Chapter 10
The Partner Abuse State of Knowledge Project: Implications for Law Enforcement Responses to Domestic Violence

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Introduction

From the very beginning, the study of partner abuse, also known as *domestic violence*, *intimate partner violence*, or simply *partner violence* or *partner abuse*, has been fraught with spirited, often contentious scholarly debate. A common argument has centered around prevalence rates and methodology: While comparable prevalence rates across gender were found in the National Family Violence studies of the late 1970s and 1980s (Straus, Gelles, & Steinmetz, 2006/1980), other researchers found much higher rates of violence by men in crime surveys (Federal Bureau of Investigation, 1979–2003; U.S. Department of Justice, 1998). However, although many advocacy organizations continue to cite crime surveys (Hines, in press), results of the National Violence Against Women Survey (Tjaden & Thoennes, 2000) and, other large national surveys and dating studies (Archer, 2000) have led to a general consensus among researchers that overall rates of violence among intimate partners are comparable across gender.

There is also widespread agreement that partner violence (PV) cannot be understood on the basis of physical abuse prevalence rates alone and must take into account verbal and emotional abuse, sexual abuse and stalking, the intent to dominate and the use of controlling behaviors, the overall context in which abuse is manifested, and its impact on victims. As advocates for battered women began pointing out years ago, failure to understand the nature and context of abuse

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compromises sound intervention and policy decisions, and puts victims at risk (Hansen & Harway, 1995; Pagelow, 1981; Yllo, 1988).

Research Trends

With the emergence of data on context, researchers have drawn disparate and sometimes contradictory conclusions and have settled into two broad "camps": those who view the data as evidence of gender symmetry (sometimes referred to as "family conflict" researchers; Dutton, 2011; Dutton & Nicholls, 2005; Straus, 1993, 1999, 2008) and argue for the importance of systemic factors in partner violence (Bartholomew & Cobb, 2010; Hamel, 2008; Hamel & Nicholls, 2007; Stith, McCollum, Amanor-Boadu, & Smith, 2012); and those who view the same data as further evidence that partner violence is highly asymmetrical, who describe themselves as "feminist" researchers.[1]

Before we explore the most up-to-date research on partner abuse, from the *Partner Abuse State of Knowledge Project* (PASK), we will focus on what self-described feminist authors have written, because prevailing attitudes on PV intervention, including criminal justice responses, are based largely on feminist ideology, a paradigm that has permeated attitudes among mental health professionals (Hamel, Desmarais, & Nicholls, 2007), attorneys (Dutton, Corvo, & Hamel, 2009), and family court mediators, evaluators, and judges (Dutton, Hamel, & Aaronson, 2010; Hamel, Desmarais, Nicholls, Malley-Morrison, & Aaronson, 2009); and evidenced by current laws regulating batterer intervention programs (Maiuro & Eberle, 2008) and decision-making among judges who issue orders of protection (Muller, Nicholls, Desmarais, & Hamel, 2009; Shernock & Rusell, 2012).

Feminist views have evolved over the years and are by no means monolithic. Certainly, many advocates continue to frame PV as a crime perpetrated by men upon women and object to scholarly research that would "degender the naming and framing of woman abuse" (Dekeseredy, 2011, p. 298). Advocacy web sites promulgate false and misleading statistics, including the oft-cited claim that "85% of domestic violence victims are women," despite the fact that it is based on less reliable and less representative crime surveys; or the claim that "every 15 seconds a woman is battered," even though this number includes minor and noninjury forms of physical aggression (e.g., being pushed) that may have happened only once and not part of a pattern of power and control behavior (Hines, in press). However other feminists, while not especially eager to correct these errors, have acknowledged that

[1] This term has little to do with any individual researcher's commitment to gender equality, their allegiance to one political party or another, or how they vote; rather, it indicates a particular orientation toward partner violence (PV) research in which the role of gender is considered primary over all others (Winstok, in press).

"not every act of domestic violence, violence that is perpetrated within the home, is battering" (Pence & Dasgupta, 2006, p. 4).

Defining Battering

Still, it is a central tenet of feminist theory and research that only men engage in the type of violence known alternatively as battering, intimate terrorism or Controlling Coercive Violence (CCV) (Dalton, Drozd, & Wong, 2006; Pence & Dasgupta, 2006). In the remaining pages of this article, we will use the term "battering" for the sake of simplicity, and because this is still the more popular term. In the criminal justice system, individuals convicted of a minor, one-time incident of PV are called "batterers," and the programs they are mandated to complete are known as "batterer intervention programs." There are thus important clinical implications for what research tells us about battering, and implications for arrest and prosecution policies—including, as we will see, how law enforcement officers interpret and enforce *dominant aggressor* guidelines when responding to domestic violence calls.

Battering is generally defined as a pattern of physical, emotional, and sexual abuse that is neither reactive nor part of a mutually escalating dynamic, but a means by which one person seeks to dominate another. Understanding the nature of battering requires an exploration of risk factors, motivation, prevalence rates of controlling behaviors, and its impact on victims. Contemporary feminist scholars argue that in each of these areas the research evidence supports a gendered view of partner abuse.

Over the past 25 years, numerous risk factors have been identified empirically to correlate with PV perpetration (Hotaling & Sugarman, 1986; Medeiros & Straus, 2007). However, while some feminist researchers acknowledge the importance of childhood socialization, substance abuse and personality, their focus is squarely on cultural factors:

> Violence used by men against women who are their intimate partner has its historic roots in centuries of institutionally sanctioned dominance of one gender of the other in key spheres of heterosexual relationships such as economic, sexual, intellectual, cultural, spiritual, and emotional. This use of global and methodical violence by men to rule over women in intimate relationships is called 'battering.' While it is not unusual for a woman to use violence in her intimate relationship it is exceptional for her to achieve the kind of dominance over her male partner that characterizes battering. Social conditions, which do not condone women's use of violence, patterns of socialization, as well as the typical physical disparities between the male and female of the species, make the woman 'batterer' an anomaly (Pence & Dasgupta, 2006, pp. 6–7).

In this line of thinking, the primary motive for men's intimate violence against women is to control; and because the control motive is linked to patriarchy and patriarchy benefits men, women's violence is presumed to be driven by other motives, primarily self-defense and resistance to such control (Dragiewicz, 2008; Kimmel, 2002). While women do sometimes initiate physical assaults against their male partners, they are presumed to do so more for expressive rather than instrumental

reasons, an anger-based reaction in a mutually escalating conflict (Hamberger, Lohr, Bonge, & Tolin, 1997; Swan, Gambone, Caldwell, Sullivan, & Snow, 2008).

The assumption that women are rarely controlling extends beyond motives for physical violence, to the kinds of nonphysical forms of abuse that are central to the concept of battering. Here, as in other areas of feminist scholarship, there are a variety of viewpoints. While some deny that women employ the kinds of control tactics depicted in the so-called Power and Control Wheel (verbal and emotional abuse isolating the partner, intimidation, economic abuse, emotional abuse, legal abuse, using children, etc.), others acknowledge that women do sometimes use these tactics in an attempt to dominate and control (e.g., Frieze, 2004; Johnson, 2011). In recent years, some feminist authors have begun citing research finding comparable rates of control tactics across gender, although they have been reluctant to embrace these findings and include them in their theories (Swan et al., 2008).

