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Natalie Johns-Suriel
Bridgewater State University

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Examining Victim-Worthiness and the Court Systems in Massachusetts Domestic Abuse Cases

Natalie Johns-Suriel

Submitted in Partial Completion of the Requirements for
Commonwealth Honors in Criminal Justice

Bridgewater State University

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Dr. Jamie Huff, Thesis Advisor

Date: May 4, 2022

Dr. Emily Brissette, Committee Member

Date: May 4, 2022

Dr. Jennifer Hartsfield, Committee Member

Date: May 4, 2022

**Examining Victim-Worthiness and the Court Systems in
Massachusetts Domestic Abuse Cases**

By Natalie Johns-Suriel

Dr. Jamie Huff

Honors Thesis

Bridgewater State University

Criminal Justice Department

I. Abstract

This study investigates the relationship between victims of intimate partner violence and legal actors within the Commonwealth of Massachusetts. Qualitative interviews were conducted with nine participants, eight were advocates for victims and one was an attorney for victims at an advocacy center. Interviewees recall their experience aiding victims both in and out of the courtroom, noting differences depending on how the victim's race, gender, or sexuality interact with social structures and legal actors. Narratives provided by advocates reveal a difference in treatment for victims of domestic abuse depending on their social categories, including race, gender, ethnicity, sexuality, etc. My analysis shows correlation between treatment by legal actors, namely the court and law enforcement and the social categories mentioned previously. I conclude the relationship between legal actors and the victim's social categories, and how they are perceived by such legal actors, affects how the victim is treated.

II. Introduction

Over the last few decades, new information about domestic violence has changed legislation and the public opinion of the issue, but the same cannot be said for the victims of the violence. Domestic violence, or intimate partner violence, is the abuse or aggression that can occur in romantic relationships (CDC, Centers for Disease Control, *What is Intimate Partner Violence?*). It is estimated that about one in four women and one in ten men experience domestic violence by an intimate partner at some point (CDC, *What is Intimate Partner Violence?*). Domestic violence can come in many forms, including physical violence, when the perpetrator hurts their partner by hitting, kicking, or using any sort of physical force, sexual violence, when

the perpetrator forces themselves, or attempts to force themselves, upon their partner in a sexual way without consent (CDC, *What is Intimate Partner Violence?*). It can also occur in the form of stalking, the repeated attention and contact by the perpetrator – unwanted by the victim – that raises concern for the victim’s safety, and emotional, or psychological aggression, where the perpetrator uses verbal, or non-verbal, communication to exert control over their partner (CDC, *What is Intimate Partner Violence?*).

Women have spoken out about intimate partner violence and their rights as an individual for centuries. In the mid-1850's, women’s movements began to protest for a woman’s right to vote and for changes to martial law in the United States justice system (Siegel, 1996), but they were only granted the ability to hold property in their own name, as well as claiming contracts and torts in their own name rather than their husbands (Siegel, 1996). Women’s rights advocates were also working to change society’s hierarchical view of marriage, explaining that a husband does not have authority over their wives, which included using their wives when either party was intoxicated (Siegel, 1996). However, it was difficult for the courts to do much to help women remove themselves from such relationships because there were no legal protections for women. Women during this period were only granted a divorce if they could prove their husbands had severely abused them multiple times, but men could counter that claim by saying she provoked him to commit such heinous crimes, or proving she waited to pursue a divorce, therefore she “condoned” the violence against her (Siegel, 1996). This only solidified society’s assumption that wives were subject to violence from their husbands, and that it was a normal part of being married in the 19th century (Siegel, 1996).

Feminist movements continued into the 20th century as women began to realize by normalizing domestic violence in marital relationships, it was ensuring the issue of domestic

violence remained a private issue. These movements called for the input of resources for victims of domestic violence that would help individuals with their specific case, rather than focusing on victims of domestic violence (Richie, 2000). Feminists used the phrase “It can happen to anyone” to empower the survivors already participating in the movement and gather more support from those who may have been wary about joining the movement (Richie, 2000). This phrase not only encouraged victims to participate in the movement, but it also presented domestic violence as a public issue. When the narrative that “It could happen to anyone” began to gain traction, it initiated action from those in positions of power, but it quickly turned (Richie, 2000).

Stereotyping and stigma emerged quickly, middle-class white women became the focus of the literature and strategies based on their needs became the basis for all resources, but this strayed from the narrative the movement originally began with (Richie, 2000). Women of color, immigrant women, those who identify using different gender identities, and members of the LGBTQ community were not only left out but believed less often – many times the violence being endured by the victims was often dismissed as something other than domestic violence (Richie, 2000). Victims do not share the same background, some have previous non-violent criminal histories, some come from lower-class families, some are young, or members of minority groups, and it is important that the literature available acknowledges the differences between victims. It is also important the resources allotted to victims were created to help all of them equally, despite the differences they have.

Victims of domestic violence are not treated equally by legal actors, namely the court and law enforcement, and this is seen in literature throughout both criminal justice and sociology fields. There is a primary focus on the victims themselves, which is helpful, they provide

firsthand accounts of abuse and their experience with legal processes, but it can be difficult to gather victims as participants for research. Victims often do not wish to bring up their history of domestic violence because it can be painful to recount such memories. As a result, the existing research contains gaps in the knowledge of how victims are treated by the courts and police officers. Given the lack of literature regarding the treatment of victims of intimate partner violence by legal actors, this thesis will aim to fill the gaps in such research by utilizing the experiences of victims through domestic violence advocates, who not only aid victims through legal proceedings, but they can also serve as a support system for the victim. How do legal actors treat victims of abuse? Is it a universal experience for all, or are there certain characteristics of victims that garner more support from such legal actors? What strategies used in the courtroom help juries, judges, and other legal actors understand the experiences of abused women?

This thesis will contribute to the vast body of literature on domestic violence and victim-worthiness. This research will attempt to fill the gaps in the knowledge surrounding how victims are viewed and how different legal actors interact with them. Through qualitative, in-depth interviews with domestic violence advocates, I attempt to fill such gaps. The advocates in this study all work in the Commonwealth of Massachusetts, though their names will be replaced with pseudonyms, the information shared by the advocates is accurate and a great contribution to this thesis. This thesis contains three parts: the first, to immediately follow this section, is a detailed methodology section in which I explain the recruitment and analysis process for this research, the second is the literature review section, where the literature used throughout the analysis is explained for its usefulness, and the third is the analysis section, in which I analyze statements made by advocates in interviews, explain their relevance and connect them to the literature chosen.

III. Literature Review

Since at least the 1970's, American academics have researched, reported, and published literature on domestic violence and the phenomena that help shape the issue. In addition, such academics have established primary themes in their scholarship, including the role of gender, intersectionality, victim-worthiness, and violence, and these primary themes have informed the research conducted in this thesis. The literature cited in this section is used multiple times in the analysis portion of this research paper and is an important part of the research process. Each article has been carefully selected because of the information it offered to this study, whether it serves as a historical reference or is a representation of the information currently available in the field.

