

# **INTIMATE PARTNER VIOLENCE AND THE CRIMINAL LEGAL SYSTEM**

by

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A thesis submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Master of Arts in Urban Affairs & Public Policy

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## **ABSTRACT**

The paper examines the role of the criminal-legal system in relationships in which the participant experience intimate partner violence. The criminal-legal system has greatly expanded since the 1980s and disproportionately affects the Black community and other marginalized groups. This study analyzes the life histories of intimate partner violence (IPV) victims and offenders and their interaction with the criminal-legal system by using semi-structured interviews with 18 participants.

Analysis of the interviews was conducted utilizing a Black feminist criminology framework to understand the interlocking nature of race, gender, and class and its effects on public policy effectiveness. My analysis uncovered three emerging themes among the research participants: IPV is one problem among many, victims were arrested when they sought help, and some women use the criminal-legal system to escape. This study found a relationship between criminal-legal system impact and multiple IPV relationships. Combined with the themes uncovered in this analysis, this research supports policy interventions that advocate for alternative methods to policing in intimate partner violence relationships, promote robust social safety nets, and provide expanded support to domestic violence programs that offer drug and alcohol addiction services, housing and job assistance, and mental health support.



## Chapter 1

### INTRODUCTION

The United States has waged a war on crime in the last forty years, thus resulting in the US having the highest rate of incarcerated citizens in the world (Hattery & Smith, 2021). The number of imprisoned and formerly imprisoned Americans continues to rise. Compared to the rest of the world, the United States imprisons more people per capita than countries with authoritarian regimes (Widra & Herring, 2021). The rates of imprisonment in the United States are not explained by “violent crime.” What constitutes a “violent crime” is different in each state and the term itself is not well defined (Widra & Herring, 2021). It is often used colloquially to describe a “serious” versus “non serious” crime (Sawyer & Wagner, 2022). The term is commonly used in police reporting and as a political maneuver to narrow policy protections to exclude those that have committed a “violent crime” as defined by the state in which the crime is committed (Widra & Herring, 2021). Yet, it is clear that the rates of “violent crime” do not account for the rates of incarceration (Widra & Herring, 2021). **Figure 1** below is an illustration of the American Prison Industrial Complex. The table details both the number of persons in what types of prison institutions and why they are incarcerated. An additional feature of the table is that it also shows the scope of the U. S. immigration detention system. Incarceration encompasses state prisons and jails, federal prisons and jails, immigration detention centers, youth detention centers, territorial prisons, military prisons, and involuntary mental health commitments. Over 36% of people incarcerated in state prisons are

convicted of a non-violent crime. Markedly, 79% of those incarcerated in local jails have yet to be convicted of a crime (Sawyer & Wagner, 2022). The United States continues to use confinement as the default method for controlling fear of crime and concerns about public safety (Widra & Herring, 2021). At a staggering number of 1.9 million people confined as of 2023, we must also consider all of the *formerly* incarcerated (Sawyer & Wagner, 2022).

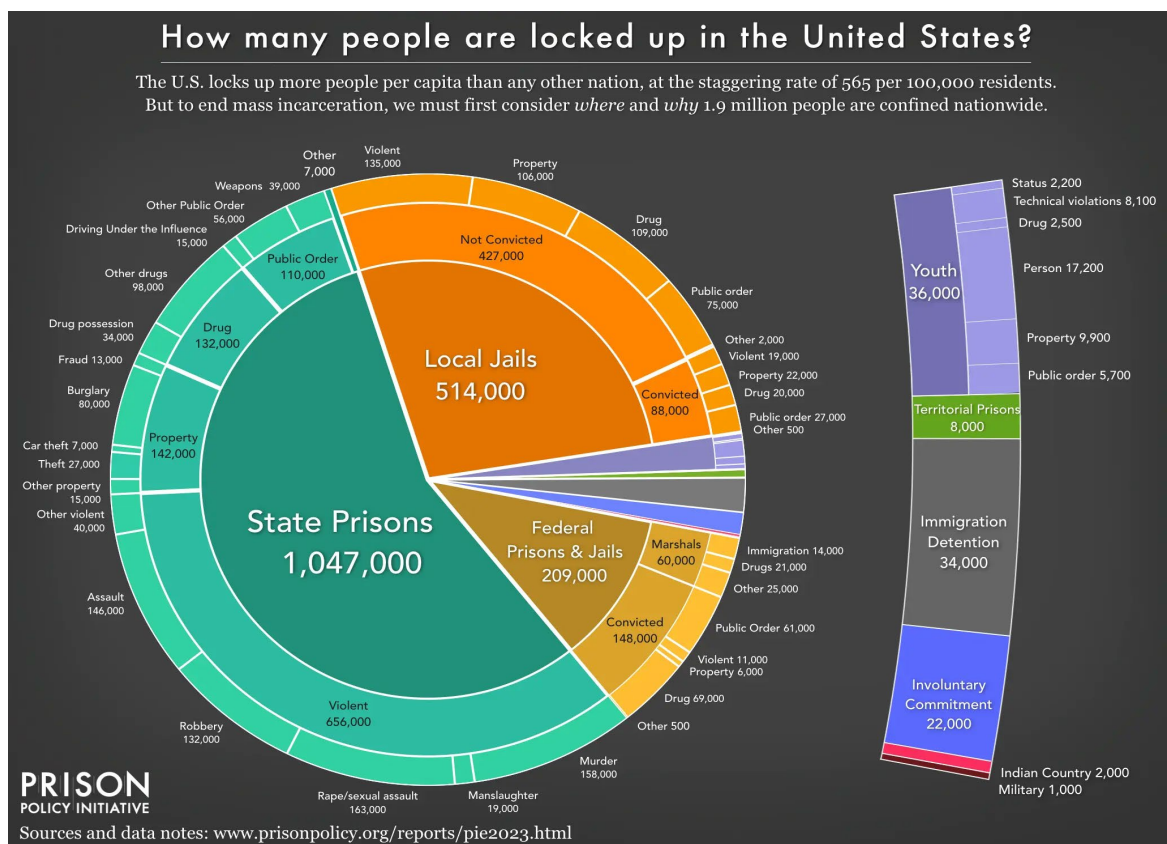


Figure 1 Prison Policy Initiative's breakdown of America's imprisoned by offense and place of confinement

Estimates from the Centers for Disease Control (CDC) show that 1 in 3 Black men have a felony conviction, thus indicating the over representation of Black men in the ranks of those incarcerated (McKay, 2022).

The criminal justice system and the high rate of incarceration in America is a public health issue with policy implications for the increasingly serious public health crisis of intimate partner violence. Intimate partner violence (IPV) is a form of abuse with devastating personal, social, and economic impacts for millions of people in the United States. Approximately 1 in 3 women and 1 in 4 men experience intimate partner violence in their lifetime, making intimate partner violence a significant public health issue (National Center for Injury Prevention and Control, Division of Violence Prevention 2022). Here I note that Black women and men, as well as their children, have strained familial relationships due to Black men's overrepresentation in the criminal-legal system (Monterrosa, 2021). For this thesis the term “criminal-legal system” is to mean “those who have been incarcerated, those with arrests/convictions but no incarceration and those who have been directly impacted by a loved one being incarcerated” (Monterrosa, 2021). Understanding more about the relationship between intimate partner violence, the criminal-legal system and race, will allow researchers to create more accurate data to inform public policy intended to address these intersections.

This thesis examines intimate partner violence at the intersections of race, gender, and criminal-legal system involvement for criminal-legal system impacted men and women. Analyzing data from eighteen semi-structured interviews of victims and perpetrators of intimate partner violence will allow for a subtlety and nuance not available in formal, standardized surveys. Program evaluation and services surveys are

valuable tools for systems evaluation, but do not capture the needs of individuals that may be missing from the survey or open-ended questions in evaluation. By using the life histories and experiences of relationships of people who are both criminal-legal system impacted, and intimate partner violence impacted, I uncover themes related to both experiences. Intimate partner violence is a complex private and public sphere problem. I use a feminist, intersectional theoretical framework to address its distinctly gendered and interconnected nature. Specifically, this thesis asks the following question:

How is the criminal-legal system experienced among people that are intimate partner violence-involved?

### **Overview of thesis structure**

This thesis begins with a brief outline of the public health crisis of intimate partner violence and the epidemic public problem of incarceration and the criminal-legal system cycle. I will then discuss the theoretical framework utilized in analyzing and understanding the results of this thesis. The following literature review will describe the history of intimate partner violence in America, how the public sphere has reacted to the problem, and where we are now. I will discuss the consequences of intimate partner violence on the individual and on the community, as well the consequences of criminal-legal system involvement on the individual and on the community. This will be followed by the methodology chapter, exploratory analysis and findings. I will then conclude with a discussion of the findings and directions for future research.

