the Revised Conflict Tactics Scales (Straus and Douglas 2004) were used to measure the presence of psychological aggression (insulted, swore, shouted, yelled, destroyed personal belonging, or threatened to hit), physical assault (pushed, shoved, slapped, punched, kicked, or beat up), and sexual coercion (forced sex or insistence on sex or sex without a condom), as well as resulting injury. Participants were asked whether they had used each of these forms of violence against their partners (perpetration) as well as whether their partners had used each of these forms of violence against them ever in the relationship (victimization; not necessarily related to the arrest incident). Participants who reported that they had been arrested were also asked about the collateral consequences of their arrest, including financial costs, impacts on employment, and involvement of child protective services or loss of custody of children, as well as whether they would be likely to seek help from the police (for any reason) in the future.

The in-depth interview sought to elicit further elaboration, in the participants' own words, on the topics raised in the questionnaire. The interview was semistructured, with questions to guide the interviewer but flexibility to allow pursuit of topics and themes that emerged in the discussion. The interview guide included broad and open-ended questions; for example, “Can you tell me what happened when the police were called?” “What was it like when the police came?” and “What happened after the arrest?”

## Data Analysis

The quantitative data were managed and analyzed using SPSS statistical software, Version 14.0. Frequency analysis was used to obtain univariate descriptive statistics on the full sample as well as the subset of interview participants. Qualitative data were analyzed using a technique of constant comparative analysis, based on grounded theory (Glaser and Strauss 1967; Strauss and

Corbin 1990). Grounded theory allows the theory to emerge from the data themselves, rather than using the data to test preformed ideas. I first reviewed each of the transcripts and noted common themes. I then coded the data according to the identified themes and compared examples to refine the codes and understanding of the findings. Coding of interview transcripts was facilitated by the use of a qualitative data software package, QSR NVivo 7.

## RESULTS

### Sample Description

Table 1 presents the characteristics of the full sample as well as the subsample of interview participants. The participants ranged in age from 19 to 54, with a mean age of 34.7. The interview participants were slightly older than the full group, with a mean age of 38.9. The majority ( $n = 16$ , 66.7 percent) of the participants self-identified as Black or African American. White/Caucasian women were overrepresented in the interview sample. More than a third ( $n = 9$ , 37.5 percent) of the women did not finish high school; only one had graduated from college. The majority ( $n = 18$ , 75 percent) of the participants had children. The sample for this study was demographically similar to the full sample of participants ( $N = 173$ ) in the larger study from which this sample was drawn.

Ten of the 24 participants (4 of the 7 interview participants) were arrested on a single arrest. Nearly all of the participants (and 100 percent of the interview participants) reported that their partners had used both psychological and physical violence or aggression against them and caused injury related to violence. More than 70 percent (17 of 24) of the participants (and nearly all of the interview participants) reported sexual violence victimization. All of the participants reported that they had used psychological aggression against their partners. Just over 70 percent (17 of 24) of the participants reported using physical violence; 20.8 percent (5 of 24) reported using sexual coercion, and half (12 of 24) reported causing injury as a result of violence.

### The Experience of Getting Arrested

Women spoke about the experience of getting arrested as being traumatizing, degrading, and shocking. The women did not expect that they would be arrested and were not prepared for the experience of the arrest and what followed. They also spoke about the arrest incident being a turning point in both their relationships with their partners and their own thinking about the violence they were experiencing. The women's discussions about getting arrested fell into three themes: (a) the shock of getting arrested: "I didn't think it would happen to me," (b) consequences of getting arrested: "I lost everything," and (c) arrest as a (painful) catalyst for change: "It saved my life—but it shouldn't work like that."