In the terminology of this new feminism, violent and abusive women are described as "partner aggressive" rather than "batterers" (Leisring, Dowd, & Rosenbaum, 2005). In Michael Johnson's well-known typology, "partner aggressive" women engage in "common couple" or "situational" violence, at rates equal to their male counterparts (Johnson, 2006, 2008), and the author acknowledges that this is by far the most prevalent kind of violence (Johnson, 2011). His typology has helped to clarify some of the issues around sampling (e.g., large national samples mostly identify situational violence, shelter and legal samples find higher levels of battering or CCV; see Straus, 1999 for an in-depth discussion). Unfortunately, his categories are not nearly as discrete as commonly believed (Simpson, Doss, Wheeler, & Christensen, 2007; Winstok, 2012) and his terminology suspect (e.g., the claim that "true CCV" cannot be found in large representative sample surveys; Dekeseredy, 2011), calling into question their usefulness and suggesting the need for more accurate definitions and a more nuanced theory.

Whatever their motives, it is universally acknowledged that women are typically smaller and physically weaker than their male partners and cannot defend themselves as readily nor inflict the same level of physical and emotional damage (e.g., depression, PTSD). Furthermore, because of this size and strength differential, women victims are more afraid of further violence than are men victims (Hamberger, 2005; Pence & Dasgupta, 2006), and this is presumed to alter relationship dynamics in favor of the man.

Overview of Current Research on Context: The PASK

The claims made by feminist researchers, like any other conclusions made from social science research, must be subjected to rigorous empirical scrutiny if they are to be accepted as the basis from which sound and effective laws and policies are to be built. Again, even among feminists opinions vary. We therefore seek to answer two broad questions. First, does the research evidence support the traditional feminist viewpoint about partner abuse—that it is perpetrated by men at much higher

rates than women, and that women's violence is usually in self-defense? And second, does the research at least support some contemporary views, in which women are acknowledged to engage in rates of physical violence at rates equal to men with bi-directional, mutually escalating violence the norm but "true battering" something that women rarely engage in?

The following research, focused on battering and the broader context of partner abuse, has been largely drawn from the Partner Abuse State of Knowledge Project (PASK), a 2300-page review of the domestic violence research literature in 17 topics areas, written by 40 scholars from 20 universities and research institutions in the USA, Canada, and Israel. The 17 PASK manuscripts appear in special issues of the peer-reviewed journal *Partner Abuse*, published between April 2012 and January 2013, and include summaries of approximately 2,000 peer-reviewed studies from the past two decades, making it the most comprehensive, up-to-date and reliable domestic violence database in the world.

Prevalence Rates of Physical Abuse and Extent of Bi-Directionality

Desmarais, Reeves, Nicholls, Telford, and Fiebert (2012a) conducted a large-scale review of the domestic violence literature to determine prevalence rates of physical partner violence in industrialized English-speaking countries. In their first review, on victimization, the authors examined 750 studies published between 2000 and 2012 and analyzed the results of the 249 studies that met their inclusion criteria. As with all of the PASK manuscripts, Desmarais et al. included studies from several types of sample populations. Their victimization review included large population studies; community samples; samples of middle school, high school and university students; clinical samples and some from cases in the criminal justice system. Across all samples, 23% of females and 19.3% of males reported to have been assaulted by a partner at least once in their lifetime. Victimization rates were higher for males among high school students, as well as for rates reported for the previous year. In their second review (Desmarais, Reeves, Nicholls, Telford, & Fiebert, 2012b), the authors examined rates of PV perpetration in 111 studies. Overall, 25.3% of the respondents were found to have physically assaulted an intimate partner, with women reporting somewhat higher rates than men (28.3% vs. 21.6%).

Langhinrichsen-Rohling, Misra, Selwyn, and Rohling (2012) examined 320 studies published after 1990, and focused on the 49 most methodologically-sound. Across all samples, 57.9% of the partner violence reported was bi-directional and 42.1% unidirectional. Of the unidirectional violence, 13.8% was male to female (MFPV) and 28.3% was female to male (FMPV), and among student samples MFPV rates were 31.9%. Within military and male treatment samples, only 39% of IPV was bi-directional; 43.4% was MFPV and 17.3% FMPV. Among respondents reporting IPV in nonmilitary legal or female-oriented, clinical or treatment seeking samples, MFPV was reported at similar rates to FMPV (13.3–14.4%), but rates of bi-directional PV were 72.3%, highest among all sample types. The authors also

found the extent of bi-laterality to be comparable between heterosexual and LGBT populations and between white and ethnic minority groups, except for African-Americans, among which rates of bilateral abuse were found to comprise about 62% of the total. The authors concluded:

> Clearly, bi-directional violence is a very common IPV pattern. It is, in fact, the most common pattern in most types of samples considered in the current review…The substantial rate of bi-directional violence found across all types of samples should necessitate that treatment providers in all settings acknowledge that many violent relationships, regardless of how they are identified, include acts of perpetration from both partners. Failure to assess and address this reality is likely to result in less effective interventions and a reduced understanding of how each partner in the relationship is experiencing the IPV; it may also interfere with the development of clinical rapport with all participants in treatment. This suggestion is augmented by findings from a recent study that showed that use of a bi-directional violence screening in contrast to a basic or healthy relationship screening, elicited more reports of recent victimization (p. 220).

Risk Factors: The Role of Patriarchy

The claim that patriarchal ideology and social structures are the principal or only risk factor for the perpetration of partner abuse may seem reasonable. In the most democratic Western countries, where women enjoy higher levels of political, economic, and social power relative to the rest of the world, men represent the great majority of political and industry leaders, and women continue to struggle for such basic rights as equal pay for equal work. On any given day, one need only read the newspaper or watch a television newscast to be reminded that most incidents of physical assaults are perpetrated by men.

A scholarly review of the literature by Archer (2004) confirmed that in a variety of settings men engage in higher levels of verbal and physical aggression than women. Thus, is it far-fetched to suggest that men, who are on the whole larger and stronger than women, more aggressive generally, and who dominate economically and politically, would benefit from these advantages and be the primary perpetrators of violence in the home? Another review by Archer (2006) on partner violence worldwide found that women's victimization at the hands of their husbands does indeed correlate with a nation's sexist beliefs and attitudes approving of wife-beating, and by low scores on the Gender Empowerment Index (GEM), which takes into account the proportion of women in administrative, managerial, professional, and technical posts; their total share of income earned; and the extent to which they are represented in national legislatures (United Nations Development Programme, 1997).

Clearly, a correlation between patriarchy and male-perpetrated PV exists, but this correlation is practically nonexistent in industrialized Western countries. In the 1990s, Sugarman and Frankel (1996) conducted a meta-analytic review of 29 studies examining patriarchal attitudes as possible risk factors for partner abuse in the USA:

> Overall, the present findings give partial support for the ideological component of patriarchy theory when assessed at the individual level. While assaultive males are more accepting of the use of violence against their wives, evidence linking this violence to issues of 'traditional' gender attitudes or gender schema is limited. Essentially, the only component of patriarchy ideology that consistently predicts wife assault is the man's attitude toward violence, p. 31.