## **Chapter 2**

### **LITERATURE REVIEW**

#### **Examining relationship violence in US Society**

The best research on examining relationship violence in the U.S. is the body of work of Michael P. Johnson (Johnson, Leone, & Xu, 2014). Johnson, et., al. model of “situational couples combat” brought, anew, to the study of IPV the consideration that couples’ violence is not a one-way street. This work being cited (2014) "Intimate terrorism and situational couple violence in general surveys: Ex-spouses required" is just one example of how innovation in thinking about violent intimate relationships unfolds.

#### **History of the Intimate Partner Violence Movement in U.S**

Largely due to the conscious-raising work of the women’s movement of the 1960s and 1970s, experiences with violence in the private sphere were shared with other women and no longer considered private, isolated incidents (Coene, Withaecx, & Vergaert, 2021). By the 1980s, the Battered Women’s Movement was gaining steam in the larger cultural discourse by creating shelters, guidelines for police, support groups, help lines, and political activism (National Network to End Domestic Violence, 2022). Decades of social and political activism made intimate partner violence an important public health and political issue by the 1990s (Hattery & Smith, 2019; National Network to End Domestic Violence, 2022).

#### **Attitudes about intimate partner violence**

Violence against women was deemed socially acceptable, if not religiously (in Abrahamic religions) mandatory, for centuries before Alabama and Massachusetts

declared “wife beating” illegal in 1871 (National Network to End Domestic Violence, 2022). This ruling by two states did not substantially change social attitudes towards violence in the home; it was only a mark of changing attitudes. In a review of the literature, social attitudes are slow to change and are problematic when these attitudes affect policy, the approach of service providers and law enforcement (O'Neal, 2019). In a 2019 review of the effects of rape culture (i.e., the normalization and tolerance of sexual violence towards women) on police perceptions of sexual assault complaints, disturbing findings include: high level of rape myth acceptance, police as “gatekeepers” to the criminal justice system, and the trope of sexual violence as being perpetuated in public by a stranger assailant (O'Neal, 2019).

These findings become even more salient when we analyze Black women and other underrepresented groups. Although second wave feminism gave rise to intimate partner violence as a public health and policy issue, it explained intimate partner violence as a tool of patriarchal oppression (Coene, Withaeckx, & Vergaert, 2021). It failed to take into account experiences of Black women, other Persons of Color (POC), different economic statuses, issues of sexism and racism, and colonialism (Coene, Withaeckx, & Vergaert, 2021). Black women in the United States have a different legal and social history than other groups. Our country’s history of slavery and racism affects the lived experiences of Black women, including their willingness to contact the police and the perceptions of police on Black victims of violence. In reviewing the literature, Black victims experience multiple barriers to reporting intimate partner violence. Law enforcement has created a climate of mistrust and inaccessibility among the Black community—failing to provide fair treatment to victims, viewing Black victims with little sympathy, and failing to take Black victims

seriously without visible injuries (Hattery, 2022; Lichtenstein & Johnson, 2009). Black women are further impeded from accessing help for intimate partner violence by the fear that accusing a Black man of intimate partner violence will be seen as betraying the Black community and contributing to violent stereotypes of Black men (Lichtenstein & Johnson, 2009). Culturally, the Black community holds strong religious beliefs (Lichtenstein & Johnson, 2009). This is relevant when considering Black women's response to intimate partner violence. Socially pressured to remain silent and protect Black men and impeded from utilizing the criminal justice system, abused Black women rely heavily on spirituality, religious practices, and houses of worship when dealing with an abusive relationship (Potter, 2007). However, in Hilary Potter's review of religious services and abused Black women, religious leaders were often found to provide advice in support of the male batterer, found religious teachings were used to justify the violence, and were told to stay in the abusive relationship and "work things out" (Potter, 2007).

### **Legal response to Intimate Partner Violence**

As noted above, some laws were changed as early as the 1800s in regard to the legality of wife beatings especially in cases of severe violence. Yet, substantial changes to the handling of intimate partner violence were not taken seriously until advocates recommended mandatory arrest laws in the 1980s, created procedures and specialized training for police responders and implemented "orders of protection" (Hattery & Smith, 2019). While mandatory arrest laws and orders of protection both seem on the face of it like positive progress in the fight against intimate partner violence, both of these tools have serious weaknesses and limited effectiveness in preventing violence. The first family court in the United States was created in Buffalo,

New York in 1911 (Hattery & Smith, 2019) This is significant because family court does not have the same authority as a criminal court. Largely utilized to define relationships and their subsequent contract implications (divorce, adoption, etc.), family court does not have the ability to dole out the same consequences as an assault charge would merit in criminal court (Hattery & Smith, 2019). In fact, many abusers are referred to batterer intervention programs, but the courts have no mechanism to require accountability (Hattery & Smith, 2019) Family court is also the issuer of “order of protection.” Sometimes also known as a PO, or protection order, they can order no contact physically, via phone, social media, etc. between the abuser and victim. Fundamentally, these orders are not backed by the criminal courts; thus, have a limited effectiveness (Hattery & Smith, 2019).

### **Where are we now?**

The most significant public policy action came in 1994 with the passage of the Violence Against Women Act (Violent Crime Control and Law Enforcement Act, 1994). The Violence Against Women Act creates and supports action by the United States Department of Justice, Department of Health, and Health and Human Services to respond to the issues of intimate partner violence. In 1994, it was the first recognition by the United States government of intimate partner violence as a public health issue worthy of federal intervention (Modi, Palmer, & Armstrong, 2014). It provided \$1.6 billion in funding towards the investigation and prosecution of violent crimes against women and expanded programs and protection each renewal cycle in 2000, 2005, 2013, and 2022 (National Network to End Domestic Violence, 2022). The bipartisan support of the Reauthorization Act of 2022 extended services to include all genders, restored tribal jurisdiction, expanded access to housing, introduced economic



justice statutes and invested in culturally specific programming (National Network to End Domestic Violence, 2022). With reauthorization required every five years, the Violence Against Women Act is a powerful public policy tool in shaping, assessing, and administering responses to intimate partner violence that can be expanded as we learn more about intimate partner violence and its consequences.

The internet and communications technology has dramatically and rapidly changed how Americans interact with each other and the world around them. Devices like cell phones are increasingly used as a primary source of communication to friends, family and the outside world, as central storage devices and access points for sensitive personal information, in other words, essential to everyday life. As technology evolves, so are new ways of perpetuating intimate partner violence. The use of technology to abuse and cyberstalk someone has introduced unique challenges to intimate partner violence interventions. Spying tools and software that track movements, texts, and location are being increasingly utilized by abusers to intimidate their partners (Hattery & Smith, 2020). Cell phones have become a crucial part of everyday life making the abuser feel omnipresent “with victims feeling they can never really escape” (Woodlock, McKenzie, Western, & Harris, 2020). In 2016, a study found that 47% of American teens and adults have been harassed or abused online and most of the abuse was perpetuated by former partners or friends (Lenhart, Ybarra, Zickuhr, & Price-Feeney, 2016). These alarming statistics illustrate how technology can facilitate a new type of intimate partner violence and the need for public policy that is dynamic, research-based, and survivor focused.

## **Effects of IPV on victims, family structures, and the community**

Intimate partner violence has a wide range of consequences outside of the individual relationship in which the violence is occurring. Combined, sexual violence and intimate partner violence cost society over \$130 billion dollars annually (Hattery & Smith, 2019). We pay a high cost for healthcare, mental health services, substance abuse treatment services, job loss and economic support resources, as well as resources into monitoring and persecuting abusers. Spread across differing states (with differing laws) and jurisdictions, accessing the limited resources available to victims and their families can be a daunting task. This process is further complicated by “rape culture” and its endemic place in American culture. Rape myths especially problematic to intimate partner violence includes: spouses cannot commit sexual violence on one another, men can mete out violence justifiably as the man of the relationship, sexual assault occurs because “she was asking for it,” and rape is not a violent crime (O'Neal, 2019) When these problematic views are held by police officers and other members of the criminal justice system, they affect how victims are helped, abusers are prosecuted, and how policy is formed (O'Neal, 2019). In turn, the belief that the police will not do anything or will only make matters worse can be prevalent in some communities, especially communities of color who have historically and currently have tense relationships with police (Hattery, 2022). Police contact and the courts system can be an entryway into victim relief and access to services but can only be accessed if abuse is reported. Continued abuse is less likely to be reported by individuals based on their previous experience with police responses and there is still a general high likelihood of underreporting (Fleury, Sullivan, Bybee, & Davidson, 1998). One in four women in the United States will experience intimate partner violence in their lifetime (Shorey, Tirone, & Stuart, 2014). This means there is much

room in policymaking to address the needs of intimate partner victims and mitigate its effects on society at large.