**TABLE 1** Sample Description

Variable	Questionnaire participants ( <i>N</i> = 24)		Interview participants ( <i>N</i> = 7) <sup>a</sup>	
	<i>n</i>	%	<i>n</i>	%
Age				
18–25	6	25.0	1	14.3
26–35	7	29.2	1	14.3
36–45	7	29.2	4	57.1
46+	4	16.7	1	14.3
Race				
Black/African American	16	66.7	3	42.9
White/Caucasian	6	25.0	4	57.1
Mixed/other	1	4.2	0	0
Missing	1	4.2	0	0
Level of education				
Did not finish high school	9	37.5	2	28.6
Completed high school or GED	6	25.0	0	0
Some college	7	29.2	4	57.1
Completed college	1	4.2	1	14.3
Missing	1	4.2	0	0
Employment				
Employed (full or part time)	4	16.7	2	28.6
Not employed	19	79.2	5	71.4
Missing	1	4.2	0	0
Children				
Yes	18	75.0	5	71.4
No	6	25.0	2	28.6
Who arrested				
Participant only (single arrest)	10	41.7	4	57.1
Participant and partner (dual arrest)	14	58.3	3	42.9
Partner's use of violence—Psychological				
Yes	23	95.8	7	100.0
No	1	4.2	0	0
Partner's use of violence—Physical				
Yes	22	91.7	7	100.0
No	1	4.2	0	0
Missing	1	4.2	0	0
Partner's use of violence—Sexual				
Yes	17	70.8	6	85.7
No	7	29.2	1	14.3
Partner's use of violence—Injury				
Yes	22	91.7	7	100.0
No	1	4.3	0	0
Missing	1	4.2	0	0
Participant's use of violence—Psychological				
Yes	24	100.0	7	100.0
No	0	0	0	0
Participant's use of violence—Physical				
Yes	17	70.8	6	85.7
No	6	25.0	1	14.3
Missing	1	4.2	0	0

*(Continued)*

TABLE 1 Continued

Variable	Questionnaire participants ( <i>N</i> = 24)		Interview participants ( <i>N</i> = 7) <sup>a</sup>	
	<i>n</i>	%	<i>n</i>	%
Participant's use of violence—Sexual				
Yes	5	20.8	3	42.9
No	19	79.2	4	57.1
Participant's use of violence—Injury				
Yes	12	50.0	4	57.1
No	11	45.8	3	42.9
Missing	1	4.2	0	0

Note: GED = general equivalency diploma.

<sup>a</sup>Interview participants are a subset of the questionnaire participants.

#### THE SHOCK OF GETTING ARRESTED: "I DIDN'T THINK IT WOULD HAPPEN TO ME"

Women who were arrested commented that they were shocked by the arrest—that they never anticipated or expected that they would or could get arrested for domestic assault. Some women thought of themselves primarily as victims and viewed this identity/experience as incompatible with being an "offender."

Felicia said, "Never in a million years did I think it [arrest] would happen to me." Suzanne said, "They arrested me—and I was the victim." And Brenda explained,

I always thought they [the cops] would take [arrest] him. . . . He manipulated me, he manipulated the system. They took me. They handcuffed me and put me in the back of the wagon; they got me to the police station and he put me in a cell. And I still couldn't figure out why they did that.

The participants who were arrested were confused, offended, and surprised by the fact that they were arrested. These participants thought that their partners should be arrested—and that they should not.

In some cases, women said that their partners set them up for arrest as part of the abuse. The partners constructed a situation to position the women as the offenders and used the criminal system to threaten and further establish control over the women. The partners proactively intervened with the system before the women could or did report them for abuse. Whereas the women were confused by the system and thinking of themselves as victims and not as offenders, it seemed that their partners were more familiar with the criminal process and used the system against the women. Felicia noted that her partner used the criminal system to establish dominance over her, or retaliate against her, when his power was threatened. She said, "He called

the police [and had me arrested] when he knew I was gonna leave.” This woman’s partner then capitalized on her criminal status to gain an advantage in divorce and custody battles.

Erica described her partner setting her up to be arrested in a situation reflective of those described by Miller (2001), Pollack and colleagues (2005), and others, in which the partner constructs a scenario with the purpose of having her arrested:

I do remember, after being slammed in the wall, him taking my laptop, which was my livelihood, and taking it out of my apartment. And, at this point, he was luring me out of my apartment to lock me out, and that’s when he scratched himself up. The thing that I remember about the way that he was acting—he wasn’t running. He was walking with my laptop. He was talking control of everything with a very intense craziness, but a controlled one, which was what got me in the end. . . . So I was outside in the hallway with the cop and when the door opened I noticed [my abuser] had scratches all over his chest. I didn’t do that. So the next thing I know, the cop grabs me brutally by the arm and slams me, my face, against the door. I looked over at [my abuser] and he’s sitting calmly on the couch, smiling at me. I think he had done this before because he did this very calmly and smoothly.