There is also no support in the empirical literature for the feminist claim that society is less accepting of partner violence perpetrated by women than by men. In fact, national and community surveys have found far greater public approval for FMPV (Simon et al., 2001; Straus, Kaufman-Kantor, & Moore, 1997). In a community survey in southern California, Sorenson and Taylor (2005) presented respondents scenarios of domestic violence situations. Across vignettes, the respondents judged assaults against women more harshly, given the same set of circumstances, and were significantly more likely to take contextual factors into account when presented with scenarios involving female perpetrators.

In light of such findings, comparable rates of PV within the home begin to make sense. The very same societal role expectations that stem from patriarchy and encourage men to assert themselves *outside* of the home encourage women to assert themselves *within* the home, traditionally their domain (Straus, 1999). The Archer review of domestic violence worldwide, previously cited, also found that in even the most patriarchal countries partner violence is perpetrated at high rates by wives upon their husbands. For instance, 37–50% of husbands in New Guinea are physically assaulted by their wives, for reasons having less to do with self-defense than sexual jealousy and anger over husbands not fulfilling their expected roles. In Jordan, 29.5% of students sampled at a university reported to having seen their father assault their mother, and 21.6% to having seen their mother assault their father. Similar findings have been identified by Lambert, Esquivel-Santovena and Hamel (in press) in their PASK manuscript on domestic violence worldwide, including reports by Straus (2008) from his International Dating Violence Survey (IDVS). Notably, the IDVS found that among dating university students in both highly patriarchal and less patriarchal countries PV rates are equal across gender, and that in the nearly all of the countries surveyed abusive women were as likely as men to seek dominance over their partner.

None of this is to suggest that patriarchal attitudes are not relevant to domestic violence in the USA. Clearly, many men harbor sexist, patriarchal beliefs, and some act out on these beliefs in abusive ways against their partners. However, it is also the case that there is no *necessary* connection between patriarchal societal structures and how couples resolve their conflict within the home. The feminist focus on societal power notwithstanding, there exist other forms of power, such as the individual power that one wields by virtue of having a stronger personality, or the relationship power that comes from being less dependent on one's partner than the other way around:

> Even a senator who has power does not necessarily have power over his wife. If he is smitten, she has power over him. In general, the economic power of the average man and woman in society and the fact that our political leaders are male are not likely to be significant

> factors in violent spousal conflicts. From this perspective, dyadic power has a much stronger effects on how spouses treat each other than structural power (Felson, 2002, p. 61).

According to Dutton (1994), who has spent a lifetime conducting research on abusive men, male-perpetrated PV is driven by personality, developmental factors and current stressors, and sexist attitudes are typically a justification for rather than a cause of the violence.

Risk Factors: Findings from PASK

At 297 manuscript pages, the PASK manuscript by Capaldi, Knoble, Shortt, and Kim (2012) is the most comprehensive literature review on risk factors ever conducted. The authors looked at 877 peer-reviewed studies, of which 228 were analyzed and summarized into the online tables, with 170 derived from adult samples and 58 derived from samples of adolescents. The majority of the studies meeting the inclusion criteria were published after 1996. Based upon the previous research, the authors initially categorized possible risk factors according to: (a) contextual characteristics such as demographic, community, and school context factors; (b) developmental characteristics/behaviors including family-of-origin exposure to abuse, peer associations, psychological/behavioral factors (e.g., conduct problems, hostility, personality disorders, depression, substance abuse) and cognitive factors (e.g., hostile, pro-violent beliefs); and (c) relationship influences and interactional patterns. Studies were also grouped according to design—longitudinal versus cross-sectional (61% of the adult studies and 55% of the adolescent studies were cross sectional).

Consistent with the Sugarman and Frankel (1996) review, no significant correlations were found between PV and patriarchal beliefs per se; however, both hostile attitudes (by men toward women) and beliefs supportive of or justifying abuse (by either men or women) were low to moderate proximal predictors of PV. Among possible demographic risk factors, those predictive of partner violence included younger age, low income/unemployment, and minority group membership. No clear risk factors emerged at the level of neighborhood/community or school context. There were low to moderate correlations between childhood-of-origin exposure and PV. Among dating populations, factors found to protect against previous abuse were good parental involvement during adolescence, encouragement of nonviolent behavior, and supportive peers; whereas negative peer involvement were predictive of teen dating violence. Similarly, the most methodologically sound longitudinal studies found conduct disorder in childhood and antisocial personality to be correlated highly with PV in adulthood, as did the presence of negative emotionality (anger, poor impulse control, jealousy) for both males and females. There were only weak associations between PV and other personality disorders and depression, although the effects for the latter were stronger for women. There were also a weak overall association between alcohol and PV, but a stronger association for drug use. Interestingly, alcohol use was more strongly associated with female-perpetrated than male-perpetrated PV.

Finally, there was a significant effect for dyadic factors, with low relationship satisfaction and especially high conflict predictive of PV. In light of (Langhinrichsen-Rohling et al.'s, 2012) findings that in most domestically violent relationships the violence is mutual, the importance of dyadic factors cannot be overstated. The authors conclude: "Regardless of any differences in frequency and/or severity of engagement in IPV by girls/women and boys/men, overall there are more similarities than differences in risk factors" (p. 266).

Motivation

In a sweeping review of the literature, Jennifer Langhinrichsen-Rohling, Adrianne McCullars, and Tiffany Misra (2012) examined studies in which respondents self-reported their reasons for perpetrating violence upon their partners. Of the 73 studies that met authors' inclusion criteria, 12 focused on power and control motivation, and of these, 8 reported statistics measuring significance in gender effects. Three found power and control to be a more motivating factor for men than for women, and one found this factor to be more motivating for women. In three studies, no significant differences were found across gender, and one reported mixed findings. However, effect sizes were small, and as the authors concluded: "There are few, if any, indications that there is a strong effect such that power and control is much more of a motive for men's as opposed to women's violence".

The authors found several studies that examined both self-defense and retaliation for previous abuse, but these did not clearly distinguish between the two motives. There were ten studies that focused specifically on self-defense as a motive, in which statistical tests were used to determine whether there were significant differences between male and female respondents. Five of these indicated that women are more likely than men to report self-defense, one found the motive to be more significant for men, and no significant differences were found across gender in the remaining four.

Thus, more studies found significance in the female direction. However, it should be pointed out that overall rates of self-defense are actually quite low, for both men and women. In non-perpetrator samples, men report rates of self-defense from 0% to 21%, and women report rates between 5% and 35%. Ironically, the rates exceed 50% only among adjudicated perpetrators, who report rates of 50% (men) and 65.4% (women).

That these findings are difficult to interpret is not surprising, given that they are based upon self-reports:

> Individually, particular motives may be more acceptable to report than others; however, the acceptability of reporting specific motives may also vary by gender. For example, it might be particularly difficult for highly masculine males to admit to perpetrating violence in self-defense, as this admission implies vulnerability. Conversely, it may be more culturally sanctioned for women to admit to perpetrating violence as a result of jealousy related to their partner's infidelity than to admit to committing violence as a power and control strategy. A better understanding of gender socialization processes related to admission of motive would be helpful (p.).