### **Health outcomes**

Intimate partner violence is not just physical abuse; it can be comprised of physical, sexual, psychological, and/or economic abuse. Unsurprisingly, abused women are found to have a significantly low quality of life (Alsaker, Moen, Morken, & Baste, 2018). Although the #MeToo movement, started in 2017, has made headway in removing the guilt and shame many victims feel, the psychological effects of abuse contribute to negative health outcomes and reduce the likelihood of reporting and accessing services (Alsaker, Moen, Morken, & Baste, 2018). In a review of the literature, there are significantly more studies done on physical intimate partner violence. Physical intimate partner victims experience higher rates of substance abuse, alcohol abuse, and mood and anxiety disorders. Emotional abuse is linked to higher rates of mental disorders (Salom, Williams, Najman, & Alati, 2015). Most disturbingly, the review of the literature reveals several understudied injuries that result from intimate partner violence: high rates of strangulation among IPV victims and traumatic brain injuries (TBI) (Hillstrom, 2022; Mcquown et al., 2016).

Intimate partner violence victims are at high-risk for strangulation. In 2016, the American Journal of Emergency Medicine published a report that concluded 38% of intimate partner violence victims were subjected to strangulation (Mcquown et al., 2016). Strangulation should be especially concerning to policy makers because it puts a victim at a higher lethality risk (risk of dying from the current situation), is chronically under-reported, and can result in serious non-visible injuries like amnesia and loss of consciousness (Mcquown et al., 2016). Defined as the suppression of

oxygen to the brain via pressure applied to the neck, strangulation resulting in loss of consciousness can result in long-term health consequences like stroke, heart issues, and other complications impacting quality of life (Mcquown et al., 2016).

Traumatic brain injuries, or TBI, are another significantly under-studied area of intimate partner violence research that should interest policy makers and lawmakers. TBI and its link to CTE, or chronic traumatic encephalopathy, may sound familiar. In 2015, the National Football League (NFL) reached a \$1 billion dollar deal with thousands of players regarding concussions and the safety of their players after taking repeated hits to the head (Hillstrom, 2022). A review of the literature reveals that significant portions of intimate partner violence victims (33% to >75%) have experienced head trauma, 40% lost consciousness, and some of these head traumas were a result of strangulation (Hillstrom, 2022). With an estimated number of 1.6 million annual brain injuries among intimate partner violence victims, one of the victims herself had a perfect understanding of the impact this could have on health policy: “It dawned on me: Holy, like I’ve probably been hit way more times than the average football player” (Hillstrom, 2022).

### **Economic outcomes**

Economic abuse is a form of intimate partner violence. The state of the economy is reflected in rates of intimate partner violence perpetration (higher rates of IPV during recession) and access to the economic resources is a key factor in victims escaping their abuser (Hattery, 2022; Haifley, 2021). Financial stressors have also been linked to the perpetuation of physical intimate partner violence (Schwab-Reese, Peek-Asa, & Parker, 2016). Although intimate partner violence affects all social classes: money, power, and other variables like education and occupation reflect how,

if, and when a victim of intimate partner violence seeks assistance. Intimate partner violence victims experience short and long-term economic disadvantages: job loss, difficulty finding or keeping employment, lack of resources to escape, lack of access to credit cards, bank accounts, or physical money, ability to find and keep long-term living conditions, long-term professional development, destroyed credit scores or access to credit, and financial fraud linked to identity theft (Haifley, 2021). The research on economic abuse is nascent, but alarmingly, its presence strongly correlates the presence of other, overlapping forms of intimate partner violence (Haifley, 2021). Policy makers should view this indication as an avenue for intervention and resource allocation. With high numbers of intimate partner violence victimizations across the country, policy makers will have to answer to the taxpayer for the economic loss (loss wages, loss of workforce, healthcare costs) the United States experiences annually due to intimate partner violence.

### **Effects on children**

Unfortunately, pregnancy does not relieve victims from intimate partner violence. Incidents of intimate partner violence against pregnant victims can lead to miscarriage, fetal injury, maternal stress, and other pregnancy complications related to stress and injury (Chisholm, Bullock, & Ferguson, 2017). Young children who witness intimate partner violence can display symptoms of Post-Traumatic Stress Disorder (PTSD), have issues with emotional processing, language development, and sense of safety (Carpenter & Stacks, 2009). Studies have also shown that a significant number of children (40%-70%) who enter a shelter with their abused mother are victims of child abuse themselves (Campbell & Lewandowski, 1997). This is especially concerning considering this number only accounts for women who seek services via

battered women's shelters and does not take into account children of IPV victims who seek alternative strategies of assistance and/or escape.

Intimate partner violence affects children's access to stable living conditions, parental emotional support, contributes to disruptions in education, social disadvantage, stable parental relationship and causes increased contact with the criminal justice system (Campbell & Lewandowski, 1997). These same children are at increased likelihood of experiencing intimate partner violence in adulthood. Girls who were victims of child abuse are twice as likely to experience intimate partner violence when they reach adulthood (Hattery & Smith, 2020). Boys who witness intimate partner violence in early adolescence are *three times* as likely to grow up to be abusers (Hattery & Smith, 2020). The relationships between IPV, childhood abuse, the economy as a social structure and instrument of abuse, combined with the resultant negative health outcomes and detrimental societal impact highlights the need for robust policy around intimate partner violence. By utilizing an intersectionalist framework, we can see how intimate partner violence "fuels other crises: homelessness, mass incarceration, addiction, soaring health care costs.... mass shootings, among others" (Snyder, 2021).

### **Effects of the criminal-legal system**

#### **What is the carceral state?**

Over the last decade or so, mass incarceration has received increased attention among policy makers (Hinton, 2016). The population of the incarcerated approximately doubled in the 1980s under the "War on Drugs" and the political rallying cry of being "tough on crime" (Cullen, 2018). According to legal scholar John

Pfaff in his influential *Locked In: The True Causes of Mass Incarceration-and How to Achieve Real Reform* the rate of incarceration continued to climb throughout the 1990s, 2000s, and 2010s (Pfaff, 2017). He notes that almost 2 million people are held in the multiple penal systems (local, state, federal, and tribal systems, immigration detention centers, and state psychiatric hospitals) that constitutes the “criminal justice system” in the United States (Sawyer & Wagner, 2022).

The decades of mass incarceration have led to studying the effects of incarceration on individuals, their families, and communities. What happens to the incarcerated when they are released? What impact has the criminal justice system had on their lives once they are “free?” More recent reform, activism and research has formulated the term “carceral state” to refer to the United States “...punitive processes of criminalization and control, operate in highly discriminatory ways and have both produced and reinforced massive inequalities along lines of race, class, gender, sexuality, and other identity categories...it also comprises a wide range of policies, practices, and institutions that scrutinize individuals and communities both before and after their contact with the criminal justice system”(French, Goodman, Carlson, & Lassiter, 2020, para. 80).

With this more expansive view of mass incarceration, we can see the magnitude of impact by criminal justice system policies, laws, and administration. In addition to the almost 2 million incarcerated, there is an additional 4.9 million formerly incarcerated, 79 million with a criminal record, and over 113 million adults with an immediate family member impacted by the criminal justice system (Sawyer & Wagner, 2022).

## **Health Outcomes**

When we review the literature around incarceration and health outcomes, we find troubling statistics around mental and physical health. It has been well documented that “individuals with an incarceration history, compared to their counterparts, have higher mortality...severe health impairments, and worse mental health” (Sugie & Turney, 2017). Yet, understanding the carceral state, we know that incarceration is not the only determinant of criminal justice system contact. Police stops, arrests, incarceration, probation, and parole are all possible contacts with the criminal justice system regardless of whether the person is ever convicted of a crime (Hattery, 2022). These contacts with the system cause stressors that can reverberate throughout the life of the person (relationships, employment, housing) causing poor mental health and contributes to stress-related disease (Sugie & Turney, 2017). Besides incarceration acting as an acute and chronic stressor leading to negative health outcomes, incarcerated individuals have an increased risk of contracting an infectious disease and have difficulty reintegrating into society (economically, emotionally, and in regard to familial and romantic relationships) (Massoglia & Pridemore, 2015). There is growing evidence that incarceration’s effects reverberate past the individual into the family unit and the community. Incarceration and involvement with the criminal legal system can lead to economic instability, increased stress, increased costs related to courts, incarceration, and child-care coverage, and stigma for the individual’s family and close relationships. The community itself deals with an increase in infectious disease, loses its sense of security and “neighborliness,” has resources diverted into the criminal-legal system, and suffers economically by losing adult workers. The community’s children also suffer on scores of educational measures, including memory, attention, reading comprehension and math problem



solving (Gifford, 2019). The expansion of the carceral state has disproportionately affected minorities and low-income communities, contributing to inequality and social stratification, making these issues not only a matter of public health, but an issue of justice equality (Dumont, Brockmann, Dickman, Alexander, & Rich, 2012).