When the police arrived on this scene, Erica’s partner appeared injured but calm and Erica was shaken and confused, unable to tell her story. Erica found the experience to be traumatic, and the trauma impacted her memory at the time and her ability to articulate her side of the story. There were pieces of events leading up to the police officers’ arrival that she had lost from her memory at the time:

I remember him [my abuser] grabbing me by the neck and slamming me into the wall. That memory I didn’t have when the cops came. That memory came to me about a month after the incident, which was absolutely devastating to me that some of the vital information of that night didn’t come back to me until later, which is one point I would always make—people need to recognize that when somebody’s put in a traumatic situation that a lot of memory gets shut off and closed out.

Erica experienced trauma both from her partner’s violence and from the police officers’ arrival and behavior. The trauma of the event stayed with her:

So all of a sudden, two cops came running down the hallway, and I remember the leather on their belts. That noise scared me. I remember the leather and the things rubbing on their belt was something, even talking about it now scares me. Um, it’s a serious noise, a noise that disturbs me a lot today.

Another participant, Irene, who was arrested along with her partner, was surprised about the arrest of both of them. She did not expect that the violence in their relationship would escalate to the point that arrest was a possibility. She said,

I didn't have a clue that it would get that far. Like, I can't say it wasn't that serious but it definitely was fight that got way out of hand and I think something needed to be done, but I would have never had that [arrest] happen. When they told me that just by law they had to arrest me, I was like, Why? You know, I don't understand. I can't afford it, you know. I was graduated, you know, I have pretty much my whole life ahead of me, like, why for a reckless fight? And we weren't going to press charges, you know. [The arrest] was really a shock to me. I wouldn't think it was a possibility at all. I wasn't trying to have him get locked up, either. I didn't have a clue. I was really in shock and I never expected it to get that far. I don't have any prior offenses or any record or anything. When they told me what my charges were I was like, "Are you serious?" I just think it was a situation blown way out of proportion.

Irene, like the others, felt ignorant about the criminal process. She did not see herself as a criminal offender—she said, "I just couldn't believe it was happening. . . . I mean, do I seem like the type of person to you?"—and foresaw that the arrest would cause an upheaval in her life plans, particularly for her career.

Suzanne was also shocked to be labeled a criminal and felt the process to be foreign to her. She said, "I was very ignorant [about the criminal process]. I was 48 years old and never had a parking ticket."

Irene, who described the violence in the relationship as connected with isolated arguments, was surprised that the violence reached the level of severity to warrant arrest. Suzanne experienced severe violence throughout the course of her relationship but was surprised that she was arrested because she saw herself as a victim of ongoing battering, trying to protect her own safety.

These findings parallel those of Rajah, Frye, and Haviland (2006), who noted that women who had been arrested for domestic violence had, prior to the arrest, believed that they were "on the same side" as the police. The women reported that they were shocked and confused by their being arrested/their partners not being arrested and that the arrest challenged their self-identities as "victims."

#### CONSEQUENCES OF GETTING ARRESTED: "I LOST EVERYTHING"

Women were asked on the questionnaire about particular consequences related to finances or parenting that they might have experienced as a result of getting arrested. The results of these questions, as well as whether the arrested women would call the police in the future, should they have the

need, are presented in Table 2. More than one in four ( $n = 6$ ) of the arrested women incurred expenses of more than \$1,000 as a result of arrest. More than a quarter ( $n = 6$ ) of the arrested women reported that they had trouble getting a job as a result of the arrest, and 4 of 22 arrested women (more than 18 percent) said that they lost a job because of getting arrested. Four of the 16 participants who had children reported that they experienced investigation or involvement from child protective services as a result of the arrest. One of these women lost custody of her children. Another three women, who did not report child protective services involvement, also lost custody of their children as a result of getting arrested. Nearly two thirds of the women (14 of 22) who were arrested experienced at least one of the financial/employment or child-related consequences.