Impact on Victims

For PASK manuscript #9 (Lawrence, Orengo-Aguavo, Langer, & Brock, 2012) of the University of Iowa examined the empirical research on the consequences of partner abuse on partners, including several previous literature reviews. Overall, they found that victims of psychological and physical abuse experience more physical injuries, poorer health outcomes, higher rates of psychological disorders, and poorer cognitive functioning compared to non-victims. These findings were consistent regardless of the nature of the sample (e.g., large population surveys vs. university dating samples), and with some exceptions and to varying degrees were generally greater for female victims compared to male victims.

Consistent and strong correlations were found between physical victimization and poorer physical health outcomes among samples of female victims, who are more at risk to suffer from chronic illnesses and to visit emergency rooms, and to be seen by physicians compared to women who were not victimized. Physical assaults negatively impact female victims' psychological well-being, increases the probability of depression, anxiety, PTSD and substance abuse; and victimized women are more likely to seek mental health counseling and take psychotropic medications. In addition, physically victimized women are more likely to miss work, have fewer social and emotional support networks, be less involved in their communities, and experience more negative life events. They are also less likely to be able to take care of their children and perform household duties.

There has been a paucity of research on the impact of physical victimization on male victims, and the studies that have been conducted have mostly focused on sex differences in injury rates. In cases of severe aggression (e.g., punching, kicking, using an object or weapon), rates of injury are considerably higher among female victims than male victims, and those injuries are more likely to be life-threatening and require a visit to an emergency room or hospital. However, when mild-to-moderate aggression is perpetrated (e.g., shoving, pushing, slapping), men and women tend to report similar rates of injury.

The authors also found a host of deleterious consequences for psychological abuse victimization. Psychological victimization is strongly associated with symptoms of depression and suicidal ideation, anxiety, self-reported fear and increased perceived stress, insomnia, and poor self-esteem. It is at least as strongly related as physical victimization to depression, PTSD, and alcohol use as is physical victimization, and effects of psychological victimization remain even after accounting for the effects of physical victimization. Psychological abuse also correlates in victimized women with risky sexual and health behaviors (e.g., greater likelihood of smoking,) along with poor occupational and social functioning.

Research on the psychological consequences of abuse on male victims has been very limited. Some studies have found no gender differences in the impact of psychological abuse on partners. For example, Lawrence, Yoon, Langer, and Ro (2009) administered the CTS2 in conjunction with the Multidimensional Measure Emotional Abuse Scale to 103 young Midwestern couples at different points during their early

years of marriage. Although there were no significant effects for physical abuse, psychological victimization predicted anxiety and depression equally for males and females. Other studies have yielded contradictory or mixed results.

Rates of Nonphysical Abuse and Control

Having examined the data on risk factors, motivation and the impact of PV on victims, we now turn to the last of the four areas central to a definition of battering—the prevalence of nonphysical abuse and control. Once again, we draw primarily from one of the PASK manuscripts, researched and authored by Carney and Barner (2012). The longest of the PASK manuscripts (330 pages), it analyzed 204 studies published since 1990, and focused on three broad types of nonphysical abuse: emotional abuse and control, stalking, and sexual coercion.

The research team organized findings around Johnson's construct of CCV, except that they limit their definition of CCV to nonphysical means of abuse and control, including sexual coercion and stalking, and define *battering* as a combination of CCV and physical violence. In this model, the authors take into account the *clinical* aspects of emotional abuse and control (internalized propensity for violence) as well as *relational* aspects (dysfunction in couples interactions). Fully 80% of all respondents—across national, community, university, clinical and legal samples—reported to have engaged in emotional abuse, categorized as either expressive (in response to a provocation) or coercive (intended to monitor, control and/or threaten). Overall, 40% of women and 32% of men reported expressive abuse; 41% of women and 43% of men reported coercive abuse.

In contrast, rates of sexual coercion and stalking were not nearly as prevalent nor gender-symmetrical. According to national samples, 0.2% of men and 4.5% of women have been forced to have sexual intercourse by a partner, and 4.1–8% of women and 0.5–2% of men report at least one incident of stalking during their lifetime. Gender differences are much less for sexual coercion when the definition is broadened to include taking advantage of someone while they are intoxicated or the use of emotional pressure and blackmail (e.g., insinuating the victim must be a homosexual if he doesn't agree to have sex). Lesser gender differences can also be found for stalking when all types of obsessive pursuit behaviors are considered, rather than confined to physical stalking.

Finally, rates of CCV and physical violence are higher in the direction of MFPV in studies examining the combination of physical assaults with sexual abuse and/or stalking, but similar across gender when the CCV measured consists of emotional abuse and control tactics.

To better understand the relationship between emotional abuse/control and physical violence, we now turn to two large, well-conducted population surveys. The National Violence Against Women Survey, originally conducted and analyzed by Tjaden and Thoennes (2000), has been reanalyzed by other scholars since, among them Felson and Outlaw who (2007) looked at the NVAWS data of 15,000 currently

married or formerly married adults and focused on the coercive aspects of CCV, defined as: “Prevents you from knowing about or having access to family income even when you ask”; “prevents you from working outside the home”; “insists on knowing who you are with at all times”; “insists on changing residences even when you don’t want or need to”; and “tries to limit your contact with family and friends.” Among the key findings was that men were as coercive as women, and the relationship between use of coercive CCV and physical violence exists equally for both males and females. “Both husbands and wives who are controlling,” the author concluded, “are more likely to produce injury and engage in repeated violence. Similar effects are observed for jealousy, although not all are statistically significant. The seriousness of the violence is apparently associated with motive, although the relationship does not depend on gender” (p. 404).

Having gained access to the 1999 General Social Survey (GSS) of over 25,000 respondents across Canada, Laroche (2005) examined their victimization by a current or previous partner within the previous 5 years. The GSS survey had inquired about both physical assaults as well as both types of CCV behaviors: “Puts you down or calls you names to make you feel bad,” “is jealous and doesn’t want you to talk to other men/women,” “demands to know who you are with and where you are at all times,” “limits your contact with family or friends,” “harms or threatens to harm someone close to you,” “damages or destroys your possessions or property,” and “prevents you from knowing about or having access to the family income, even if you ask.” According to Laroche’s analysis, which used Johnson’s own categories, 3% of the women and 2% of the men experienced high levels of physical abuse and CCV, sustained physical injuries, expressed fear of their partner and made use of police and other services, and could therefore be categorized as victims of intimate terrorism.

Conclusions

Partner abuse is gender symmetrical in the prevalence of physical abuse and most types of emotional abuse and control, in the risk factors associated with its occurrence, and in its impact on children and the family system. Some emerging research also suggests that abuse is symmetrical in the impact that emotional abuse has on partners. It is asymmetrical, with women representing the greater share of victims, in the prevalence of physical stalking and sexual coercion and the impact of physical assaults, including injuries and the extent to which victims fear continued violence.