### **Economic Outcomes**

Hundreds of thousands of people are released from incarceration every year and have to deal with the stigma of a criminal record in housing and employment. With a growing number of people with criminal records seeking employment, sometimes a condition of their parole, policy makers can address the substantial reduction in economic opportunities for those with a criminal record (Pager, 2003). Incarceration can not only limit the types of jobs a person has access to (ex: health care), but also predicts high rates of joblessness (34.9% to 37.9%), reduction in bargaining power, and lower earnings (Wang & Bertram). The effects of a criminal record go beyond the individual and also impacts the family unit. Women partners of men who are incarcerated experience higher rates of unemployment and lower wages while trying to balance family life after a loss of income (their incarcerated partner) and the additional costs associated with incarceration (Craigie, 2021). Viewed through the lens of race, Black people are affected by a criminal record 40% more than White people (Pager, 2003) and burgeoning research suggests that there is a deepening economic inequality between white female partners of incarcerated men compared to Black female partners of incarcerated men (Bruns, 2017).

Even low-level interactions with the criminal justice system can have serious economic consequences for the family unit. With recidivism rates at 68% for state prisons and 60% for jail inmates, the cycle of jail, probation, and re-entry contributes

to unstable employment, reliance on family members, evictions, loss of possessions, loss of government supports like social security payments and food assistance and tight restrictions based on their parole status (check in's, drug tests, location tracking) (Comfort, 2016). Clearly, there is room for policy interventions that ameliorate the primary and secondary economic consequences of criminal justice system involvement.

### **Relationship Outcomes**

Considerable research has shown that family and intimate relationships are vital during release from imprisonment. These relationships provide economic support, housing, emotional support, and pathways to reintegration into society (Comfort et al, 2018; Stansfield et al, 2020). This expectation can add a heavy burden to partners who have been navigating single parenthood, managing a single income household while dealing with costs associated with the carceral state, and now must reintegrate their partner into the family unit (Stansfield et al, 2020). This is especially salient to the discussion of intimate partner violence because “people incarcerated for family violence are more likely to commit new family violence incidents after release than persons incarcerated for other offenses” (Stansfield et al, 2020). Growing research on partnerships during reentry has shown that relationships usually dissolve post-release and those that continued in the relationship rated their happiness levels significantly lower than prior to incarceration (Comfort et al, 2018; Harman, Smith, & Egan, 2007). Although these claims do not involve those who cycle through jails and other forms of the carceral state, it is not hard to imagine that those relationships would face similar challenges. Prisoners have been found to lack coping skills and fail to continue to grow and change while imprisoned, unlike their partners in the outside

world (Harman, Smith, & Egan, 2007). Navigating these disrupting changes post-release is difficult in the most stable relationships, but only magnify issues in relationships where conflict was common before incarceration (Harman, Smith, & Egan, 2007). While there is more research needed to examine the impact of incarceration and the criminal-legal system on intimate relationships, combined with estimates of “at least a third of incarcerated male offender have committed domestic violence,” it is evident that incarceration and contact with the criminal-legal system can have detrimental effects to intimate relationships (Hilton, Harris, Popham, & Lang, 2010).

### **Conduit of Survivor Safety or Pathway to Further Harm**

Despite the many risks to contact with the criminal-legal system, it still viewed as one of the only escape routes for victims of intimate partner violence. (Sweet, 2021) As the Battered Women’s movement grew into the neoliberalism policies and neoconservative politics of the 1980s, the liberal feminist activism of the movement made concessions in order to access federal funding (Sweet, 2021). Transformed into an issue of “family violence,” politicians and policy makers started a discourse with domestic violence advocates that ultimately lead to the professionalization of the domestic violence advocacy field and the medicalization of intimate partner violence that we see today (Sweet, 2021). Paige Sweet’s work examines the confluence of public policy, politics, feminist activism, and the creation of the “therapeutic state” (Sweet, 2019a). While the carceral state is the right arm, the “therapeutic welfare state” is the left arm of the neoliberal policies created to deal with intimate partner violence (Sweet, 2021). Obsessed with the “pathologies of dependency,” neoliberal policies imbued welfare programs with means testing, therapizing out of

“dependency” on the state, efforts to control conduct and limit rights of those participating in those programs (Sweet, 2021).

As Paige Sweet expounds on her work on the “victim/survivor binary,” the “therapeutic state” was born out of “public programs premised on the psychological rehabilitation of the poor” and the “victim/survivor binary” is utilized to decide how to deal with victims/offenders and what services they should receive (Sweet, 2021). This further centered white voices and explicitly tied the “therapeutic state” to gendered norms of the white, middle class (Sweet, 2019a) This often means that victims of intimate partner violence are subjugated to many requirements to qualify for services and protections; including, but not limited to individual therapy, group therapy, DCFS mandated therapy for their children, immigration medical exams, and domestic violence counseling (Sweet, 2019a). This adds another heavy layer of tasks and steps required to “escape their abuser,” especially for poor women, women of color, queer, disabled and trans victims of intimate partner violence who face higher-risk requirements and are judged more harshly when they experience a failure (Sweet, 2019a). Thus, the criminal-legal system can be an entry point into escaping intimate partner violence, but also carries heavy risks of revictimization, surveillance, and associated stressors to those with the most disadvantages and highest risk of intimate partner violence.

## Chapter 3

### THEORETICAL FRAMEWORK

#### **Black feminist intersectional framework**

Black Feminist Criminology (BFC) is a framework, developed by Potter circa 2006, with a basis in critical race theory and intersectional theory incorporating “the tenets of interconnected identities, interconnected social forces, and distinct circumstances to better theorize, conduct research, and inform policy” (Potter, 2006, p.109). Unequivocally intersectional, BFC illustrates how intersectional identities compound marginalization (Crenshaw, 1991). In the context of the United States, white, middle-class, hetero-normative women’s stories and experiences have been deemed the default experience with their issues maintaining dominance in both feminist theory and real-world advocacy and practice (Anderson, 1995). This renders those outside the norm invisible and ignored. BFC is an especially valuable approach when analyzing Black women involved in the criminal-legal system (Potter, 2006).

“We now have data that supports [sic] the existence of racial and ethnic differences in rates [of intimate partner violence] but a theoretical orientation and public policy that can’t accommodate or make sense of this new understanding” (Richie, 2003, p. 200).

Although BFC is primarily used as a framework to analyze the experiences of Black women, I argue that BFC is the most appropriate framework to analyze the gendered and racialized nature of intimate partner violence (IPV) within my subset of data that includes Black men and Black women and White men and White women. Though feminist theory centers the voices and experiences of women, essential when investigating gender, gender inequality, and gendered violence, historically it has

neglected to adequately address the intersections of race and gender. Thus, BFC's core tenet of intersectionality provides a basis for dealing with marginalizations and creates an opportunity to reconceptualize traditional identities to inform activism and public policy (Crenshaw 1991).

### **Justification for use of framework on policy development and implementation**

By centering the voices of women, especially Black women, BFC draws attention to the interlocking nature of race, gender, class, and structures of domination key to understanding issues impossible to separate from historical context and material conditions (Collins, 1986). In fact, the future of feminism and the future of applied sociology recognizes the importance of intersectionality and engaging in discussions around public policy (Nadia Aghtaie and Geetanjali Gangoli, 2014; Sprague, 2016). When we do not consider race, gender, and economic status in policy making—both institutionally and politically— we limit the effectiveness of any implemented policy to swaths of the population that are ignored and made invisible (Coene, Withaeckx, and Vergaert, 2021). There is a wealth of research about color blindness and post-racialism. This research confirms the theory that ignoring race in an effort to “eliminate” race from social and cultural contexts only exacerbates racial hierarchy—a new “look” for racism (Collins, 2019).

Unfortunately, social science research, especially feminist social science research, has received criticism for its political motivations behind research subjects and conclusions. Yet, it is inherent that public policy research is politically motivated. These two closely related fields of study can be allies in ensuring solid evidence for effective public policy development and implementation. The accountability we hold social scientists to, through criticism, observation, and

discussion, moors scientific objectivity (Anderson, 1995). Using BFC as a framework to analyze these interviews is the appropriate choice of theory when considering intersectional identities and the importance of “contextual values” when considering theory choice and to “extend [knowledge] beyond the simple accumulation of bare truths” (Anderson, 1995). As modern sociology moves towards “applied sociology” or as an American Sociological Association president labeled “public sociology,” public policy researchers and practitioners need to utilize this burgeoning wealth of data, real-world observation, localized knowledge, and social theory to solve real world problems (Sprague, 2016). By using BFC to evaluate this data, I am able to combine applied sociology and feminist theory to properly analyze and discuss a common and important social problem and public policy issue that reaches across race, gender, social status, economic status and plays out in both the public and private sphere.

### **Black intimate relationships and criminal legal system**

Culture and context play a role in our understanding of intimate partner violence. Clair Oxtoby’s study on cultural perspective in Latino culture found acculturation, immigration, values, and beliefs impacted Latina women’s perception of, acceptance of, and perpetuation of intimate partner violence (Oxtoby, 2012). Recently, focusing on culturally competent intervention programs for intimate partner violence has gained momentum. Especially due to the changing demographics of the United States—projected to be a minority-majority country by 2043 (Renzetti, Follingstad, and Coker, 2017). Culture includes many intersectional identities that are fluid and connected. It is best practice when providing intimate partner violence interventions and services to understand how someone interprets their culture and

using that understanding to determine best practices moving forward (Renzetti, Follingstad, and Coker, 2017).