Nearly 60 percent of the women who were arrested ( $n = 13$ ) said that they would call the police for help in the future, should they need it (for any reason), despite the fact that they had been arrested. This is inconsistent with Crager and colleagues' (2003) finding that 100 percent of arrested women would not call the police for help in the future (in comparison, Apsler, Cummins, and Carl, 2003, found that more than 80 percent of victims who had *not* been arrested would "definitely" call the police to intervene in a future incident). Women in the present study who said that they would call the police explained this response by noting that they lacked other options for emergency response. Although most of the participants said that they would reuse the police as a resource, it is important to note that a substantial portion (40 percent) said that they would *not* call the police in the future, eliminating this resource for them as an option in case of violence or other emergency. As Miller (2001) noted, avoiding the police as a resource may increase the likelihood that an individual will use violence as a means of self-protection.

The in-depth interviews elicited more detailed information from participants about the consequences they experienced from arrest. In some cases, expenses were incurred from fees for private attorneys, or for attending treatment (e.g., counseling) mandated by the court. Women also had to pay for

**TABLE 2** Consequences of Getting Arrested

Consequence	<i>n</i>	%
Total <sup>a</sup>	22	100.0
Incurring expenses >\$1,000	6	27.3
Trouble getting a job	6	27.3
Lost job	4	18.2
Child protective services involvement	4	18.2 <sup>b</sup>
Lost custody	4	18.2 <sup>b</sup>
Any of the above	14	63.6
Would call the police for help in the future	13	59.1

<sup>a</sup>8.3 percent ( $n = 2$ ) missing. <sup>b</sup>Percentage of those who had children ( $n = 16$ ).

transportation to court dates and other appointments and sometimes also were required to pay for child care to attend these commitments. Trouble getting a job as a result of the arrest, in many cases, was inferred and implicit. For example, Irene spoke of an experience in which she had an interview for a job and the employer told her that they were “definitely interested” in hiring her and that they just had to wait for the background check to come through. And then she said, “I just never heard back . . . that [the arrest] had to be what it was.” This same participant had lost her previous job because she had to take too much time off while incarcerated and for mandated appointments following incarceration.

Participants spoke of multiple losses resulting from getting arrested. Women spoke about the arrest experience leading them to depression, suicide attempts, and drinking, which also impacted their financial and employment stability as well as their parenting. Felicia said, “I lost everything.” She explained that, when she was released from jail, she was out on the street with nowhere to go and no resources. Her husband had filed for divorce while she was incarcerated, using her arrest as leverage for the divorce as well as for custody of their children. She became homeless and her parental rights were terminated. Erica described the multiple consequences she experienced:

It [the arrest] emotionally hurt my family. It was my grandmother’s end of her life. I had a bad confrontation with her because of it. It did so much damage for a period of time that my whole family, my friends, my self-esteem, my self-worth, my everything. It certainly prolonged my abuse with drugs over the years because it was a horrifying thing for me. But, also, I had stigma. Working with children—to this day, when I’m around a child what’s running through my head is, Your mom and dad, if they know what a bad person I am, they wouldn’t let me around you anymore. People are finicky when it comes to their children. So there’s been many times I’ve been eager to go get a teaching job again, being that I was a teacher before. I’m afraid that once they look at my record and they say, “Have you ever been arrested?” It’s been expunged so I really don’t have to report it but the stigma is always there. And there’s always this fear that I’m going to be put back into jail again. So it’s more than money, yes, but mostly emotional things that affected and still affects.

These impacts—on family, friends, mental health, employment, and finances—were common in narratives about the impacts of the arrest.

ARREST AS A (PAINFUL) CATALYST FOR CHANGE: “IT SAVED MY LIFE—BUT IT SHOULDN’T WORK LIKE THAT”

Participants described the experience of getting arrested as traumatic and “lousy.” The experience was neither pleasant nor anticipated. Participants

who were arrested did not speak of feeling supported by, or safe within, the criminal legal system. And, yet, some participants said that getting arrested, painful as it was, served as a catalyst to their getting away from the violence they experienced in their relationship—that the police intervention broke the violence trap. Erica said that getting arrested saved her life:

The cops were completely wrong and abusive, but had they not taken me, I wouldn't have probably grasped how serious things were. I probably would be gone—because I think what would have happened is they took him, he would have gotten out the next day, come back, and killed me, because I wouldn't have gotten help. I would have been embarrassed about it. It somehow, you know—it actually worked in my favor. It saved my life, but it shouldn't work like that. I had to leave the situation feeling like the abuser. . . . The police, in retrospect, not that they were trying to, but, in retrospect, the arrest saved my life.