Research from self-reported motives for partner violence has been mixed. Some studies find no gender differences in reported rates of self-defense, while some find somewhat higher rates for women. Findings on control as a motive for physical aggression are also mixed, with some studies indicating comparable rates and others finding higher rates reported by men. However, the reader may want to take note of Carney and Barner’s findings of gender symmetry in the perpetration of most types

emotionally abusive and controlling behaviors. While sexual coercion and stalking are serious crimes and correlate highly with physical assaults, they are not nearly as prevalent as most types of nonphysical abuse and control. Also worth noting is that absolute rates of self-defense are fairly low for women (and men).

Who should be considered a batterer depends to some extent on how the concept is defined and measured, and which aspects of PV are considered most important. If one considers the impact of physical violence to be the most important factor, then PV is asymmetrical and men would comprise the majority of batterers. However, when defined by the other relevant factors, PV is primarily symmetrical and there are a comparable number of batterers across gender. The most up-to-date research literature provides only limited support for feminist views about domestic violence. Still, *battering* remains an elusive concept. In his celebrated book, *Coercive control: How Men Entrap Women in Personal Life*, the feminist author Evan Stark writes:

> I do not downplay women's own use of violence either in fights or to hurt or control men or same-sex partners…Women of all ages assault male partners in large numbers and for the many of the same reasons and with much the same consequences as men. However, there is no counterpart in men's lives to women's entrapment by men in personal life due to coercive control (Stark, 2007, pp. 5–6).

In this quote, Stark seemingly contradicts himself—at first conceding that women use violence "to hurt or control men," but then argues that only women are "entrapped by men in personal life due to coercive control." The contradiction is only apparent, however, and Stark's line of thinking becomes clearer when one considers the examples presented in his book, in which "coercive control" is akin to hostage-taking or the dominance that a pimp has over a prostitute. Stark focuses much of his attention on the concept of entrapment, arguing that women are unable to resist men's control because of their greater size and strength and their fear of physical harm, and because of social conventions (patriarchy) that pressure women to remain in the home. Patriarchal explanations account for only a small part of the variance in partner aggression across gender; however, as Dutton (2006) notes in his book, *Rethinking Domestic Violence*, the most extreme cases of intimate partner terrorism, involving repeated rapes and severe physical assaults, rarely involve a female perpetrator. Clearly, while both male and female batterers seek to control their partners, male batterers can more readily enforce their control with physical violence.

Until further research is conducted in this area, it would perhaps be wise to not view "battering" as a unitary phenomenon. One possible solution would be to reconfigure Johnson's typology and current notions of battering, and posit three types. One, which we may call *common battering* (Hamel, 2005), resembles common couple/situational violence but includes a control motive and is roughly gender symmetrical. The others, drawing from Lawrence et al.'s findings on the differential gender effects of emotional versus physical abuse, and for which we may use Johnson's original term, *intimate terrorism*, would include *physical terrorism* (extreme violence and control, predominantly male-perpetrated) and *emotional terrorism* (dominance established primarily with emotional abuse and control, can be male or female-perpetrated). The example below depicts a case of female intimate partner terrorism:

> Throughout his 8-month relationship with Laura, Bill's life has been hell. Laura is highly critical of Bill, and will force him to stay up until 3 a.m., browbeating him with complaints. As a result of not sleeping and Laura's harassing calls to his workplace, Bill was fired from his job. Now she refers to him as a "loser" and "a worthless piece of shit." When he shows disinterest in sexual relations, she ridicules him, questioning the size of his penis, and calls him a "faggot." During her rages, she bites, kicks, punches, slaps and throws objects at Bill. Altercations have led to serious injuries, and she once scratched his face so ferociously that he had to get stitches. When Bill attempted to call the police, Laura threatened to fabricate spousal abuse charges, claim self-defense, and have Bill arrested, boasting that, "they'll believe me because I'm a woman" (Hamel, 2005, p. 17).

Gender Stereotypes and the Criminal Justice System

As we attempt to process the incident noted above, it may appear odd that Bill is the victim of not just partner violence but, by most definitions of the term, *battering*. After all, aren't men strong, dominant, and able to protect themselves? While it is clear that Laura is the aggressor in this case, many people will have difficulty believing that her actions were not the result of self-defense, and will assume that Bill may just be a cad who is deserving of the punishment meted out by Laura. It is clear that perceptions of blame and who is deserving of protection are inherently tied to our shared cultural history and gendered stereotypes.

The stereotype of a woman is that of a passive and nurturing individual while men are viewed as dominant and threatening (Seelau & Seelau, 2005), making it difficult to believe that women are just as physically aggressive as men. The gendered traits often attributed to males (dominant, etc.) are also related to the role of abuser (Gerber, 1991). Therefore, it is no surprise that violence initiated by a woman may be perceived as self-defense (Simon et al., 2001) if it is even identified at all. As mentioned earlier, research suggests that society tends not to regard the problem as domestic violence when women abuse men (Adams & Freeman, 2002; Gelles, 1999; Sorenson & Taylor, 2005; Straus, 1993, 1994, 2005; Straus et al., 1997). Studies examining opposite-sex and same-sex relationships have found that in general, participants tend to lean toward aiding or protecting female victims of PV more than male victims (Harris & Cook, 1994; Seelau & Seelau, 2005). According to several studies, abuse directed toward heterosexual females is considered more serious (Seelau & Seelau, 2003; Russell, Ragatz, & Kraus, 2009, 2010), and harsher sentences are imposed on men who abuse women (Poorman, Seelau, & Seelau, 2003; Ragatz & Russell, 2010; Russell et al., 2009).

PASK authors (Shernock & Rusell, 2012) found evidence in the criminal justice system that supports the notion that female violence is more acceptable than male violence. The authors examined 90 scholarly articles addressing arrest, prosecution, and jury decision-making. Their results found that overall, the majority of studies on arrest and prosecution showed a tendency for male suspects to be arrested more than females, even when controlling for extent of physical injuries, and for men to be treated more harshly than women at each level of the criminal justice system

(Henning & Feder, 2005; Renauer & Henning, 2005). For instance, researchers (Henning & Feder, 2005) examining over 4,000 defendants revealed that being a female led to more lenient sanctions throughout the adjudicative process, and gender differences were maintained even when legal and extralegal variables were controlled. Renauer and Henning (2005) also found that not only female defendants were treated more leniently in arrests for PV when assaulting a male, but women who assaulted a male were also treated more leniently than women arrested for domestic offenses involving other types of relationships (i.e., familial and homosexual).

Similar findings have been found among national studies. For instance, Felson and Pare's (2007) investigation of survey data from the National Survey of Violence Against Women (and Men) found men were more likely to be arrested than women and police were unlikely to arrest women who assault male partners. State level data also tends to support the notion that men are arrested more often than women (Buzawa & Hotaling, 2000; Hamilton & Worthen, 2011). Buzawa and Hotaling's analysis of three towns in Massachusetts found that when a female was the perpetrator and a male was the victim, the female was five times less likely to be arrested than the male. While some studies found no gender differences in rates of arrest in IPV incidents (Eitle, 2005), there is more evidence to suggest rates of arrest are not symmetrical (Felson & Pare, 2007; Pattavina, Hirschel, Buzawa, Faggiani, & Bentley, 2007).