When we look at the intersection of intimate partner violence and Black identity, we can see multiple barriers to escaping abusive relationships. Some of these barriers include low rates of disclosure among Black women to family and friends, hesitation to report abuse among Black IPV victims due to fear of negative stereotypes of Black culture, and cultural perceptions of gender that reinforce gender stereotypes (Renzetti, Follingstad, and Coker, 2017). Cultural differences also account for differences in help seeking behavior. Black women use religion and spirituality as a tool to deal with intimate partner violence at higher rates than other groups (Potter, 2007). As mentioned earlier in the discussion of the history of intimate partner violence, it is notable that Christianity specifically, has traditionally used the teachings of the bible to justify intimate partner violence. Research has found that the clergy of Abrahamic religions (Christianity, Judaism, and Islam) have, in many instances, not been allies to victims of intimate partner violence and have reinforced gender roles and cultural values that have prevented followers from accessing services to escape their abusive relationships (Lichtenstein and Johnson, 2009; Potter, 2007). Often the police act as initial contact between IPV victims and can be a first step in seeking assistance. When the police are a part of your community, your church, your local politics, and gender roles and expectations are to keep quiet and to stay in the home, seeking help safely and confidently is almost impossible (Lichtenstein and Johnson, 2009).

Underrepresented groups also face different challenges around incarceration and interactions with the carceral state. Several studies have documented



the prevalence of violence against Black men and boys by police and the decrease in crime reporting by the Black community even in cities demographically removed from a nationally reported event (Desmond, Papachristos, & Kirk, 2016). Incarceration is not only hard on the family unit, but also romantic relationships. Incarceration means physical separation, weakened relationship ties, and often includes poor coping skills. Stress and conflict are the most common issues faced by incarcerated individuals (Harman, Smith, & Egan, 2007). Incarceration, a female heavy gender disparity among Black people, and the “cumulative effects of sustained racial economic, social, and political oppression” have created barriers for Black women in pursuing stable, long-term, fulfilling relationships (Monterrosa, 2021). In Monterrosa’s study of heterosexual, criminal-legal system impacted Black women, she finds that these women were undermined by structural forces when pursuing romantic relationships, damaged by maladaptive behaviors their partners learned while incarcerated and ultimately, are disadvantaged socially, economically, and politically by their inability to develop the romantic relationships they desire and deserve (Monterrosa, 2021). In another ground-breaking study, Monterrosa and Hattery define a new form of intimate partner violence that has emerged out of our changing culture and technology—“coercive violence” (Monterrosa & Hattery, 2022). Different from emotional and psychological abuse, coercive violence “is a strategy that abusers use in order to divert various forms of state surveillance and state violence away from themselves and toward their partners” (Monterrosa & Hattery, 2022). By utilizing the state and criminal-legal institutions as a source of violence and control against their partners, abusers have the potential to impact victims long-term. The authors go on to elaborate the toll coercive violence can take on victims:

“At the most extreme, the criminal legal system can, through incarceration, remove an individual's liberty and restrict many of their civil and human rights, including the right to vote, the right to work for a living wage, and of course their right to freedom... At the less extreme end of institutional and state violence, individuals may experience considerable impingements on their civil rights, including, having to make themselves available to constant, 24-hour a day, seven day a week monitoring, restrictions on driving, limitations on working, and so forth” (Monterrosa & Hattery, 2022)

Looking through an intersectional lens, it is also clear that this form of intimate partner violence more greatly impacts underrepresented groups (Monterrosa & Hattery, 2022).

## Chapter 4

### METHODS

The data in this paper come from in-depth, face-to-face interviews with 18 women and men impacted by intimate partner violence. These interviews were conducted between April through August of 2021. All of the interviews were conducted by the research team at the Center for the Study and Prevention of Gender Based Violence, Women and Gender Studies Department, University of Delaware. The original study's purpose interviewed Black, White, and Latine persons who are system impacted and had experienced IPV as victim, offender, or both. These interviews were conducted in both English and Spanish, depending on the primary language of the interviewee. The interviews were utilized in these studies to explore help seeking and avoidance strategies by comparing English and Spanish speakers use of language, institutional betrayal (the ways in which institutions re-victimize and perpetrate harms against those within the institution) among English and Spanish speakers, and the role of third parties in processing IPV. Compared to other qualitative research, this study is unique because the data were collected in one geographic region, by a diversity of academics and their student researchers. My analysis compares the English-speaking interviewees, who are Black men and women, and white men and women, through BFC to uncover themes that otherwise may be obfuscated when race, gender, and social class are ignored. **Table 1** illustrates the specifics of the sample:

Pseudonym	Gender	Race	Age	System Impacted?	V/O/B	Police Called?	Medically Assisted?	IPV+
A	F	Caucasian	not given	Yes	V	Yes	Yes	Yes
Alaska	F	Mixed	30	Yes	V	Yes	Yes	Yes
Brett	M	African American	35	Yes	V	Yes	No	Yes
Carl	M	Caucasian	not given	Yes	O	Yes	No	Yes
Cheese	M	African American	not given	No	B	No	No	No
Dede	F	African American		Yes	V	Yes	Yes	No
George	M	African American	22	Yes	V	Yes	No	Yes
Ivana	F	African American	not given	No	V	Yes	Yes	Yes
Katie	F	African American	not given	No	V	Yes	No	No, 1
Lewis	M	African American	40s	Yes	O	Yes	No	No
Lola	F	African American	not given	No	V	Yes	Yes	No, 1
Luna	F	African American	23	No	V	Yes	Yes	No, 1
Matt	M	Caucasian	not given	Yes	B	Yes	Yes	Yes
Queen	F	African American	35	Yes	B	Yes	Yes	No, 1
Samantha	F	Caucasian	38	No	V	Yes	Yes	No, 1
Shark	M	African American	not given	No	B	No	No	No
Sydney	F	Caucasian	not given	Yes	V	No	Yes	Yes
William	M	African American	35	No	B	Yes	Yes	No

Table 1      Demographics and eligibility of research participants

This table displays the pseudonyms, gender, race, and age (if given) of the English-speaking research participants that I am analyzing in a subset of the data. Thirteen of the interviewees are Black (seven of these are system impacted), five are white (four are system-impacted). Interviewees were asked if they were system-impacted (yes/no), if the police were called during any incidence of intimate partner violence (yes/no), whether they were medically assisted at any incidence of intimate partner violence (yes/no), and if they have had multiple relationships with IPV (yes) or one relationship with IPV (no). Criminal-legal system impact is defined as “those who have been incarcerated, those with arrests/convictions but no incarceration and those who have been directly impacted by a loved one being incarcerated” (Monterrosa, 2021). Interviewees were also given a designation of victim (V), offender (O), or both (B) based on their self-reported life history.

Using qualitative data to investigate these research questions allows for a richer understanding, “meaning-making” and captures how human behavior can impact results of quantitative data and contribute to inequity in policy (Ford & Goger, 2021). This thesis is a contribution to the literature on underserved group’s experiences with both IPV and the criminal-legal system.

## **Sample**

Recruitment for interviewees began after IRB approval was granted. Flyers recruited through social service agencies that provide resources to men and women living with IPV (including shelters, batterer intervention programs, and other community resources). Organizations including Delaware Coalition Against Domestic

Violence (DCADV), Domestic Violence Ambassadors, Delaware Center for Justice, as well as colleagues who work for the Family Court system and in the Department of Corrections, were asked to distribute the recruitment flier through their networks. Snowball sampling was utilized to increase the size of the sample and include people who are not formally receiving services.

Those interested in participating were sent a Google form asking them for basic information including race, language preference, gender identity, involvement with the criminal justice system, and their partner's involvement with the criminal justice system. Responses were collected and participants were screened based on the criteria: positive for involvement with the criminal justice system and/or positive for partner's involvement with the criminal justice system. Participants were contacted a second time to confirm their safety to participate in the study, their preference for a Zoom or in-person interview, and the truthfulness of their interest in participating in the study.

Participants were interviewed using a semi-structured interview format (see Appendix) that allowed flexibility in responding to interviewees stories and experiences. Each interview lasted between one and two hours. Audio was recorded and instantly transcribed. Transcripts were further refined and corrected after each interview. Each interviewee provided their own or was given a pseudonym and confidentiality in results reporting. Each interviewer also took notes and recorded impressions during and after each interview. I had access to this data as an employee of the Center for the Prevention & Study of Gender Based Violence. This analysis of secondary data was started after interviews were conducted and transcripts were transcribed and cleaned.

## **Data**

Interviews were conducted in-person or via zoom. In-depth, qualitative interviews were managed by two teams. They were led by two sociologists and one anthropologist; all well versed in in-depth interviewing. They were assisted by an undergraduate researcher and utilized Otter AI technology to record audio and live transcribe while the interview was occurring. This allowed for greater data control and created a relaxed, conversational environment for intense, personal, and often traumatic disclosures. Semi-structured interviews were used to amass rich, detailed data that capture experiences and thought processes uniquely captured by qualitative interviewing (Rubin & Rubin, 2012). Interviewees discussed their adolescence, relationships, experiences with intimate partner violence, and if applicable, their experiences and contact with the criminal justice system and social services networks in their region.