For Erica, the police intervention served as a kind of “wake-up call,” alerting her to the seriousness of the situation. She said that she would not have sought help without this intervention because she was embarrassed and did not think that she necessarily needed help.

Other women who were arrested also identified that the arrest experience served as a prompt to ending the relationship with the abusive partner, which they recognized as important. Irene, who considered that she might be able to restore the relationship (“Maybe some time from now when this kind of blows over and we get back on our feet. Maybe things will get better and maybe we can work on the problems that we had before”) was more ambivalent about the arrest experience. She also identified the arrest as a “wake-up call” and the catalyst that broke the relationship but lamented the negative impact of the arrest on her ability to secure employment and income:

I guess maybe it's a good thing that that happened because maybe if it didn't happen, the fights would have just continued or—I don't know. . . . It was just so awful experience, not worth it at all. Now I'm stuck with these charges on my record. I can't get a job and, I mean, this completely sucks. . . . It's a major setback. Major. . . . I don't know, maybe it was a wake-up call.

For this participant, having the police intervention caused an interruption in the fighting with her partner and also led her to reevaluate the relationship. This participant was, as a result of being arrested, court-mandated to counseling within an anger management program. She expressed that she felt that the counseling was useful to her and likely to protect her from future violence—both victimization and perpetration.

## CONCLUSION

This descriptive study was based on a convenience sample of women from a single community. Caution must be used, therefore, in generalizing the findings beyond this group. As a descriptive study, its purpose was to develop knowledge about an underexplored but not infrequent topic of women who are victims of IPV and also arrested as a result of an incident with their abusive partners. The findings from this study provide insights into women's experiences with getting arrested, in the women's own words and from their perspectives, and can further inform societal responses to IPV in this time of aggressive police response.

The findings suggest that, not surprisingly, getting arrested was not a favorable experience and carried high costs for the women (as has been predicted by the previous literature; e.g., Crager et al. 2003 and Miller 2001). For the participants in this study, all of whom had experienced IPV victimization, getting arrested was shocking because it challenged their self-identities—they did not see themselves as victimizers or criminal offenders. Despite the women's perceptions of themselves as nonoffenders or as victims, the arrest labeled them as deviant and, consistent with Goffman's (1963) theory on deviance and stigma, they were then subject to the associated consequences.

Goffman (1963:11) also noted, however, that stigmatizing events or characteristics can lead to opportunity, reflection, and change, that the stigmatized individual "may also see the trials [s]he has suffered as a blessing in disguise." One can see this idea reflected in participants finding that the arrest served as a catalyst for positive change in terms of getting help or getting out of the relationship. That women may have gained strength, resources, or insights following the arrest experience, however, should not indicate that police should arrest victims as a means of helping them. One should not impose hardship, as one would not impose illness or disease to promote strength that can result from suffering. Rather, the findings suggest that victims can benefit from intervention and that other forms of intervention that offer support without suffering should be considered.

The women expressed being trapped in a violent relationship and then suffering the trauma of an unexpected and sudden arrest. At the same time, the police intervention may have helped facilitate their breaking away from the violent partner (consistent with suggestions by Finn et al. 2004 and Finn and Bettis 2006). It is clear that getting arrested can, and typically does, carry with it a host of negative consequences for victims, from financial strain to depression to loss of custody of their children. But intervention can also be helpful for women experiencing IPV. Therefore, it may be useful to have options for emergency intervention that reduces the likelihood of victim arrest.