Gender

Htun and Jensenius (2020) have current information about violence against women globally. They provided information from the World Health Organization (WHO), and The World Bank's *Women, Business, and the Law* data collection. The researchers provided information about actions taken by countries, such as America, European countries, and many of the countries in Africa and Asia, divided them into three subcategories, legislation, penalties, and none, showing how each country dealt with perpetrators of domestic violence. Htun, et.al., discussed the quality of the legislation and penalties against perpetrators of domestic violence and mentioned how in many countries they are decades old. This article supported claims made by the participants of this study on any changes they believe can be made for the current legislature and aided in providing the reader with a broader perspective of domestic violence, as it does not just occur in the United States. Depending on how it is recorded, recidivism rates for

domestic violence vary from 3% up to 63% for perpetrators (DV Research, *Facts and Statistics on Domestic Violence At-a-Glance*).

Anderson (2010) takes a different, and common, perspective when researching domestic violence. Anderson focuses on family violence, breaking down the diverse types of violence, physical, emotional, and sexual, and how sexual orientation and gender play an active role in instances of intimate partner violence. This article is a qualitative study, meaning the information collected and used information from previous research to support claims made by Anderson. Compared to the previous article by researchers Htun and Jensenius (2020) the article by Anderson serves as a historical reference, as the information is recent, but not the information the field may be currently using.

Additionally, Anderson and Umberson (2001) conduct in-depth interviews with 33 men from 1995 to 1996, the men were recruited from the Family Violence Diversion Network (FVDN). The FVDN seeks to provide education about domestic violence, most of the participants, about 85%-90%, are ordered by the court to participate in the battering program (Anderson & Umberson, 2001). The remaining participants complete the course because they were referred to by their therapists or their lawyers (Anderson & Umberson, 2001). It serves as a good reference for how violence can be gendered from a binary perspective. Anderson and Umberson compare the data collected to the general population, though it is a small sample size. Much like the previous article, by Anderson (2010) this source is used as a historical reference and provides clarity on claims made by interviewees; the information mentioned in the study contains valuable data used in this research paper.

Looking at gender from a feminist perspective, Mahoney (1994) argued that women as subordinate people face criticism when it comes to topics such as their achievements or

struggles, they may be facing, but especially when they bring accusations of rape and domestic violence. To fight back against oppression against women in society, it first must be recognized, then it must be confronted. Mahoney then explains how many of the issues women faced, such as being sexually assaulted, or even financially supporting a child, were private matters and a part of being a woman (Mahoney, 1994). Instead of seeing these as separate from the woman in question, they were seen as a part of her, but Mahoney argues against this, stating that the abuse a woman is experiencing and the consequences for those actions must be defined without using them to define the woman (Mahoney, 1994). Then, the woman's reality of these experiences must be explained through the context of her own life, rather than the life others may perceive her to have (Mahoney, 1994). They then go on to say the law punishes women on any admission of weakness (Mahoney, 1994), which aligns with claims made by interviewees throughout the analysis portion of this thesis. Mahoney's piece serves as an excellent resource for this thesis and provides clarity for portions of the transcribed interviews in this research.

Intersectionality

Crenshaw (1993) gave a detailed definition of intersectionality and how it interacts with domestic violence. She describes women's shelters in Los Angeles, primarily in communities that are densely populated with minority groups, and the struggles faced by domestic abuse victims within these shelters (Crenshaw, 1993). The victims described are women, mostly women of color, who have not only experienced abuse in relationships with intimate partners, but they are also burdened with other responsibilities, i.e., caring for children, finding employment, poverty, and faced discrimination in each area because of their race and/or gender, as well as their social class (Crenshaw, 1993). Crenshaw notes the presence of such struggles with women who have immigrated to Los Angeles, with the limited resources available to them,

cultural differences, and language barriers (Crenshaw, 1993). The information provided by Crenshaw in this article contains valuable information still considered in the field and serves as a hearty reference for this thesis; this article is one of the first to include intersectionality in a discussion about violence.

Not only was it necessary to provide a definition for intersectionality as it is used in this thesis, but it is important to speak about the issues faced by victims of domestic violence and their access to resources. Kulkarni (2018) discussed the recent increase in programs and resources for victims of intimate partner violence, but despite this growth, there are still marginalized groups who cannot access such aid. Each program differs in size, availability, location, and goal, and they also have complicated relationships with the criminal justice system (Kulkarni, 2018). There are many diverse types of advocacies revolving around intimate partner violence, but the most common is advocacy that is centered on the victim, and ensuring they are out of harm's way, can have all their needs met, and are working to ensure their mental and physical well-being (Kulkarni, 2018). The advocacy discussed by Kulkarni works with victims experiencing intersectionality due to their race, gender, social class, sexual orientation, and many other social categories, and they offer recommendations for expanding and providing for those who may not be able to access these necessary services due to the social categories that work to oppress individuals (Kulkarni, 2018). Recommendations include expanding the survivor's input, strengthening organizational approaches and commit to working against oppressive systems with trauma-informed services, and knowledge built from substantial research and knowledge on intimate partner violence (Kulkarni, 2018). This article provides a more current approach to intersectionality within the realm of intimate partner violence, and the recommendations provided align with many of those given by interviewees.

Furthermore, Parry and O'Neal (2015) considered intersectionality in same-sex couples where intimate partner violence is present. As discussed by both Crenshaw (1993) and Kulkarni (2018), different social aspects of an individual can work together to oppress said individual, and sexual orientation is a common social category mentioned in the previous pieces. Parry, et.al., spoke about the misconception of mutual abuse – the idea that the abuse occurring between the two individuals is bilateral, but this is not common (Parry & O'Neal, 2015). Though gay males who are experiencing any form of intimate partner violence are more likely than any other group to defend themselves, or “fight back,” this does not mean they are actively abusing their partner, but defending and protecting themselves (Parry & O'Neal, 2015). Victims in same-sex relationships where domestic violence is present not only face discrimination when trying to get someone to listen and help them, but also when they pursue legal action. Homophobic laws and beliefs can make those who may be able to help them believe their relationship is invalid, preventing them from having any willingness to help individuals in this situation (Parry & O'Neal, 2015). Some states have even adopted the idea that same-sex couples are exempt from experiencing intimate partner violence, and therefore do not need access to such resources that aid victim and ensure they are aided to a safe environment (Parry & O'Neal, 2015). North Carolina is the only state in the U.S. that does not have a gender-neutral policy when it comes to domestic violence, and it requires the victim to have been in a “personal relationship” with the perpetrator who must be of the opposite sex (The Network for Public Health Law, 2019). Parry, et.al., offer solutions, such as providing proper training to those who may be the first people to interact with the victim and perpetrators, such as law enforcement, creating LGBTQ+ specific shelters, and establishing support networks for victims of domestic abuse (Parry & O'Neal, 2015). Though this article was published seven years ago, it serves as a supplementary source for

this thesis by clarifying the necessity of LGBTQ+ services for domestic violence advocacy, as well as providing suggestions for positive changes in the field.