## **Research Technique**

Coding was done a few months after all of the interviews were completed by researchers, some of whom had conducted some of the qualifying interviews and others who had not participated in conducting any of the interviews. This allowed for an inductive and deductive coding schema. As a member of the Center's research team, after this data was collected, I was able to add codes to the coding schema that addressed my interest in the criminal-legal system's impact on those that are IPV involved. Coding was influenced by grounded theory blending the strengths of both inductive and deductive reasoning by moving between each. An open coding was initiated, and after two rounds of each individual in the research group coded two of the same interviews independently, coding stripes, or color-coded stripes utilized in

NVivo to compare and see how content is coded, were reviewed to confirm coders were coding consistently. The coding schema was further refined and finalized. The coding of the initial two interviews allowed for refinement of the coding schema informed by multiple rounds of coding by each interviewer (Berg, 2009). Each interviewer was responsible for coding designated groups of code for every interview to ensure intercoder reliability.

Interpretive coding of the data was utilized to “learn about how the subjects...view their social world and how these views fit into the larger frame of...these issues and interpretations” (Berg, 2009). This is especially important when analyzing data that influences public policy and social programs. By understanding how victims and perpetrators view intimate partner violence, we can better adapt public policy, social programs, and specialized outreach to reach those at greatest risk of harm from intimate partner violence.



## **Chapter 5**

### **FINDINGS**

Three major themes emerged from the data: a) IPV is one problem among many in victim's lives and b) victims are arrested when they seek help and c) some women use the criminal-legal system to escape. These themes are described below. Because the data are qualitative and not quantitative, quotes are not necessarily representative of the larger sample or generalizable; they were selected because they best illustrate the essence of the theme.

#### **Major theme 1**

IPV is one problem among many in the victim's lives. Many of the victims dealt with alcohol and drug addiction, unstable housing, unstable income, and had a history of abuse in their immediate family (physical, emotional, or sexual abuse).

Alaska is a Black and Turkish woman who has been in interracial relationships with Black men. She is also system-impacted. Alaska was raised by her grandmother, prevented from contacting her birth mother in Germany by her grandmother and has faced stretches of homelessness while trying to escape her abusers. Alaska says that her grandmother and aunt have seen the marks of physical abuse on her body, but do not intervene. In fact, Alaska feels her family blames her for her abuse and that her grandmother used her inheritance to pay her abuser for her care. Alaska is struggling with unstable housing, financial independence, and eventually, trying to parent her a son. She prioritized housing and food with an abusive partner over being homeless. She is also dealing with financial abuse and manipulation from her grandmother. These other factors in her life heavily impact her ability to leave her abuser(s).

When asked how she felt about herself and why she would move to another state with an older man, she said:

“[It] made me feel kind of worthless. Like I didn't have any value. That I'm doomed. That my family isn't going to defend me like that. I wanted to get away from my life and start over and I knew that I couldn't do it by myself. So I went along with him even though a lot of things didn't make a whole bunch of sense to me. My grandma kept telling me to go back over there. She didn't want me in the house. She's gonna kick me out. She went on to evict me and the police told me I have nowhere to go. If I can get back over there they were going to lock me up for trespassing, which they went on to do at John's house.”

Alaska is struggling with unstable housing, financial independence, and eventually, a son. She prioritized housing and food with an abusive partner over being homeless. She is also dealing with financial abuse and manipulation from her grandmother. These other factors in her life heavily impact her ability to leave her abuser(s).

“A” is a white woman who has been in interracial relationships with Black men. She is criminal-legal system impacted and grew up with an unsupportive family and experienced sexual abuse from her mother’s boyfriend. “A” struggled with drug addiction and homelessness within her multiple abusive relationships. “A” has three children and has had to put one in foster care for a time and had to leave her other two children with her abusers in order to escape. “A” marries at 16 to escape her abusive home life and then realizes she traded one abusive environment for another when she reflects:

“You know, I was thrust into marriage, and then I had to go to work when he wouldn't and we were always getting kicked out and evicted.

But I had a baby. So the first job I had was at superfresh. And he wound up draining my bank account and left me on the street with a baby, homeless and a bag of clothes.”

After she called the police on her second abusive relationship, she received a severe beating when he is released from police custody. “A” steals a car and flees for her life. Eventually, she turns herself in after the car is towed in order to stay off the street and avoid returning to her abuser. While in jail, she realized she was pregnant and has her bail posted by her abuser after he finds out she was arrested. “A” describes her reaction to her abuser finding her below:

“I look out into the parking lot. And I see my husband standing in the parking lot and I hadn't even talked to him. He just happened to be there in Smyrna. Why? I don't know. But he was in the parking lot for a diner so I wanted to see my son. So I went out to talk to him—because my son was a year and a half. So he brought him in, and he said he wanted to get back together. You know, at that point, I had kind of gotten myself together. I had gotten enough money to get a room at the Colonial hotel, was paying \$85 a week for a decent room with a TV and bathroom. And I told him that I was pregnant. So he said, okay, great. I'll raise it and I'll put my name on the birth certificate. It's crazy. You know, so I thought oh, you know, okay, problems fixed. You know, I'm not going to be stuck with a baby by myself and not knowing what to do giving her up for adoption or whatever, right.”

Ultimately, “A” prioritized shelter and assistance raising her newborn when she is faced with getting back together with her abuser.

Dede is a Black woman who has been impacted by the criminal-legal system. She also suffered abuse as a child and was traded for drugs by her father until she became pregnant at fourteen by her alcoholic abuser. Dede called the police on her abuser, which perpetuated a cycle of police contact, the abuser escaping the police,

and then returning to severely beat her. When reflecting on her choice to marry her abuser to escape her father she laments,

“I had to stay there. I couldn't let my babies suffer. Now I was worried about myself and the baby. I ended up marrying him. It lasted about 32 months. There was a lot of fighting and a whole lot of drinking. What else was I going to do? He was the way to get out of my dad's house.”

As a young person, Dede had limited options to escape the childhood abuse she suffered at the hands of her father. Combined with becoming a young mother, Dede only received a protective order after she was beaten so severely, she had a miscarriage and was unrecognizable due to the physical violence.

Like Dede, Sydney, a white woman who has been criminal-legal system impacted and been in interracial relationships with Black men, dealt with unstable housing as a child due to her father's drug addiction and jail time, as well as her mother's alcoholism. She started experimenting with drugs and was eventually kicked out of high school after she was raped. She experienced a miscarriage, and then lost her housing as the result of a fight. Her drug use and issues with unstable housing continued throughout her relationships. She contracted HIV and was forced into sex work by her abusive partner. When asked if she ever wanted to contact the police, she reflects:

“I did, but I didn't. And I would always threaten to call them but then again, like it could have got worse. Or at the time, I'm like, young and dumb. I didn't want him to break up with me. I blamed the drugs. He would go back to jail and then I'm out there by myself.

And I just felt like nobody would love me. I thought I'd be alone for the rest of my life. I was so attached to him. We were there for each other even when things got bad. So then I started prostituting. I got beat multiple times for fake money. We lived in sheds like we were outside. We lived in an abandoned house and I fell through the floor. I found out I was pregnant this time.”

Juggling addiction, homelessness, and “walking the Avenue,” Sydney prioritized her emotional needs of love, protection, and safety.

Sydney, Dede, “A”, and Alaska dealt with many challenges that took priority over escaping their abusive relationships. These abusive relationships offered escape, economic support, housing, and perceived feelings of love, protection, and safety. Intimate partner violence within these relationships is only one of the challenges the victims faced.

### **Major theme 2:**

Victims are arrested when they seek help. Four of the interviewees shared stories of how they were arrested after they contacted the police for assistance when in an altercation with their abuser.

Lola is a Black woman who has not been criminal-legal system impacted but had a physically and financially abusive relationship with her husband. After she got pregnant with a high-risk pregnancy that required bedrest, her husband abruptly left her alone in the house for two weeks. Angry, Lola explains what happened after she attempted to keep her abuser from returning to her house:

“My mom's daughter was here to help me and he came home and acted like everything's normal. So, I locked him out. He called the cops. They come and tell me if I lock him out again I'm gonna get locked up. They

said they didn't care and that I can't lock him out. He lives here. Don't do it again.”

Shortly after, their son was born a micro-preemie, requiring extensive medical care and life support machines. While their son was a newborn, Lola threw a toy at her husband. He called the police and a Black police officer said he wanted to make an example out of Lola. She was arrested and her husband was granted a restraining order. Although the house was in her name and her medically fragile child was inside, Lola was forced to vacate under police escort. Lola felt she could not rely on the cops for help and explains how she did not realize her husband had issued a protective order against her:

“Yeah, I think it was automatic. He was the one doing all this to me the whole time and while I was being arrested he was laughing. Clearly, he didn't want to hear anything because after I sat down that's all he said. So I was out of here for several weeks, and then had to go to court and he dropped the charges.”