As a 24-hr service available to all, police are in a good position to continue with emergency response. The findings from this study, however, as



well as Leisenring's (2011) finding of police officers being ambivalent or regretful about arresting victims, may indicate a need to reconsider the structure and paradigm of this emergency intervention to allow for better assessment and an alternative to arrest as the sole or primary intervention. Both O'Dell (2007) and Rajan and McCloskey (2007) recommended improving training for officers on the dynamics of IPV and affording increased time to conduct more complete investigations to determine criminal liability. In the process of investigation, police may also be able to assess victim needs and assist with connecting victims with services to promote future safety. Women who have come to the attention of the police in IPV cases express a need for a variety of health and social services, including medical and mental health care, financial assistance, housing, employment services, legal services, and parenting support (Dichter and Rhodes 2011).

Miller and Meloy (2006:108) also called for more advocacy, analysis, and evaluation in the criminal system in IPV cases and argued that "prosecutors can play a more directed role in uncovering the context in which the use of force occurred, using their discretion to detect true offenders from victims who fought back." The study presented here suggests that the arrest itself, even without prosecution, can have negative consequences for women victims, thus leading to the argument that the evaluation and alternatives should take place at the juncture of police intervention, before a case proceeds to the prosecutor's office.

## REFERENCES

- Apsler, Robert, Michel R. Cummins, and Steven Carl. 2003. "Perceptions of the Police by Female Victims of Domestic Partner Violence." *Violence Against Women* 9:1318–1335.
- Berger, Peter L. and Thomas Luckmann. 1966. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York, NY: Anchor Press.
- Busch, Amy L. and Mindy S. Rosenberg. 2004. "Comparing Women and Men Arrested for Domestic Violence: A Preliminary Report." *Journal of Family Violence* 19:49–57.
- Campbell, Jacquelyn, Linda Rose, Joan Kub, and Daphne Nedd. 1998. "Voices of Strength and Resistance: A Contextual and Longitudinal Analysis of Women's Responses to Battering." *Journal of Interpersonal Violence* 13:743–762.
- Coker, Donna. 2000. "Shifting Power for Battered Women: Law, Material Resources, and Poor Women of Color." *University of California, Davis Law Review* 33:1009–1055.
- Crager, Meg, Merrill Cousin, and Tara Hardy. 2003. *Victim-Defendants: An Emerging Challenge in Responding to Domestic Violence in Seattle and the King County Region*. Seattle, WA: King County Coalition Against Domestic Violence.
- Dichter, Melissa E. and Karin V. Rhodes. 2011. "Intimate Partner Violence Survivors' Unmet Social Service Needs." *Journal of Social Service Research* 37:481–489.
- Ferraro, Kathleen J. 1989. "Policing Woman Battering." *Social Problems* 36:61–74.