Victim Worthiness

Christie's (1986) concept of the "ideal victim" serves as the foundation for scholarship on victim-worthiness. Not only does Christie give a definition of what being a victim is, they also provide information about what victims are perceived to look and act like within society. The "ideal victim" is thought of as an individual who is significantly weaker than the perpetrator and has put in enough "reasonable effort" to prevent what is currently, or has happened, to them (Christie, 1986). Christie also theorized that "ideal victims" create "ideal offenders," stating the "ideal victim" can eventually become the "ideal offender" because of their past of being a victim (Christie, 1986), but then clarified this idea with the mention of the offenders, or perpetrators, are not "ideal", and many are known to the victim, and are often intimate partners (Christie, 1986). Christie's article serves as the starting point and motivation for this thesis. Christie's "ideal victim" is taking part in a socially acceptable activity and is perceived as being attacked by an offender who is a stranger. IPV perpetrators are not strangers; for members of marginalized groups, routine activities may be seen as not socially acceptable, and for the LGBTQ community, being in a relationship with someone from the same sex can often make society doubt that they too can be survivors of domestic violence.

The stigma associated with being a victim of intimate partner violence and reporting the abuse has been a part of society since the issue was first acknowledged. Pagliaro, Cavazza, Paolini, Teresi, Johnson, and Pacilli (2021) discuss the unintended consequences of reporting domestic abuse and how it can affect a victim's reputation through ostracism, or the exclusion of

an individual from society, and threats against their reputation. Christie's (1986) definition of the “ideal victim” often faces such stigma and even backlash if the victim in question does not meet the requirements necessary to be believed by society. Pagliaro, et.al., recruited 110 Italian participants, a majority of whom were women, and about a quarter were men, using social media to get their qualitative survey to a random sample of participants (Pagliaro, et.al., 2021). Participants read a fictitious article about intimate partner violence and then answered the questions that followed the article, in which they analyzed which participants would approach and defend the victim, as well as how the participants viewed the victim's reputation (Pagliaro, et.al., 2021). They recognize that a bad reputation can affect a victim’s availability of resources and can even affect their position in society (Pagliaro, et.al., 2021). This article orients itself with information for this thesis provided by interviewees and is a current depiction of the information about victim worthiness and importance of a victim’s reputation currently available in the criminal justice field.

Unfortunately, for many victims of domestic abuse, it does not end when the perpetrator is held accountable; their reputations can be destroyed if they publicly seek legal action. Meyer (2015) discusses the stigma associated with being a victim of domestic violence, and how difficult it can be to achieve redemption. To many, domestic violence can still be considered a private matter, and much of the stigma associated with being a victim of domestic abuse is victim blaming (Meyer, 2015). For many outsiders, the victim may display strange behavior, or have traits that are outside of the societal norm, displaying a sort of weakness that contributes to the stereotype of the “ideal victim,” as mentioned by Christie (1986) (Meyer, 2015). Meyer conducted their research from in-depth interviews with 28 victims of domestic abuse, and the women were allowed to provide their own narrative on their experiences (Meyer, 2015). This

article helps explain the importance for victims to be removed from their abusive situations and get the help necessary, as well as supplies vital information about how society views victims.

For several survivors of domestic violence, there is the question of why they stayed with their intimate partner if they were being abused, but it is not a simple answer. Relationships with clear power dynamic are difficult to remove oneself from, and it can be dangerous if the victim does attempt to leave. Havard (2019) discusses a hashtag that became popular on social media, #WhyIStayed - such as thinking their patience and kindness would prevent the abuse from continuing or stating they had alienated themselves from friends and family because of the abuse - and allowed survivors of domestic abuse to feel liberated and share their own experiences with others. The hashtag also has a counterpart, #WhyILeft, which allowed survivors to share what happened to them that allowed them to leave the relationship and offered hope to those experiencing domestic abuse to see there are people who understand and might be willing to help them (Havard, 2019). This hashtag brought with it a shift in the blame, from the victims to the perpetrators, and created a space that was centered around survivors that sanctioned peace and comfort for those sharing their own encounters (Havard, 2019). This write-up offers a new visualization of domestic violence currently and the resources allocated to survivors. Havard's piece is recent, which gives a good insight into how society views domestic violence and how it has changed since other pieces mentioned in this thesis, such as Garner & Maxwell (2009).

Violence

As previously mentioned, intimate partner violence can occur in different forms, physical abuse, emotional abuse, financial abuse, and stalking, and multiple forms of abuse can occur simultaneously. For many, there is the question of why the individual experiencing the abuse

does not “just fight back,” but it can be dangerous, and come with grave consequences. Dugan, Nagin, & Rosenfield (2003) examine the relationship between intimate partner homicides and resources available for victims of domestic abuse. They follow data from 1976-1996 from forty-eight of the fifty U.S. states, looking at intimate partner homicides, separated by race, marital status, and sex, and collected surveys from participants from local agencies for the cities they were researching, and received all forty-eight surveys back with no missing data (Dugan, et.al., 2003). Most of their findings support their claim that with increased resources for victims of domestic violence, homicides related to domestic abuse have significantly decreased (Dugan, et.al., 2003). This information emphasizes the need for more resources for domestic violence, as well as more education on the topic.

The Castle Doctrine has been present in the law for the better part of two decades, with twenty U.S. states having the legislation intact. The Castle Doctrine is legislation that allows a person to use deadly force on their property in certain circumstances against an intruder without fear of prosecution or prison time (Cornell Law School, n.d.). Messerschmidt (2016) discusses the Castle Doctrine in cases of domestic violence; where women who are repeatedly abused begin to feel helpless and feel there is nothing they could do to get out of their abusive household. Messerschmidt describes women in these situations as having two options, either accept the continued abuse, or use deadly force against the perpetrator and face the possibility of a lengthy prison sentence (Messerschmidt, 2016). Though it is true that women experiencing abuse do have the ability to leave their abuser, and a small fraction of this population does, but leaving can be just as dangerous as staying (Messerschmidt, 2016). Messerschmidt provides information on legislation that may be helpful in certain instances of domestic violence and may

encourage victims of domestic violence to defend themselves against the perpetrator if there is no other option but to use deadly force.

The involvement of the criminal justice system in domestic violence cases is hard to avoid, though most of the victims that engage with the criminal justice system for domestic violence related affairs later go back and retract their statements or cancel the charges against the perpetrator (FindLaw, 2018). Bailey (2010) describes the number of victims that engage with the criminal justice system about their abuse helps determine how effective the system is. With domestic violence being considered a private matter for decades, ignoring the cries for help from abuse victims, and little being done to prevent the abuse from occurring again by the police, it can make it difficult for abuse victims to quickly regain trust in the system (Bailey, 2010). For many experiencing domestic abuse, however, their first call for help is to their local law enforcement, and many of these victims want action taken against the perpetrators, so it is important to acknowledge the position the criminal justice system has in these cases (Bailey, 2010). In addition, Bailey speaks about the creation of a victim centered framework for both law enforcement and the court system, though this comes with concerns of police ignoring calls that may come from the same address often, and the fear of the victim's wants will trump the needs of the state (Bailey, 2010). The information in this article comes up frequently in transcripts from interviews with participants of this thesis, and Bailey (2010) provides support and clarification for claims made by interviewees.