The very protections that Lola sought from the police when she was locking her abuser out of her house were turned and used against her. Lola believes her race was an important factor in why the police insisted she allow her husband to stay in her home. Her abuser was then able to manipulate the court into further penalizing Lola by removing her from her home and child when an automatic order of protection was granted against her based on her husband's police report.

Ivana is a Black woman who has not been impacted by the criminal-legal system and has had a few experiences with the police arresting her and not her abuser. Some of these incidents involve Ivana fighting with other women in a romantic

relationship with her abuser. Ivana took care of her abuser's son from another relationship and felt protective of him. Ivana explains her interactions with police:

"I remember two Seaford cops walking in my house. I was in the front room and he was in the bathroom. And that cop said he claims that he said "Well if you're going to arrest him, you're gonna arrest her too." They said you need to look at him because he had a little cut and they thought I hit him. But you're gonna take him out of here because he's the abuser not me. They were mad at me, so they didn't take him."

Ivana's repeated interactions with the police in a small town in lower Delaware may have contributed to her belief the police were mad at her and was the basis for their repeated refusal to arrest her abuser.

Brett, a criminal-legal system impacted Black man, was arrested multiple times despite his girlfriend being the aggressor. Brett's anecdote illustrates how he was victimized again by the police when they took him as the aggressor:

"She'd hit me. And so if I was to grab her by her hands or her arm, it's almost like the police didn't see that as trying to protect myself or keeping from getting hit in the face. They thought I'm abusing her because I could have just walked away. I am walking away but I'm still getting hit as I'm walking away. I'm in a house and I have to get out the door. So how do I get out the door, if she's swinging, how am I even going to make it?"

Matt, a white criminal-legal system impacted man also experienced arrest when he attempted to resolve a dispute with his abuser. After he bribed her to leave his house to prevent the neighbors from calling the police, his abuser refused to leave, and Matt took off down the street to a local gas station. Matt explains how the police decided to arrest him, despite his attempt to deescalate the argument:

“So she told the cops that I said I was gonna kill her. I pulled a knife on her. I took a swipe at her while she was running and cut the back of a shirt wide open. I caught her cell phone charger. And I took my belt off around her neck and was choking. That I was punching her in the back of the head because that don't make marks. Just ridiculous things she was saying, that when I had the belt around her neck, I picked her up off the ground multiple times until she was almost unconscious. I got charged with terroristic threatening, offensive touching and aggravated menacing, which is two felonies and misdemeanors. They took me to jail. And because of COVID I sat for four and a half, almost five months waiting all for hearsay. She didn't have a mark on her. Not a tear in her eye and was fully dressed and they took my keys in my house out of my pocket and took them to her while I was incarcerated. She sold everything. She sold all my belongings, she sold my pool table, my gym. Everything.”

All of these instances resulted in significant consequences for victims. Some experienced significant time in jail or lost access to their home and belongings. Lola was physically separated from her premature infant. Arrests were made with and without physical injuries. This may support factors like race, gender, and economic status as influencing police decision-making in incidents of intimate partner violence.

### **Major theme 3**

Some women use the criminal-legal system to escape. Five of the interviewees indicated that they had utilized the criminal-legal system as a means of escaping their abuser.

“A,” whose story was briefly shared earlier, elaborates on how she utilized the police and then her parole officer as a means of escaping her extremely violent abuser:

“I even sent myself to prison trying to get away from him. One winter, he just threw me outside in three feet of snow. And I've wrapped up in the car and the car seats trying to keep warm. And I said this is never going to happen to me again. And I've managed to get duplicate



identification. So I hid underneath the trailer. I had a small bag with duplicate identification and some clothes, sort of a getaway bag. Yes. I hid it. The next time he threw me out the house. I grabbed that bag and I walked all the way to Milsboro. And I went to a car dealership. I test drove a car and I didn't take it back. ....But you know. I didn't know what to do. They didn't know where to turn or who to turn to. And so I just call the police. I turned myself in and I said I stole the car. Please come arrest me because I didn't want to be on the street.

Soon after “A” is bonded out of jail by her abuser, he is again physically violent with her. She describes how she pleaded with her probation officer:

“And I went to my probation officer the next time I was supposed to report, and I begged him. I begged him to please violate me. I can get away from this man. I don't care what you say. Just do it. New change of address or whatever please violate me. And he did. I went to the BCI. I was there for a couple months.”

“A” chose incarceration and the consequences of a criminal record when faced with the choice of homelessness or staying with her abuser.

Dede's son called the police after Dede's abuser caused her miscarriage. With her abuser in jail, Dede utilized it as an opportunity; “He went to jail, and I left him. I pressed charges. I ran.”

Samantha is a white woman who was in an interracial relationship with a Turkish man. She is not criminal-legal system impacted. She grew up in a stable home environment where she did not witness intimate partner violence growing up. She met her abuser while she was in college and worked to support them due to her abuser's immigration status. After years of abuse, she was confronted by her family and came

to the realization that she needed to escape. With the support of her family, Samantha describes her use of the court system to escape her abuser:

“I’m still living with him trying to keep up the facade. Meanwhile, coming up with my escape plan in the background. I get an emergency PFA. I talked to the neighbors and the bank to get what I was legally entitled to. In the courthouse, everyone was incredible. He got served the PFA, the next day, we had an exact sequence of events of what we had to do. I had to file for an extended PFA because it was like 24 hours or something. So I applied for that. Got it. I almost passed out in the courthouse, because I was so scared. So in this moment of leaving, I was sure he was going to show up and shoot me.....and then she said, Biden just passed this new bill. You can have a no expiration, PFA. And I was like, I want that one. And she said, well, then we have to have a formal hearing. You’ll have to go into the courtroom, he will be there at the other table. And a judge will have to hear you know your case and videotape. I was like sick, like I was going to throw up, but also I was like I need to do what I need to do.”

Initially granted an emergency Protection from Abuse Order (PFA) Samantha was able to escape her abuser when she was granted a “no expiration” PFA. She was also able to protect her financial assets and housing when she was granted an emergency PFA when she first went to the courthouse. This document was crucial when she contacted her bank and was told her abuser was withdrawing money from their shared account at various ATMs. The outcome of her court case granted her a non-expiring PFA, barred her abuser from owning a firearm, protected her financial assets in their shared account, protected her from losing her home, and convicted her abuser of domestic violence.

Katie’s abuser is struggling with mental illness. Katie is a Black woman who is not impacted by the criminal-legal system. Katie worked for the county and was in the

mental health field. She was trying to make her marriage work with her abuser because she does not believe in divorce. As her abuser's mental health declined rapidly, she describes how the police filed paperwork on her behalf after she was violently beaten with a wiffle ball bat while trying to protect her son:

“Yeah, [the beating] just went on and then at that point, that's when those cops came for me. Took me down, took my statement, took pictures that are still– I still have those pictures of them and all of that. And they put in a restraining order for me, on behalf of me also had a restraining order with the county so he wasn't even allowed to come into the county. But I do remember feeling safe. I remember them having my best interest. It wasn't like they were trying to make it my fault. They clearly saw that there was something and I don't even know if that was heard of that the police would even put, do all that paperwork for me. Like I didn't do any of that.”

Katie reflected on how she felt lucky to be treated this way by the police when the incident occurred in 1998. She speculated that her job with the county positively influenced their treatment of her.

## **Chapter 6**

### **ANALYSIS**

This study gathered and analyzed data on the life histories of individuals living with intimate partner violence in order to investigate the ways in which the criminal-legal system impacts those relationships. This study also posits that race is a contributing factor to intimate partner violence and involvement with the criminal-legal system. Although an outsider may wonder why a victim of intimate partner violence would not call the police and attempt to escape, the data clearly illustrates the many nuances and complexities in decision making for intimate partner violence victims. Many of the interviewees shared other challenges in their life, including a family history of abuse, drug addiction, unstable housing, minimal economic opportunities, and negative involvement with the criminal-legal system. Others shared stories of arrest when they reached out for assistance. Despite these challenges, some utilized the criminal-legal system to escape their abuser.