- Finn, Mary A. and Pamela Bettis. 2006. "Punitive Action or Gentle Persuasion: Exploring Police Officers' Justifications for Using Dual Arrest in Domestic Violence Cases." *Violence Against Women* 12:268–287.
- Finn, Mary A., Brenda Sims Blackwell, Loretta J. Stalans, Sheila Studdard, and Laura Dugan. 2004. "Dual Arrest Decisions in Domestic Violence Cases: The Influence of Departmental Policies." *Crime and Delinquency* 50:565–589.
- Glaser, Barney G. and Anselm L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. New York, NY: Aldine de Gruyter.
- Goffman, Erving. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York, NY: Simon & Schuster.
- Haviland, Mary, Victoria Frye, Valli Rajah, Juhu Thukral, and Mary Trinity. 2001. *The Family Protection and Domestic Violence Act of 1995: Examining the Effects of Mandatory Arrest in New York City*. New York, NY: Family Violence Project of the Urban Justice Center.
- Hirschel, David and Eve Buzawa. 2002. "Understanding the Context of Dual Arrest With Directions for Future Research." *Violence Against Women* 8:1449–1473.
- Kantor, Glenda Kaufman and Liza Little. 2003. "Defining the Boundaries of Child Neglect: When Does Domestic Violence Equate With Parental Failure to Protect?" *Journal of Interpersonal Violence* 18:338–355.
- Leisenring, Amy. 2011. "'Whoa! They Could've Arrested Me!' Unsuccessful Identity Claims of Women During Police Response to Intimate Partner Violence." *Qualitative Sociology* 34:353–370.
- Lemon, Nancy K. D. 1999. "The Legal System's Response to Children Exposed to Domestic Violence." *The Future of Children: Domestic Violence and Children* 9:67–83.
- Loy, Ellyn, Louise Machen, Michele Beaulieu, and Geoffrey L. Greif. 2005. "Common Themes in Clinical Work With Women Who Are Domestically Violent." *American Journal of Family Therapy* 33:33–44.
- Magen, Randy H. 1999. "In the Best Interests of Battered Women: Reconceptualizing Allegations of Failure to Protect." *Child Maltreatment* 4:127–135.
- McMahon, Martha and Ellen Pence. 2003. "Making Social Change: Reflections on Individual and Institutional Advocacy With Women Arrested for Domestic Violence." *Violence Against Women* 9:47–74.
- Miller, Susan L. 2001. "The Paradox of Women Arrested for Domestic Violence: Criminal Justice Professionals and Service Providers Respond." *Violence Against Women* 7:1339–1376.
- Miller, Susan L. and Michelle L. Meloy. 2006. "Women's Use of Force: Voices of Women Arrested for Domestic Violence." *Violence Against Women* 12:89–115.
- O'Dell, Anne. 2007. "Why Do Police Arrest Victims of Domestic Violence? The Need for Comprehensive Training and Investigative Protocols." *Journal of Aggression, Maltreatment & Trauma* 15:53–73.
- Osthoff, Sue. 2002. "But, Gertrude, I Beg to Differ, a Hit Is Not a Hit Is Not a Hit: When Battered Women Are Arrested for Assaulting Their Partners." *Violence Against Women* 8:1521–1544.
- Pollack, Shoshana, Melanie Battaglia, and Anke Allspach. 2005. *Women Charged With Domestic Violence in Toronto: The Unintended Consequences of Mandatory Charge Policies*. Toronto, Ontario, Canada: Woman Abuse Council of Toronto.

- Rajah, Valli, Victoria Frye, and Mary Haviland. 2006. "'Aren't I a Victim?' Notes on Identity Challenges Related to Police Action in a Mandatory Arrest Jurisdiction." *Violence Against Women* 12:897-916.
- Rajan, Mekha and Kathy A. McCloskey. 2007. "Victims of Intimate Partner Violence: Arrest Rates Across Recent Studies." *Journal of Aggression, Maltreatment & Trauma* 15:27-52.
- Saunders, Daniel G. 1995. "The Tendency to Arrest Victims of Domestic Violence: A Preliminary Analysis of Officer Characteristics." *Journal of Interpersonal Violence* 10:147-158.
- Smith, Paige Hall, Jason B. Smith, and Jo Anne L. Earp. 1999. "Beyond the Measurement Trap: A Reconstructed Conceptualization of Woman Battering." *Psychology of Women Quarterly* 23:177-193.
- Smith, Rita and Pamela Coukos. 1997. "Fairness and Accuracy in Evaluations of Domestic Violence and Child Abuse Custody Determinations." *Judge's Journal* 36:38-56.
- Stith, Sandra M., Douglas B. Smith, Carrie E. Penn, David B. Ward, and Dari Tritt. 2004. "Intimate Partner Physical Abuse Perpetration and Victimization Risk Factors: A Meta-Analytic Review." *Aggression and Violent Behavior* 10:65-98.
- Straus, Murray A. and Emily M. Douglas. 2004. "A Short Form of the Revised Conflict Tactics Scales, and Typologies for Severity and Mutuality." *Violence and Victims* 19:507-520.
- Strauss, Anselm and Juliet Corbin. 1990. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. Newbury Park, CA: Sage.
- Swan, Suzanne C., Laura J. Gambone, Jennifer E. Caldwell, Tami P. Sullivan, and David L. Snow. 2008. "A Review of Research on Women's Use of Violence With Male Intimate Partners." *Violence and Victims* 23:301-314.
- Swan, Suzanne and David Snow. 2002. "A Typology of Women's Use of Violence in Intimate Relationships." *Violence Against Women* 8:286-319.
- Wolf, Marsha E., Uyen Ly, Margaret A. Hobart, and Mary A. Kernic. 2003. "Barriers to Seeking Police Help for Intimate Partner Violence." *Journal of Family Violence* 18:121-129.