Not only is trying to exclude the involvement of the criminal justice system from domestic violence cases difficult, but it could also prevent perpetrators from being held accountable for the heinous crimes they commit. Garner & Maxwell (2009) address the probability of prosecution and conviction in cases of intimate partner violence, and by examining

over a hundred pieces of English literature, they point the inconsistencies in these cases across the board. They find there are very few prosecutions and convictions in domestic violence cases from the 1950's to the 1970's (Garner & Maxwell, 2009), but it does not stop there. Garner, et.al., look at why there are so few consequences for violent acts against an intimate partner, and it leads back to society's attitudes toward the topic of domestic violence, and how some of the population seemed to support the violence against women (Garner & Maxwell, 2009). As of the late 1980's, the American Bar Association discouraged arrest and prosecution for domestic violence cases, and encouraged law enforcement, primarily police officers on the scene, to find a resolution for the situation when they arrive, rather than seeking any legal action (Garner & Maxwell, 2009). This article frequently engages with the legal aspect of domestic violence and provides valuable information that can be used to contrast the current legislation against domestic violence. It also provides essential knowledge for why society is not necessarily eager to speak about domestic violence as a social problem. Though the article is over a decade old, it serves as a reference throughout the legal conversation present in this thesis.

IV. Methodology

The purpose of this thesis is to examine domestic abuse cases, specifically focusing on cases women as victims, and how they are viewed in the Massachusetts court system based on the idea of victim worthiness. Victim worthiness can be defined in many ways, but for the purpose of this paper, it is the idea of a "perfect," or "ideal," victim of domestic abuse. This thesis consists of two distinct types of qualitative research analysis, using both interviews with domestic abuse advocates and secondary data analysis of articles collected through scholarly databases available to me. Most of the articles mentioned throughout this research are from the

past 20 years, some serving as historical sources, while others are current sources, allowing the reader to see how observations may have changed over time and understand the current facts known in the criminal justice field.

Domestic violence, also known throughout this paper as intimate partner violence, is defined as “a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner,” (United Nations, *What is Domestic Abuse?*). According to the National Coalition Against Domestic Violence, more than 10 million adults experience some form of domestic abuse each year, and if each of those adults experienced this violence just once, there would be an adult in the United States experiencing violence every 3 seconds (NCADV (National Coalition Against Domestic Violence), *Domestic Violence*). In Massachusetts, almost 34% of women and about 32% of men experience intimate partner violence at least once in their lifetime (NCADV, *Domestic Violence in Massachusetts*). Domestic violence, or intimate partner violence, can be more than physical abuse, it can occur in the form of sexual abuse, when a partner is taking advantage of the other person by forcing themselves upon them, touching the other person inappropriately, or sending unsolicited messages or pictures via text or social media without consent, stalking, when unwanted attention and interaction becomes a pattern and scares or intimidates the other person, and even psychologically, when one person is repeatedly using words to belittle the other person, and even non-verbal communication, when it creates a power dynamic between the two individuals (CDC (Centers for Disease Control), *Preventing Intimate Partner Violence*). In the interviews I conducted, the advocates noted that intimate partner violence is not limited to physical violence, and described situations where victims were experiencing emotional or financial abuse, as well as a situation where an individual was being stalked.

The articles mentioned in the literature review and the analysis came from databases such as JSTOR, Google Scholar, and databases available through the Bridgewater State University Library. Secondary data analysis provided support for the claims made in both the interviews and claims made in the analysis section of this research paper. Though there are limitations to this type of data collection, the most prominent was the information on this topic may be outdated; it is not a popular topic right now in the criminal justice field, there are limited new articles and studies being conducted at this level. Another limitation was the question we asked here is extremely specific, so it is difficult to find articles that can fully answer the question at hand. Therefore, qualitative interviews were introduced to the data collection for this study.

To begin, I emailed approximately 15 domestic violence advocacy centers throughout the Commonwealth of Massachusetts and received responses from nine willing participants. Eight of which served as victim advocates, meaning they helped prepare the victim for court, ensured the victim understood their rights and what could be done if they wanted to pursue legal action, and one participant was an attorney for domestic violence victims. Some advocates were lawyers, so they provided legal advice to victims if they sought legal action. Others advocated for the victims in court and served as a support system for the victims if they did not have friends and family to help them through the process because – other than the victim and the perpetrator - they knew these types of cases better than most other people. Advocates spent their time bringing victims to court and ensuring they were safe and were following the law as the case moved forward through the criminal justice system. Each participant verbally consented to having the information they shared used for this study and being recorded during the interview, and each interviewee and the advocacy centers they work for will remain anonymous. I used transcription software through Microsoft Word to create draft transcriptions, then listened to each recording to ensure

transcription accuracy. The interviews conducted not only supplied information that would not be readily available through secondary data analysis, but also left room for flexibility in my data collection schedule and gave a more personal experience to information I was being given. I was allowed to speak to people via Zoom or over the phone, and ask several follow-up questions if applicable, which would have been difficult if the interviews were conducted via email. The opportunity I had to ask participants to elaborate on their responses added an extra layer to the information presented in this study.

Interviewing individuals also had its limitations. Interviews with participants who work directly with victims of domestic abuse may have biases on the subject; they have seen many different domestic abuse cases throughout their careers, and they worked to keep the victim safe and out of harm. Though the names and places of work for these advocates have been redacted, and each participant will remain anonymous, they willingly shared their knowledge of the topic and field in which they work, allowing those who shared their experiences to speak freely. Finally, there was extremely limited access to participants, especially those who worked in the field of domestic violence advocacy, and for many, it can be dangerous for them to share any information they had, such as who they work for and what they do with the general population. This means there cannot be any generalizations made about advocates in Massachusetts as a whole, because my sample size is so small. The research in this project includes a small sample size of domestic violence advocates in Massachusetts, with information from interviews with each of them; if this study were to include most of the domestic violence advocates in Massachusetts by sending out a survey, it would help generalize about the thoughts and beliefs of domestic violence advocates but does not supply the in-depth information collected via interviews, as previously mentioned.

When listening to, transcribing, and analyzing each interview, I was looking for two elements: patterns in each advocate's experience of aiding domestic abuse victims within the Massachusetts court system, and phrases and keywords that can be found in most, if not all, interactions with advocates. Through the interviews, there were a handful of themes mentioned repeatedly, those themes being gender, intersectionality, victim worthiness, and violence. When analyzing transcripts for examples of how gender presents as a theme throughout this research, one interviewee said, "So for example, we worked with a survivor in the Boston area whose perpetrator was a woman. The victim was a woman, and the victim had and the restraining order that the police should accompany them to their house to get their belongings. And when they called the police to get that done, the police said, "I don't know why you need us, what is she going to do to you?" This reflects the importance of gender in relationships where domestic violence occurs; police officers were hesitant to escort the woman in this situation to get her belongings because they believed the perpetrator could not do any harm to her solely based on her gender.

This is not the only occasion where gender came into the conversation, another interviewee said, "Sometimes it's really hard, because abusers have that ability often to come across as the comical collective person and are probably been setting the situation or setting the stage for years to be like, "See, she's nuts," and I'm sorry to say she but a lot of the victims that I deal with happen to be women, so that's a quote that I've heard often when I, when I've been dealing with an opposing party in court. That is what they want someone to see. And unfortunately, because of the trauma that the victims have suffered, sometimes they can come across as that "hot mess" because they can't stay on one topic, they jump from thing to thing." In domestic abuse cases, the perpetrator does not always stop when legal action has been brought

against them, instead they continue to perpetuate a false reality where the victim is seen as “crazy,” and, according to the data I have collected, it is based on gender.