This study did find a connection between being system impacted and having more than one relationship that involved intimate partner violence. Nine of the system-impacted interviewees had multiple relationships with intimate partner violence compared to three system-impacted interviewees who had one relationship that had intimate partner violence. This is supported by other studies that have shown the high rates of men incarcerated for domestic violence and those convicted of family violence are more likely to commit new acts of family violence upon release compared to other types of offenses (Hattery and Smith, 2007, 2020; Hilton et al, 2010; Stansfield et al,

2020). System-impacted interviewees were more likely to have police contact at an IPV incident (83.3% vs no contact rate of 16.6%) compared to their not system-impacted counterparts (75% called the police vs 25% who did not call the police). The data did not specify who made contact with police—it could have been the victim, perpetrator, neighbor or other witness. While more research in this area is needed to determine the exact factors that cause this disparity, it is my hypothesis that criminal-legal system impact and race are factors. Black identity is diverse and encompasses people from cultures outside of the United States, including Africa, the Caribbean, and parts of South America. Yet, Black women have the highest risk for violence in their relationships with the National Intimate Partner and Sexual Violence Survey (NISVS) estimate of 45.1% of black women reporting experiencing intimate partner violence in their lifetime (Rice et al., 2021). Combined with their over representation in the criminal-legal system, Black men and women face the highest rates of victimization compared to any other race and gender (Semenza, Testa, & Jackson, 2022). This sample does not have enough data to determine if the severity of violence, the presence of coercive violence, or intimidation by abusers had a statistically relevant effect on these rates.

These results also build on existing evidence that victims of intimate partner violence experience higher rates of substance abuse, alcohol abuse, and mood and anxiety disorders (Salom, Williams, Najman, & Alati, 2015). Although, in this sample, more white women than black women experienced the first theme: IPV is one problem among many, these results indicate that addiction, homelessness, economic instability,

and pregnancy are all contributing factors as to why victims are unable to leave their abuser. The women in this sample that are system-impacted experienced economic instability associated with arrest, probation, and re-entry consistent with the literature (Comfort, 2016). This analysis also supports the theory stress and conflict are the most common issues faced by incarcerated individuals (Harman, Smith, & Egan, 2007).

Results from the second theme in this sample, when victims were arrested when they sought help, support the theory that rape culture impacts the decision making of police when making arrests in instances of intimate partner violence (Hattery & Smith, 2020; O'Neal, 2019). System-impacted interviewees had a higher likelihood of police contact (86.3% vs 75%). Often the police act as initial contact between IPV victims and can be a first step in seeking assistance. As in the case of Ivana, her repeated contact with local police officers in a small, rural Delaware town caused repeated attempts at calling for help to result in threats of arrest for her and no action taken against her abuser. Gender also played a role in how the police interacted with victims and offenders. The two men in this sample who were arrested when seeking help were arrested due to the reporting police officers gender role bias of women as victims and men as aggressors (Hattery & Smith, 2020; Lichtenstein & Johnson, 2009). This data also supports Monterrosa and Hattery's theory of coercive violence. Interviewees that indicated they were arrested when seeking help experienced financial, personal, material, and job-related losses due to coercive violence used by their abusers (Monterrosa & Hattery, 2022). This finding also highlights the harmful effects the criminal-legal system can have on individuals, especially those seeking help. Mandatory arrest policies, police abandonment after too many distress calls, gaslighting by the abuser to the police about the victim, and race

and class intersect in these stories to highlight harms of the criminal-legal system when it comes to intimate partner violence (Sweet, 2019b).

This analysis also supports the theory that victims utilize the criminal-legal system to escape their abusers (Fleury, Sullivan, Bybee, & Davidson, 1998). Police intervention, applying for a protective order, committing a crime to be arrested and put in jail, and violating parole were all found as ways to escape intimate partner violence in this study. Contrary to findings in my literature review, this sample does not support the theory that Black victims are less likely to contact the police (84.6% of Black interviewees interacted with police vs. 80% of white interviewees). I was unable to determine if this contact with police was voluntary or involuntary due to the methodology of the data collection. These stories reflect the protective possibilities of the criminal-legal system. Through police contact after extreme violence, arrest of the abuser or through the court's Order of Protection, some of these interviewees were able to utilize the criminal-legal system to protect themselves. Most interestingly, the woman who begged to be violated on her parole in order to escape her abuser was white. More research in this area could uncover how victims of intimate partner violence utilize the system to their advantage and whether race plays a role in the type of actions they take. Although parole violation and jail are not a policy designed to assist victims of intimate partner violence, it may be a commonly utilized strategy for those at the margins.

## **Conclusion**

This research aimed to identify the ways in which the criminal-legal system impacted intimate relationships and analyze them through an intersectionalist

framework. Based on my qualitative analysis of life histories of both victims and offenders of intimate partner violence, it can be concluded that cycles of abuse within families, drug and alcohol addiction, pregnancy, and economic uncertainty contribute to choice-making when leaving violent relationships. The results also indicate that the criminal-legal system plays a pivotal role in these relationships. This research found that the criminal-legal system can act as an entry into assisting victims of intimate partner violence and provide protective qualities but can also detrimentally affect offenders and victims through institutional violence and the “therapeutic welfare state.”. Analysis of this data through the lens of Black Feminist Criminology allows policy makers a clearer understanding of how policy and police practice affect individuals based on race, gender, and social status; especially, how Black men and Black women are disproportionately affected by their rates of carcerality. By offering further evidence that criminal-legal system involvement affects intimate partner violence relationships, this research supports policy interventions that advocate for alternative methods to policing in intimate partner violence relationships, which promote robust social safety nets, and that provide expanded support to domestic violence programs that provide drug and alcohol addiction services, housing and job assistance, and mental health assistance.

### **Limitations**

There are a number of limitations to this study. Due to difficulty in accessing the intended population, the sample size is fairly small. Due to the intense personal and traumatic nature of the experiences the participants were asked to share with researchers, combined with accessing the intended population, participants in the second round of recruiting were considered eligible for the interview if they a)



experienced intimate partner violence or b) were system-impacted. This widened the scope of the participants to include six white participants. Although two participants were related and two others were in a relationship, this exploratory study is limited to the experiences of the persons interviewed and does not provide the perspective of the partner to gain their perspective from the relationship and intimate partner violence. This is important to remember as some participants identified as both victim and offender. This study was also limited in the time available to complete the in-depth rounds of coding necessary to complete a more thorough statistical analysis with inter-coder reliability. This data will be further coded by researchers at the Center for the Study and Prevention of Gender-Based Violence at the University of Delaware and will also include the data from Spanish speaking participants, increasing the sample size and expanding the participants to include other groups that are underrepresented.

### **Directions for future research**

This study's findings are in-line with conclusions from the extensive literature review. Notably, that the criminal-legal system affects more than the individual involved in the system and impacts relationships during and after involvement. This research focuses on personalized in-depth interviews counterintuitive to the public policy analyst and stakeholders desire for hard numbers and statistics. Yet, the refined data found in such interviews can be transformative to the policy world. When dealing with complicated and interconnected issues like intimate partner violence, cycles of abuse, poverty, family dynamics, and the many institutions that comprise the criminal-legal system, it is clear we cannot reach a solution without looking through an intersectional lens. Public policy research should focus on mixed methods approaches

to social policy, especially around sensitive topics like intimate partner violence, in order to capture hard data for decision makers, but to also capture the real voices behind these troubling statistics. Program evaluations that implement culturally sensitive policy and interventions should be evaluated to see if they are having a positive effect and to determine if the mechanism creating change should also be utilized in other populations.

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## APPENDIX

### IPV INTERVIEW PROTOCOL

#### Introductions

##### Overview of the project

We are talking to people who have experienced violence in their relationships. We want to learn more about the violence and especially about how you have sought help or not and why not. We will be asking you a lot of questions to guide the conversation. You don't have to answer any questions or talk about anything you don't want to.

##### Consent/conditions of participation

Participating in this interview is entirely voluntary. As we just noted, you don't have to answer any questions or talk about anything you don't want to. You can quit at any time. You are being compensated for your time, but even if you quit the interview, you won't forfeit the gift, you will be fully compensated. We'd like to record the interview if that's OK so that we can focus on our conversation. We may take a few notes, but if you allow us to record, we can ensure that your voice is heard and that we use the words you use to describe your experiences. We don't want to get anything wrong! Everything we say is completely confidential. The only time we would tell anyone about what you said is if you threatened to hurt yourself or someone else or if you report a case of on-going child abuse. Otherwise, everything you say is between us and we can't tell anyone about what you say.

So, let's get started...

Can you tell us a little bit about yourself (age, gender, race, education, work)

What was it like in your family growing up? What was the relationship like between your parents?

Let's talk about your relationship. Can you tell us about when you first met? What it was like at first? Tell us about your partner? What are they like? Do either of you have any involvement with the criminal legal system? (been to jail, prison, arrested, probation, parole)

Some people experience conflict in their relationships...can you tell us about what it's like when you and your partner have a fight?

Does it ever involve name calling?

Does it ever involve physical violence?

When did the violence begin?

How long has it been like this?

Have you ever reached out to get help?

From whom?

What happened?

If you didn't, why not?

How does your/your partner's connection to the criminal legal system impact the kinds of help you seek? Does it prevent you from seeking particular kinds of help (like calling the police?) If so, why? What are you afraid of?

There have been so many high-profile police killings of unarmed Black men like George Floyd, and also women, like Breonna Taylor. Do their experiences impact your likelihood of calling the police?

If you would design a system of help for people who have violence in their relationships, what would it look like?

Is there anything else you want to speak on that we haven't discussed?

THANK YOU for your time!

Give contact information if they have follow up questions/concerns