Finally, additional research assessing police officer's perceptions of arrest using vignettes to depict intimate partner violence revealed a tendency of police officers to find males more responsible (Cormier & Woodoworth, 2008), more antagonizing and hostile (Finn & Bettis, 2006) and less likely to arrest female assailants compared to male assailants (Finn & Stalans, 1997) in PV situations.

Changing Policies: Mandatory Arrest

Until only a few decades ago, domestic violence was not regarded as a serious crime in the USA. Driven by political pressure for legal reform from women's rights groups and battered women's advocates in the 1970s (Morley & Mullender, 1992), a series of costly legal cases (*Bruno v. Codd*, 1977; *Scott v. Hart,* 1976; *Thurman v. City of Torrington*, 1984) and research examining the deterrent effects of arrest (Sherman & Berk, 1984) led to modifications in domestic violence laws. There was increased political pressure for legal reform calling for changes in the criminal justice system including mandatory arrest policies to ensure equal protection under the law (Belknap, 1995; Stark, 1996), and police agencies around the country began to change the way they responded to domestic violence.

Modifications in existing laws helped officers to address these concerns and allowed them to respond more appropriately to the crime of domestic violence, including the granting to police officers the power to arrest for a misdemeanor that did not occur in their presence. Mandatory arrest laws, together with the enactment

of the Violence Against Women Act (VAWA) in 1996, helped to enforce a more vigorous response from law enforcement (Hamel, 2011). Mandatory arrest laws dictate that law enforcement officers must make an arrest for all domestic violence incidents, regardless of how minor, without any evidence of who committed (initiated) the offense (Davis, 2008). If officers respond to a domestic incident and discover the abuse was minor, mutual, and no one is injured, they may make a dual arrest. In addition, states eliminated the choice to prosecute the abuser by enacting "no-drop" policies. Not surprisingly the number of dual arrests increased male arrest by 36% (Hirschel & Buzawa, 2002) and the U.S. Department of Justice (Wells & DeLeon-Granados, 2002) reported the number of arrests for females in California to have increased by 446%.

The number of convictions subsequently rose 131% for men but increased over 1,000% for women. This led to many unintended effects including a clogging of PV cases in the criminal justice system (Hirschel & Buzawa, 2002) as well as victim reluctance to report further assaults due to having had their input negated by no-drop policies (Hotaling & Buzawa, 2003). In addition, advocates for battered women became alarmed about the increase in female arrests, and the failure of police to investigate the context of the incident, ultimately leaving the charging decision to the prosecutor's office. In an effort to reduce the number of female and dual arrests and eliminate some of the unintended effects of mandatory arrest laws, many states have since adopted primary aggressor guidelines (Miller, 2001), directing police officers to arrest the primary (dominant or predominant) aggressor in the domestic incident.

Training Police Officers and the Difficulty in Identifying Primary Aggressors

The implementation of the primary (predominant or dominant) aggressor guidelines was designed to curb the arrest of female victims by taking into account the "relationship behind the assault" (DeLeon-Granados, Wells, & Binsbacher, 2006). As of 2000, 23 states had revised such laws.

Hamel (2011) conducted an in-depth content analysis of the California POST manual (California Commission on Peace Officer Standards and Training, 2010), which is required training at all police academies in California. He examined the guidelines in the training manual used to identify the primary aggressor and explored the extent to which the manual was gender inclusive. California defines dominant aggressor as the most "significant" aggressor (not as the first aggressor), which is in direct contrast with how police respond to other crimes (Davis, 2008). The manual offers 15 criteria for officers to consider: age, weight, height; criminal history; domestic violence history; strength-special skills; use of weapons; offensive and defensive injuries; use of alcohol and drugs; who called 911; who is in fear; presence of power and control; detail of statement; demeanor of parties and corroborating evidence. Hamel's (2011) analysis of the various criteria indicated that they were

vaguely defined and that no instructions were given on determining the relative importance of each, leaving officers struggling to identify the primary aggressor. For instance, the manual does not instruct the officer how to know "who is in fear" or how to recognize or even define "presence of power and control"; nor does it instruct officers that someone "who called 911" can also manipulate the system, and that "age, weight, and height of the parties" and use of martial arts training only matter if an individual actually uses them.

In addition, Hamel (2011) examined both the California and Maine training manuals to examine gender neutrality in the examples used to assist officers in identifying the primary aggressor. He found gendered language and examples in both manuals suggesting males were in every case deemed the primary aggressors. For instance, of the numerous examples provided in the California manual, not one depicted unilateral abuse by a female on a male, yet there were 34 examples of a male perpetrator and female victim, one example of abuse in a lesbian couple, and one example of mutual abuse. He found that the POST manual for Maine likewise focused on female victims, with seven out of eight training examples dictating that the male should be arrested as the primary aggressor. While gender-neutral language was used, gender bias against heterosexual men was apparent. Based on this preliminary investigation we felt it is important to further expand upon Hamel's (2011) analysis by proceeding to examine other state law enforcement training programs in reference to the identification of the primary aggressor.

The National Study

In an effort to further investigate how states define the primary aggressor and examine the criteria they use to assist in the identification of this phenomenon, we conducted an analysis of training manuals from 16 of the 23 states that have dominant aggressor laws (we were unable to obtain manuals in six states and eliminated one state due to extremely limited information). We then explored the extent to which gendered language was used in definitions, criteria, and training examples provided to assist officers in identifying the primary aggressor.

The study was based on an archival analysis of law enforcement officer training materials on domestic violence. The authors first developed a coding sheet based upon the Federal Law Enforcement Training Center (FLETC) train-the-trainer manual on domestic violence. A great deal of information in the manuals were coded, but for the sake of brevity in this chapter we focus primarily on the use of the term "battering"; reliance on theory and empirical research; definitions and criteria for primary aggressors; and sample statements and scenarios/vignettes and role plays used as training examples, and provide only a brief overview of the methodology used. Two independent coders who were blind to the hypothesis were trained to assess information in the manuals. Inter-rater reliability was computed among both coders for each state. The overall inter-rater reliability for all states was 0.95.

Coders took note of whether scholarly or peer-reviewed research was cited in the explanation of abuse throughout the manuals. They also identified whether the manuals referenced theories of abuse and noted which theories were used. If a Power and Control Wheel was used in the manual, coders were asked to identify whether the wheel was gender neutral, or depicted a heterosexual couple or same-sex couple.

The criteria used to identify the primary (dominant) aggressor were examined for each state. Training examples specifically referring to identifying the "primary aggressor" (scenarios, test questions, statements, etc.) used in training throughout the manuals were evaluated for context. For many of the training scenarios evaluated, the manuals provided information pertaining to who should be identified as the primary aggressor. Coding categories were therefore created to include the frequency of examples that represented heterosexual male only violence, heterosexual female violence only, bidirectional violence (which included examples of self-defense), and mutual violence among heterosexual couples and homosexual couples in which no primary aggressor was identified. Scenarios included in the primary aggressor section were not used in the frequency analysis of other sample statements and scenarios used in training noted below.