As I progressed with the analysis of each interview, I found examples of the remaining themes: intersectionality, victim worthiness, and violence. When looking for examples of intersectionality, I was looking for examples of how various parts of a victim's identity could create an advantage or a disadvantage, i.e., create privileges or discrimination. Victim worthiness can be described in a multitude of ways, but for the purposes of this research, it is based on the idea of a victim's appearance, gender, whether there were visible signs of abuse, and how they portrayed themselves in a legal environment. I was specifically looking for descriptions and situations that first created an image of the “ideal victim” of domestic violence, then I compared that to what victims of domestic violence look like, and how the image created by society looks compared to actual victims of domestic violence and how this affected how the Massachusetts court system and law enforcement viewed the victims. Finally, the main idea of this research project is domestic violence, and this can occur in many ways, so I focused on the several types of violence that are experienced by victims of domestic abuse. Some of the advocates mentioned the types of violence endured by the victims they have helped, and it would be a disservice if I did not focus on the types of violence millions of people experience daily.

V. Analysis

Though society's perspective on domestic violence has changed as new information emerged, the legal system is not always kind to the victims. Throughout this section of the thesis, I intend to shed light on real experiences provided by victim advocates, who work closely with victims when pursuing legal action, or simply aid in removing themselves from the situation. Victim advocates do important work: they specialize in working with a vulnerable population of

people and they understand the courage and risks being taken by a victim when they interact with their advocacy center. From preparing the victim for court appearances, aiding them in understanding legal processes, their rights, and determining what can reasonably be done for their situation, advocates play a pivotal role in the lives of each victim they meet with, whether they know it or not.

Victim advocates are necessary because the legal system is not made to ensure justice for the victim, it is focused on the criminal charges being brought by the state against the perpetrator. Victims who choose to participate in the legal processes serve merely as witnesses and may testify if they are asked to do so, but they do not play an active role in the courtroom. This is where victim advocates come in; the system is not survivor-centered, and with social bias surrounding victims, advocates help them navigate a system that is constantly working against them. Without advocates, many victims would be disregarded because of language barriers, their physical appearance, and even their gender identity.

Domestic violence in the United States occurs daily; it is described as “a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner,” (United Nations, *What is Domestic Abuse?*), and can occur to anyone, regardless of age, sex, gender, sexual orientation, etc. Though it may not seem common, about one in four women and one in ten men experience some form of domestic abuse in their lifetime, which can be in the form of physical violence, emotional violence, financial abuse, stalking, or sexual violence (CDC (Centers for Disease Control), *Preventing Intimate Partner Violence*). This includes intimate partner violence that may start as early as adolescence (CDC, *Preventing Intimate Partner Violence*). Not only is the purpose of this thesis to raise awareness about domestic violence, but it should also draw the reader’s attention to those who need support in

relationships where intimate partner violence is prevalent, the victim. Being a victim of domestic abuse is often portrayed through a dichotomous way of thinking, when there is no “ideal victim” of domestic abuse – anyone can experience abuse, regardless of their background or their appearance, and through this section of the thesis, I intend to build on concepts previously written by other researchers, as well as present latest information collected through the qualitative interview process.

The data collected and shared in this section of the thesis was gathered through qualitative interviews from the months of October to early December 2021, and, like the literature review for this thesis, the analysis section will be separated into the prominent themes, gender, intersectionality, victim-worthiness, and violence. Interviewees were recruited from domestic violence advocacy groups located in different areas of Massachusetts, and were asked the following questions:

- How long have you worked with victims of domestic abuse? In what capacity do you help advocate for them?
- In your experience, are there any characteristics of victims or cases that seem to garner greater belief and sympathy among courtroom and/ or legal actors? Are there characteristics that do the opposite? What are they, and why do you think this pattern occurs?
- In your experience, do legal actors treat all victims of abuse similarly? Why or why not?
- Have you worked with victims of abuse who engaged in retaliatory violence against their abuser? If so, how have the courts treated these instances?
- Are there any strategies you have seen used in the courtroom that help juries, judges, and other legal actors better understand the experiences of abused women?

- And finally, what changes would you like to see in the Massachusetts courts that you believe would create a more just system for victims of abuse? How would these changes affect such cases?

The questions above opened the conversation and allowed interviewees to share stories of the people they have helped, how legal actors view various victims of domestic abuse, and how they believe the system can change to better understand victims and what they have gone through. Interviewees, such as Michael Alvey, an advocate for many years at Boston Aid who shared the difficulties of the LGBTQ community when law enforcement arrives at the scene and does not offer help they would offer to a straight couple, work tirelessly to ensure those who come to them are taken care of. While there is no simple solution for the differences in domestic violence cases, drawing attention to the differences and providing education is a suitable place to start.

Gendered Stereotypes and Sexism in Domestic Violence Cases

Gender, sex, and sexuality are big parts of an individual's identity, and they play a pivotal role interacting with intimate partners, law enforcement, and the court in domestic violence cases. The topic of gender was introduced in the very first interview conducted and was mentioned throughout every interview that followed. Gender is accepted as a social construct, meaning the gender roles, behaviors, and norms are created and maintained by our society (WHO, *Gender and Health*), and it is important to recognize it as separate from sex, the biological traits we consider to be associated with each sex, and sexuality, which is the sexual practices and identity of an individual, which does not align with an individual's sex or gender.

Though domestic violence can happen to anyone regardless of race, gender, ethnicity, sexual orientation, etc., women are more likely to be victims, with men being the perpetrator

about 96% of the time (Women's Aid, *Domestic Violence is a Gendered Crime*). Domestic violence is an international issue and though the experiences are not universal, survivors can find safety with themselves. Wherever a survivor is in the world, it is comforting to know there is another person who, unfortunately, has experienced violence against them; having a supportive group of people can aid with the recovery process of leaving an abusive relationship.

Fighting against domestic violence is not a new concept, feminists and advocates internationally have been trying to strengthen legislation and create a safer space for victims for decades. Laws against domestic not only vary between states in the United States of America, but even country to country, there is not a comprehensive list of requirements used by countries worldwide. This means law enforcement does not have a uniform approach when called to the scene of a domestic violence incident, not to mention it can be difficult for law enforcement to determine which is the victim and which is the perpetrator. Michael Alvey, advocate from Boston Aid, says in an interview:

The other thing is the reliance on police reports is very, very high and they are full of bias. They leave stuff out, they misgender people, but it makes a big difference to have those police reports. So, there are times where it is like, well, you know, you have to get this police report if you want this to be taken seriously, or to be viewed as a survivor, especially with things like housing, there is a priority for people who are victims of domestic violence, but the bar for proving you are a victim is very, very high. I have worked with many people over the years who were not able to get that priority because they were not able to prove that they had a police report explaining they had experienced domestic violence.

There are laws and procedures in place to ensure each case is handled carefully, this does not mean those involved will listen, or the local law enforcement will enforce the law (Htun et.al., 2020). Many times, the law is more reformist than the society in which it is to be upheld, or even the beliefs and attitudes of the police who should be upholding the law (Htun et.al., 2020), so though victims of abuse are protected by the written law, it does not ensure the law will

be enacted if they call. This can be seen in what is known as gap studies, where the language of the law and how the law is practiced in real life are significantly different, and it occurs in other areas of the legal field beyond domestic violence. This can cause complications when police do arrive at the scene, Alvey explains further:

This reluctance to engage with law enforcement is a big part of it, and I think that there is another piece too is, I think more training around domestic violence for law enforcement and how to figure out who is the abuser and who is the victim instead of just showing up and arresting the person who is bigger or arresting the person who's more masculine presenting, all of those things that can really create a lot of problems for survivors...

For women, not reporting a domestic violence incident could imply they believe this is a private family matter or may be tactical – they could want to avoid any emotional or physical stress, as well as the personal risk that comes with reporting an intimate partner for abuse (Htun et.al., 2020). Reporting any domestic violence can inflict more violence; if the perpetrator is arrested after speaking with police, but is then released and returns home, it can cause the abuse to worsen upon their return. Women not only have to fear for their safety, but for their reputation when they report a domestic violence incident and then seek legal action. Some female victims face disbelief from law enforcement and other legal actors when reporting abuse and may be shut out by their friends and family for proceeding with legal action (Htun et.al., 2020). Convictions for domestic violence offenses are rare, many of the accusations are never prosecuted, more women drop their cases before prosecution than those who see the charges through (Htun et.al., 2020). Even when the case is not presented to a judge and justice is not served, women face the backlash of bringing the accusation to light. Focusing on the incident itself, rather than the humility of the woman bringing the accusations, conceals the pattern of abuse, the power and control being forced upon the victim (Mahoney, 1994).

Men often place themselves in the role of the perpetrator, and for those who face legal action, it is typically not severe. The picture of IPV perpetration is complex--while most perpetrators are men, scholars have found that most have a history of violent victimization as well, and it is common for the cycle of violence to continue. Studies have shown a variable related to perpetrators is a history of sexual and/or physical abuse in their youth (Anderson, 2010). Perpetrators often justify the abuse against their significant other, believing a violent outburst is a common reaction to a small misunderstanding (Anderson et.al., 2001), and often describe it as a "loss of control" (Anderson et.al., 2001). Male perpetrators also believe violence is a performance of gender, believing it is a rational way for masculine men to respond to such inconveniences (Anderson et.al., 2001). Though men are not the sole perpetrators of domestic violence, they make up most of the violence against women, men, and other gender identities (Anderson et.al., 2001).

There is little legal action taken in domestic violence cases, and the outcomes rarely promote education on how harmful domestic violence can be. But, in a small percentage of cases, the perpetrator is legally obligated, or suggested to by professionals, to enroll in courses designed to encourage perpetrators to speak about the violence they cause in their own households. Most of the perpetrators who participate are men, and though it has been argued women inflict abuse against their intimate partners at a similar rate as men, scholars have yet to find any evidence to support such statements (Anderson et.al., 2001). It can be difficult to make sense of who is the perpetrator and who is the victim, and the power dynamic is not always centered around physical abuse. Alvey recalls his experience, though rare, with a female perpetrator and a male victim:

I think the same is true for the court system, that people have a really difficult time seeing men as victims. So, the way that abuse can manifest when there is a female perpetrator and a male victim does not always look the same because one of the things that is very different is men are less afraid of lethal violence or some severe violence than women are when they are in an abusive relationship. And so that creates a hierarchy of abuse where physical violence is at the top, including sexual violence, and then going down from there until you get to verbal/emotional abuse...

The power dynamic is essential in relationships where intimate partner violence is prevalent, and for men, the sense of control over another, or simply being stronger than another individual, often begins in childhood. Young men engage in hands-on sports, rough housing, and occasionally participate in physical fights, which instills a sense of fearlessness and normalizes violence as a solution (Anderson et.al., 2001). It does not stop there, heterosexual women are often encouraged to find a partner that is much taller and stronger than them through social norms, though women, collectively, have less experience with violence, as they are not as encouraged to participate in rough housing, aggressive sports, and simply do not learn to use violence as effectively (Anderson et.al., 2001). Additionally, a woman's frame can be significantly smaller than a man, and with a lack of learned aggression, it can be difficult to defend themselves if an individual is using physical aggression against them (Anderson et.al., 2001). This does not disregard the idea that women can participate in intimate partner violence by using verbal abuse. Though some women do not have a frame as large as a man's, the use of aggressive and harmful words, or even threats, can perpetuate just as much trauma for men as any other form of violence. Verbal abuse remains a form of domestic violence, and while society focuses on physical abuse, verbal/emotional abuse still occurs, and can be just as harmful as physical abuse. One can see the signs of physical abuse in most cases, but it is difficult to identify if a victim is experiencing emotional abuse.

Gender plays a significant role in everyone's lives, we are regularly influenced by society and how our identity is defined socially at a given time, and with the mention of the concept in each interview, it had to be brought into the conversation. An individual's gender identity affects each interaction they have with significant others, law enforcement, and legal systems, but it is different for everyone. As a social concept, society actively chooses and changes accepted behaviors, norms, and roles appropriate for an individual's gender, but this does not mean the law will reflect society's specifications. Even so, there are often gaps in how the law is written and intended to be implemented and how it is enforced.

Misgendering individuals and missing information can make police reports inaccurate and unreliable for court proceedings, and many victims back out of litigation in fear of ruining their relationships with their friends and family, losing their jobs, and consequential violence in response to the perpetrator being arrested. Though perpetrators can vary in race, sex, gender, and sexual orientation, men are more likely to be perpetrators of domestic violence than their female counterparts, as men are encouraged to use their strength and violence often surrounds many achievements, like being the best in a particular sport for their aggressiveness and unwillingness to allow their opponent to have the ball. Women, on the other hand, are far less frequently encouraged to participate in violent sports or actions, with the addition of a smaller frame, the lack of experience using violence often puts women at a disadvantage.

Victims' Experience with Intersectionality and Domestic Violence Resources

Intersectionality is the interdependency of multiple social categories, such as race, gender, and social class, for an individual or a group that creates overlapping systems of disadvantage or privilege (Crenshaw, 1989). This creates unique experiences for everyone interacting with the system and we must consider all aspects of an individual's identity that may

marginalize or aid one individual differently than others. In the context of domestic violence, intersectionality can aid or disadvantage an individual with law enforcement and the legal system depending on their gender, sexuality, race, class, and many other social categories. When compared to women in heterosexual relationships, lesbian women experience domestic violence at a higher rate (Womankind Worldwide, 2019). Violence against intimate partners does not depend on gender or any social categories, yet there are distinct gaps in treatment victims receive in the Massachusetts legal system.

For same-sex couples, it can be difficult to approach law enforcement because there is no way of knowing how the officer who arrives will be understanding and well-trained to handle the situation. There is often this misconception that in same-sex couples the abuse is mutual, or that both partners are abusing the other equally, but there is usually one individual who maintains the power and control. Gay men and lesbians avoid calling the police when their partner exhibits behaviors of domestic violence because they understand law enforcement will most likely dismiss their claims and not offer any help or guidance (Parry & O'Neal, 2015). Darlene Smith, from Silo Advocacy in Western Massachusetts, mentions this phenomenon in our interview:

LGBT folks are much more likely than heterosexual people to fight back, so that is one of the things we like to keep in mind, we cannot just say "Well, this person has a restraining order, so they must be the survivor, and this person got arrested so they must be the perpetrator," because we know it much more complicated...Often, people are looking for the idea of a good victim and a good victim is generally somebody who is going to exhibit the characteristics of domestic violence survivors that you see in the media.