Lastly, coders evaluated all other sample statements and scenarios (vignettes as exercises, role play, investigation exercises, interviewing witnesses, examples of forms or reference to explanations of videos referring to abuse) used in training or testing. In each category, coders were asked to identify the relationship of the disputants (a female heterosexual being abused by a male; a male heterosexual being abused by a female; a male being abused by a male; a female being abused by a female; or an unknown relationship among disputants).

Reference to Battering and Use of Theory and Scholarly Research in Training Manuals

Seven states or 44% of manuals (GA, ME, MD, MO, NV, WA, WI) noted that they would use the term "battered woman" or "women who are battered" throughout their manual because women comprise the majority of victims of domestic violence.

A total of eight states included a power and control wheel in their materials (CA, FL, IA, ME, RI, SD, WA, WI). Seven of those states (87.5%) included a power and control wheel that represented heterosexual relationships (CA, FL, IA, ME, SD, WA, WI), all of which assumed the batterer to be male. Rhode Island was the only state to include a gender neutral power and control wheel. There was no evidence of a Power and Control Wheel for heterosexual female abusers, lesbians, gays, or transsexuals. Eight (50%) states (CA, IA, ME, MD, OH, RI, UT, WI) included information about Lenore Walker's cycle of violence. Only two states (CA, IA) addressed conflict theory. We then examined the use of empirical research or references to scholarly peer-reviewed research within the manuals. While most manuals included some state or national statistics on abuse rates, homicides, and theory, only

one state included three scholarly references (out of 31 resources) and another state included one reference of Seligman's research on learned helplessness.

Criteria Used to Identify the Primary (Dominant) Aggressor

Of the 16 states examined, 50% ($n=8$) included definitions of "primary or dominant aggressor" and criteria used to identify the primary aggressor were provided by 14 states. Table 10.1 displays the most frequently cited criteria mentioned by all states in descending order of frequency, beginning with history of violence or domestic violence ($n=14$ states). Eleven states addressed the degree of severity of injury and nine states emphasized identifying who is in fear of physical harm. Ten states suggested taking heed of offensive versus defensive wounds and seven states mentioned size and strength of physical attributes and threats of harm. Three states addressed the importance of witness statements and identifying a context of power and control. Three states addressed the need to protect victims, and some states noted additional criteria.

Training Examples Depicting Primary Aggressors

Table 10.2 categorizes 17 training examples from five states (CA, FL, ME, MO, RI) used to demonstrate how to identify the primary aggressor. There were four examples of unilateral violence, two of which portray a female as the dominant aggressor (one clear female dominant aggressor in FL and one from MO where it was clear the female threatened and aggressed, but no primary aggressor was identified—the unknown category); and there were two clear examples of male heterosexual violent dominant aggressors. Of the 12 cases of bilateral violence, one illustration identified the female (RI) as the dominant aggressor and nine identified the male as the dominant aggressor. There were two examples in which no primary aggressor was identified, and one same-sex example.

All Other Training Materials

When we examine training materials regarding sample statements, examples, role plays and scenarios used for training purposes throughout the manuals we find a total of 80 example/statements/role plays from four states (CA, MO, NV, RI). Of the 80 examples provided, two states (CA, RI) provided the majority of training examples (90%). Within those samples, a total of 53 (67.5%) portrayed a male aggressor and female victim. Six scenarios (or 7.5%) included a female aggressor and male victim, four scenarios (5%) showed a male aggressor and male victim and

Table 10.1 Criteria of predominant aggressor

	Criteria	States using criteria
1	History of violence or domestic violence	CA, GA, FL, ME, MD, MO, MT, NH, OH, RI, SD, UT, WI, WA
2	Degree or severity of injury	CA, GA, FL, ME, MO, MT, NH, RI, SD, UT, WI
3	Evaluating offensive or defensive wounds/whether one party acted in self-defense	CA, FL, GA, ME, MD, MT, SD, UT,WA, WI
4	Who is in fear, afraid, or terrorized of physical harm	CA, MD, MO, MT, NH, OH, SD, WA, WI
5	Assessing relative size and strength/physical attributes	CA, FL, GA, MD, MT, NH, WA
6	Threats of harm	MO, MT, SD, WA, WI
7	Evaluating witness statements	FL, RI, WI
8	Behaviors of power and control within the relationship	CA, ME, MD
9	Intent is to protect victims	MO, SD, WA
10	Other (use of alcohol or drugs; demeanor of parties)	CA, GA, WA
11	Evaluating verbal and nonverbal communication	FL, WA
12	Exhibits violent behavior	OH
13	Pattern of abuse evident	OH
14	Amount of force appropriate/ reasonable	ME
15	Likelihood of future harm	ME
16	Use of weapons	CA

Note: Criteria are presented in descending order of frequency based on data above ($n=13$)

five scenarios (6%) portrayed a female aggressor and female victim. The offender/victim relationship among the disputants was unknown in 14% ($n=11$) of examples. Table 10.3 breaks down the number of scenarios by state and shows that 80% of training examples evaluated in CA depicted a male aggressor and female victim. Missouri had six examples, of which four (66.6%) portrayed male against female abuse. Rhode Island appeared to have a more even distribution of scenarios, wherein of the 33 scenarios, 54% ($n=18$) illustrated male aggressors and female victims, 12% ($n=4$) illustrated female aggressors and male victims, 12% ($n=4$) were female aggressors with female victims and 12% ($n=4$) represented male aggressors with male victims and three (9%, $n=3$) portrayed unknown disputants.

Discussion

The national study of law enforcement training programs in 16 states with dominant aggressor statutes supports Hamel's (2011) preliminary findings from California. The manuals contain almost no empirical research, let alone up-to-date,

Table 10.2 Number of dominant aggressor scenarios by state and type of violence

State	Female only violent/ threatened violence (heterosexual)			Male only violent/ threatened violence (heterosexual)			Bilateral violent (heterosexual)			Same sex violent bilateral	Total by state
	Female dom ag	Male dom ag	Unknown	Male dom ag	Female dom ag	Unknown	Female dom ag	Male dom ag	Unknown		
CA				1				3	1		5
FL	1										1
ME			1					5		1	7
MO								1			1
RI				1			1		1		3
Total	1		1	2			1	9	2	1	17

Table 10.3 Number of additional Scenarios by state and type of violence

State	Total scenarios	M/F	F/M	M/M	F/F	Unknown disputant
CA	39	31 (80%)	0	0	1	7
MO	6	4 (66%)	1	0	0	1
NV	2	1 (50%)	1	0	0	0
RI	33	18 (54%)	4	4	4	3
Total	80	54	6	4	5	11

Note: *M/F* male aggressor/female victim, *F/M* female aggressor/male victim, *MM* male aggressor/male victim, *FF* female aggressor/female victim

Table 10.4 CADV websites for 17 states with dominant aggressor laws

Gender neutral definitions/focus of DV No statistics	Gender neutral definitions/focus of DV Incorrect/misleading statistics or limited to female victims	Gender neutral definitions/focus of DV Correct statistics	Gendered definitions/focus of DV No statistics	Gendered definitions/focus of DV Incorrect/misleading statistics or limited to female victims	Gendered definitions/focus of DV Correct statistics
Georgia Iowa Maine Montana Washington 5/17 = 29%	California Colorado Florida Maryland Nevada New Hampshire Utah Ohio Rhode Island 9/17 = 53%		Missouri South Dakota Wisconsin 3/17 = 18%		

scholarly, peer-reviewed studies, and aside from a few brief mentions of conflict theory, most of the manuals frame domestic violence in the traditional feminist paradigm, as represented in the Duluth Power and Control Wheel. Indeed, seven out of eight states that had a Power and Control Wheel (87.5%) identified batterers strictly as males, thereby rendering this instrument useless for officers when investigating a female abuser against a male, a female against a female, or a male against a male. For instance, tactics depicted on the wheel such as "Using Male Privilege" would not be applicable in female primary aggressor or same-sex couple situations. Overall, there is a complete lack of information on female abusers, male victims, or same sex couples, and when referring specifically to battering behavior, 44% of the manuals identified women as victims. Some of the states, Wisconsin for example, had a disclaimer of sorts stating that males were not always abusers and females were not always victims, and that abuse and violence does occur between same sex couples, but these disclaimers were never mentioned again.