Members of the LGBTQ community often face such disadvantages because of their gender identity and sexuality, and it stems from a lack of proper training for law enforcement. Incident reports and interactions with police carry a lot of weight in court proceedings, but if a marginalized group is hesitant to, and often does not, reach out to police for assistance, the

parties involved are forced to try to resolve the issue by themselves (Parry & O'Neal, 2015). This can be worse if at least one person involved is a person of color. Darlene Smith briefly mentions:

And even outside of LGBT relationships, just relationships where maybe there's a white person and a black person. I have had survivors say that their partner told them they were going to call the police and "who do you think they are going to arrest?" The more victims deviate from stereotypical characteristics of DV survivors, the less likely they are to be believed in my experience, and the more likely people are to say this is a situation of mutual abuse. How can both people have power and control over each other? There are certainly relationships that are in conflict that they are kind of figuring out the power and control dynamic, but at Silo, we do not subscribe to the idea of mutual abuse, we do not really view a circumstance under which there would be mutual abuse.

It is common for gay and lesbian people of color to feel alone, or isolated, because of these two large parts of their identity. Living in a heteronormative society where racism is embedded into each system or institution can cause stress and a sense of confusion with an individual's identity (Parry & O'Neal, 2015). Both social categories also experience great disadvantages, and for victims of domestic violence, access to social services is imperative, but for members of the LGBTQ community who are also people of color, such services can be troubling (Parry & O'Neal, 2015). In many Massachusetts victim advocacy centers, once someone is reported to a social service center as a perpetrator of domestic violence, they no longer have access to half of the advocacy resources that may have been available to them. Michael Alvey mentions the system used at Boston Aid, and many other advocacy centers in the area:

We would never turn someone away because of their sexual orientation, but some of the challenges that are present in LGBT communities are not present for other communities, and that is part of the reason why we screen whenever anyone comes to us as a survivor of domestic violence, but we do a lot of anti-violence work. Domestic violence cases are the only ones we screen for, and we are just making sure, to the best of our ability, that the person coming to us is the survivor in the relationship. It is not unusual for perpetrators to, I do not know if they are lying or not, I am not sure, believe themselves to be the survivor in the relationship. And because we do not want to default to sex stereotypes where men are always the

perpetrators and women are always the victims, we screen. Not every agency uses the screening mechanism we use, and that creates specific barriers for LGBT people, because if the perpetrators went to get services first, then that cuts off a service for a survivor...so if we work with a perpetrator, we have cut off 50% of the domestic violence resources geared toward LGBTQ identifying people so we try to take responsibility for that.

Without proper access to such social services, the victim can be lost in the legal processes and know little about the options available to them. Difficulties can emerge if victims begin to take legal action without proper knowledge of the process and what they should expect. Victims who are empowered by advocates' knowledge on the system and understood their rights and the choices made had a better court experience than those who did not, or could not, access such information (Kulkarni, 2018). However, this is not a universal experience with intimate partner violence. For members of the LGBTQ community who do not seek social services depend on their social networks for guidance, and much like the legal system, biases and stereotypes can be prominent. Often, friends and loved ones of LGBTQ individuals who are experience domestic violence downplay the situation, convince the individual the violence is temporary and to stay in the relationship, and even completely deny there is any violence occurring (Parry & O'Neal, 2015).

This can lead to individuals in same-sex relationships to hide the violence and deny it themselves to maintain a good image to their loved ones, which only creates more problems for the victim (Parry & O'Neal, 2015). In African American communities, bystanders to the violence justify not intervening by denying the claims made by the victim and staying neutral, and in Hispanic and Latin communities, domestic violence is a private matter, and bringing up the violence can cause divisions in the community (Parry & O'Neal, 2015). It is also common for individuals in over-policed communities to have a distrust in law enforcement and the justice system, causing them to be even less likely to tell a victim to reach out to the police, or take the

risk of reaching out to law enforcement themselves. This reluctance to reach out to law enforcement may also make members of these communities avoid the legal system entirely. Isolation and denial of domestic violence against LGBTQ people of color can cause an increase of non-fatal violence (Parry & O'Neal, 2015). Acknowledging and listening to a victim, regardless of race, ethnicity, and sexual orientation is imperative, and removing silent bystanders is the best way to prevent intimate partner violence in these communities (Parry & O'Neal, 2015).

Women of color and immigrant women have become vulnerable to intimate partner violence as well. For women who have immigrated to the United States, it can be difficult to find reliable work, so they usually depend on their husbands or significant others to provide for them (Crenshaw, 1991). Abuse in such relationships can be physical and emotional, with continuous threats of deportation by their spouses, which can cause anxiety and fear for the women who do not have access to information about the deportation process (Crenshaw, 1991). Women of color are marginalized in our society in many aspects, and when legislation reform occurs for women, women of color are often an afterthought. Women of color do not have the privilege and guidance like white women; often being forgotten when new information is released, and little is done to make it more accessible (Crenshaw, 1991).

Having uniform ways of helping victims of domestic violence seems to be a great idea, but it leaves out the unique needs of immigrant women and women of color. Immigrant women frequently experience language barriers, not being able to communicate with law enforcement when they arrive for a domestic violence situation is the most important part of these cases. As previously mentioned, incident reports and interactions with law enforcement are essential to a domestic violence court case, and if the victim cannot communicate with police, their side cannot

be heard (Crenshaw, 1991). For women of color, if information is not directly aimed to reach their community, it is likely they will not be informed; advocacy centers must specifically release information and publicize resources into communities of color more often than in white communities to ensure the knowledge is accessible (Crenshaw, 1991).

Social categories, such as race, gender, class, etc., can create and perpetuate privileges and disadvantages for individuals in our society. Such privileges and disadvantages can both aid and prevent victims of domestic violence from receiving the services necessary to navigate the legal system and leave abusive relationships. Members of the LGBTQ community often face disadvantages because of both their sexuality and gender; many gay and lesbian couples are discriminated against because of their sexuality and gender, commonly being misconstrued as mutual abuse, though it is not common. When domestic violence occurs in same-sex couples, the victim often avoids calling law enforcement because of perpetual biases and lack of training for police in domestic violence situations, both in heterosexual and LGBTQ relationships. Victims in same-sex relationships may also be convinced to stay by their friends and family who deny or downplay the abuse, and other times, the victim may not share information about the abuse with loved ones because they wish to sustain a good image of their relationship. Members of the LGBTQ community also experience homelessness at a higher rate than heterosexual individuals, making them twice as likely to experience homelessness in their lifetime, which can also be considered before reporting their perpetrator to another person (*Homelessness among LGBT adults in the US 2021*). All these factors can make it difficult for LGBTQ members experiencing domestic violence to leave their partner.

Women of color and immigrant women also face disadvantages in situations of domestic abuse. Immigrant women are often threatened with deportation if they speak out against their

husbands or significant others, since they usually rely on them due to difficulties with employment and may not fully understand the rights they have in the United States, this information can be terrifying. Women of color are repeatedly being forgotten about in legislation and with the spread of new, beneficial information, among many other conditions. In cases of domestic violence, intersectionality is a valuable component; understanding a victim's position in society and how it affects their abuse and the resources available to them, along with the unique needs of everyone is essential because the systems and institutions in place do not treat everyone equally.