Furthermore, the manual failed to suggest how an officer should handle an investigation in one of those situations, and neither did the manuals in any other state, with serious implications for the validity and reliability of these states' training programs.

The manuals provided 17 examples of how officers should identify the dominant aggressor. Among the examples involving unilateral violence, one depicted a female dominant aggressor and two depicted a male dominant aggressor. Of the 12 examples of bilateral violence, the man was deemed the dominant aggressor and targeted for arrest in 75% of the situations, and only one example involved same-sex partners. Overall, women were the dominant aggressors in only 12.5% of scenarios involving heterosexual couples. Among the other examples, 67.5% depicted a male aggressing against a female victim, 7.5% depicted a woman aggressing against a man, and 11% depicted same-sex violence. There is barely any attention given to same-sex couples, a significant shortcoming given the similar rates of gay and lesbian domestic violence when compared to heterosexual couples (Renzetti & Miley, 1996). The lack of information on same-sex domestic violence not only make it difficult for officers to understand this phenomenon, but also discourages victims from reporting or coming forward. The result is an underreporting of same-sex partner violence, with misleadingly low numbers that can only serve to keep attention away from this problem.

The preponderance of references and training examples identifying women as victims and men as perpetrators in no way correspond to actual rates of PV in the population. Most arrests are of the misdemeanor type, and as advocates for battered women have conceded, "not every act of domestic violence…is battering" (Pence & Dasgupta, 2006, p. 4). Yet even when more serious cases are considered—those that would meet the definition of battering and of relevance to the most widely used dominant aggressor criteria—the manuals seriously overstate PV as a gender crime. As Table 10.1 indicates, the most common criterion is "History of violence of domestic violence," and while men perpetrate most violence outside the home, rates of PV are the same across gender and previous PV history ought to be the primary consideration. "Degree or severity of injury," the second most popular criterion is only relevant when one or both parties are injured, and a study of 4,388 cases in both mandatory and discretionary arrest states indicates that 57% of arrests do *not* involve physical injuries (Hirschel & Buzawa, 2009.) Furthermore, rates of minor injuries, the most prevalent kind, are similar for men and women. With respect to the third most common criterion, "Whether one party acted in self-defense," rates may differ across gender but not by very much, if at all. The empirical evidence would suggest that "Who is in fear," the fourth most common criterion, applies more to female than male victims. If this were the only criterion used, the high number of male arrests would be justified. However, it is only one among many, and as discussed previously, difficult to assess. In some states, including California, one key criterion is "Behaviors of power and control within the relationship." By most definitions of the term, "power and control" behaviors are perpetrated at comparable rates across gender; and again, difficult, if not impossible, for police officers to assess at the scene of a crime.

The manuals reflect the most traditional gendered views of partner violence, views that have long been empirically discredited—more recently by feminist scholars themselves. Yet they continue to be promulgated by national and statewide advocacy organizations (Hines, in press), the very organizations that inform current policies on the criminal justice response to PV. If one looks specifically at the coalitions against domestic violence websites for the 17 states with dominant aggressor laws (NCADV, 2012) one finds that five have gender-neutral definitions of DV and no statistics; three have gendered definitions and no statistics; and nine (53%) have gender neutral definitions and incorrect/misleading statistics. Of the states that offered statistics, 0% offer correct statistics (see Table 10.4).

Unlike other violent crimes, partner violence typically occurs behind closed doors among individuals who are emotionally and economically bonded and often cannot easily escape an abusive environment. For these reasons, and because law enforcement officers were previously loathe to involve themselves in what they considered a private matter, the vigorous law enforcement response is a significant improvement over policies from previous decades. Criminal law as a whole acknowledges the importance of motive, mental status and effects of violence, so dominant aggressor guidelines that consider the relationship context may very well have some place in the law enforcement response to the very private crime of domestic violence. Clearly, there is a need to protect traumatized victims who are fighting back against ongoing abuse.

However, given that these guidelines are nearly impossible to correctly implement, and given that these laws are gender biased and based in feminist political ideology rather than sound social science data, it is not surprising that men are arrested at grossly disproportionate rates. Under the directive of mandatory arrest laws to arrest "somebody" but unequipped to determine with any level of precision whether one party is more dominant, police officers fall back on gender stereotypes and the training they have undergone, and proceed to arrest the man, perhaps seizing upon one of the few guideline that can be readily interpreted—"assessing relative size and strength" (see Table 10.1)—to justify their decision. Under these circumstances, the actual perpetrator will often escape arrest, and will be free to continue abusing their family members.

Beyond issues of gender bias, dominant aggressor guidelines are based on the false presumption that in most or all relationships there is one clearly dominant aggressor, a "batterer" versus someone who is either a victim or merely "aggressive," whereas findings from the empirical research literature suggest that most PV is mutual with no clearly "dominant" party. Unfortunately, dominant aggressor laws have resulted in a decrease in mutual arrests. Undoubtedly, arresting both parties may present prosecutors with some legal and practical problems (e.g., mutually arrested couples may refuse to testify against one another; what to do with the children if both parents are in jail). However, in the interest of both justice and advancing evidence-based and effective arrest policies the burden should be on legal system to find appropriate solutions.

Men cannot be assumed to be the default primary aggressors. We believe that in order for law enforcement to offer equal protection to all victims, and avoid possible litigation, officers must be provided with the most current research on PV. This

would necessitate changes in policy wherein law enforcement training acknowledges the contentious ongoing debate among scholars, is gender and same-sex inclusive, and based upon solid, empirically sound criteria. One option, suggested elsewhere, would have police officers issue a citation in cases of mutual violence where the dominant aggressor is not clearly apparent. In the interest of safety, police would have the discretion to separate the parties and/or issue a mutual but temporary order of protection. A final determination regarding criminal charges would be made by the district attorney after each party had individually been subjected to a thorough assessment, conducted by a knowledgeable mental health professional. Until such changes are made, law enforcement officers are placed in a precarious situation, having to make arrest decisions based on training made from an uninformed gendered perspective which may only tell half of the story. This is not fair to police, nor to defendants who may be falsely arrested, and hinders our effort to reduce domestic violence in our communities.

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