Public Opinion vs. Domestic Violence Victims: The Façade of the Ideal Victim

When picturing a victim of domestic violence, one often imagines a white, small woman, with visible bruising and/or abrasions on the skin. She is usually quiet and timid, and often fears to speak. Though some victims of domestic abuse may look this way, most do not. Victims of intimate partner violence vary, not all victims are white women, they are women of color, immigrants, men, members of the LGBTQ community, and their experiences matter. Each victim experiences different forms of abuse, they cannot be categorized for simply enduring a similar hardship.

The focus of this thesis is not all legal actors treat victims of domestic violence the same, and that is because of the façade of the “perfect” victim. The idea that if survivors do not look like society expects them to, i.e., petite, timid, white, scared, then they are doubted by the Massachusetts legal system. The notion of the “ideal victim” has been an intrinsic part of society for decades, and it was not until recently that the image of a domestic violence victim, or survivor, has begun to change. Looking at the concept objectively, a victim of domestic violence is thought to be weaker than the perpetrator, who is unrelated to the victim, and has made a

reasonable attempt to prevent themselves from becoming a victim (Christie, 1986). Hannah Dennison, an advocate from Core Advocacy in South Shore, Massachusetts, describes her experience bringing victims to court:

We talk a lot in the sphere of domestic violence about the ideal victim. As far as the court and police officers are concerned, it is a very classically feminine woman with no prior criminal record. So, when I am in court, I see small, petite, white women do very well and anyone who does not fit into that mold, like people who have drug charges or a former criminal record, they do not do as well, and they are not believed as regularly. Similarly, larger presenting victims or victims of color are not believed with the same regularity.

Ideal victims must fulfill five categories to be socially accepted as a victim and gain more belief in domestic violence situations: they must be weak, the elderly and young people are most suitable, they must be executing a task that garners respect, somewhere they cannot be blamed for being, with the perpetrator being a stranger, and far bigger and stronger than the victim (Christie, 1986). Sympathy is often reserved for victims that look the part; having visible markings on their body, often emotional, crying, and showing genuine fear for their safety, but this is not how all victims react to their abuse, especially if there is a long history of abuse. Support for victims is only available when the victim has a small frame, is vulnerable, and, particularly, when the perpetrator is someone the victim does not know (Meyer, 2015). Victims who stray further from this idea, such as individuals who are more vocal, or angry, or who may fight back against the perpetrator, who they know and are in a relationship with, seem to get less and less empathy from society and the court system (Meyer, 2015). Tori Dobbs and Mary Tucker, from Elite Domestic Violence Advocacy, reflect on their experiences helping victims of intimate partner violence for decades, and what they have seen in their clients that gives them a disadvantage in a courtroom setting:

Obviously if someone goes in there and they have some serious physical injury and there is very little question of the fact that the abuser is the person who caused it,

those are much easier because everybody pretty much recognizes a black eye or broken nose when they see one. So, the physical abuse that has resulted in injury is probably the most sympathetic case. The harder cases, the ones based on facts, are more difficult to get across in a courtroom. Those are the ones where there has been a threat to harm someone physically or where someone is stalking another person to the point that there is a pattern the abuser has created over years of time.

This misconception of the “battered woman” embedded into the court system creates impractical and unnecessary boundaries for those who do not fit the expected mold for a victim of intimate partner violence. Battered woman syndrome is often used to describe the woman’s dependency and failure to leave, with assumptions of the woman’s perspective and behavior as well (Mahoney, 1994). Many women in domestic violence situations attempt to change the situation, speak with their partner about the relationship and where they believe they could improve, and even seek insight and advice from friends and family (Mahoney, 1994). For some victims, they choose to leave temporarily and return upon conditions that changes will be made in the relationship, and all of these can be representative of victims trying to prevent the violence from continuing (Mahoney, 1994). Victims often get asked why they do not leave when the violence begins, as that is the best way to protect themselves (Christie, 1986), but it is more complicated than simply packing their belongings and never seeing the perpetrator again.

Hannah Dennison speaks upon this briefly:

I think the court likes to play savior, so if you have the perfect victim, perfect according in a heteronormative, patriarchal sense, the court loves to swoop in and save the day. If you have a victim who it is easier to say, “Oh, well, maybe she didn’t do all the right things.” It is easier to pin blame on that kind of victim, and they do not get the help they may need or deserve because they are not seen as deserving that kind of help...Battered women syndrome has been used successfully as a defense in domestic violence cases. My issue with it is that you equate the experience of being traumatized as a result of domestic violence to mental illness.

Explaining why victims stay in relationships where domestic violence is rampant is difficult, everyone is uniquely positioned in society with different advantages and disadvantages, as previously mentioned in the previous section. Victims risk their lives when they attempt to

leave abusive partners, as well as their reputation and relationships with friends and family, and leaving may also put the victim's life at risk, as they are more likely to be killed when attempting to leave (Tjaden et al., 2000) It is difficult to explain their situation and have others understand what they have been through, so when navigating such conversations, the victim must present themselves as sympathetic to avoid any criticism (Havard, 2019). For example, many victims recall staying in the relationship because they believed if they changed their behavior, the abuse would stop, or they had completely alienated themselves from their loved ones because of their relationship with the perpetrator (Havard, 2019). There is also a reluctance to engage with law enforcement because victims can be aware of the phenomenon of victim worthiness. If victims do not feel they will be believed by law enforcement, they may choose to face the issue on their own, or, if they fail to leave their perpetrator, they may fear being stigmatized and even being seen as not worthy enough for such support or aid.

Advocates work tirelessly to prepare victims for their appearance in the courtroom if they choose to be a part of the legal processes. Victims of intimate partner violence vary in race, ethnicity, gender, sexuality, class, and education, among many other social categories, and this affects their willingness to participate and how they may approach being in the same room as their abuser. There is no question that vocalizing about the violence committed against them is difficult and frightening, but the stigma that follows can be much worse than admitting to someone they trust they are being abused. Robert Kamen, an advocate from Violence Relief in Northern Massachusetts, mentions how the appearance and behavior of victims in court can generate opinions and thoughts before the case is heard completely:

Sometimes individuals would come in and might look a little more professional, but I have also seen people get called out in the courtroom for wearing certain shoes, wearing certain sorts of dress, for not having a sweater on over a tank top, or

wearing sandals. Survivors might not have the highest level of education; they may not understand that going into the courtroom really means or the importance of dressing the part. I have heard a lot of nasty comments made about victims in the courtroom... I think that sometimes clients who are maybe seen as demure or, you know, presenting quieter, they garner a little more respect just because they look the part of a survivor. A victim that comes in presenting with more assertiveness, that may be seen as aggression.

This can be seen as a proxy - a survivor who is middle class or above likely has both the knowledge about and access to how to look respectable in court; a survivor from a more economically disadvantaged background may not have that socialization, or if they do, simply may not have access to the appropriate clothing, especially if they are currently staying in a shelter. Victims often prepare for the stigma associated with reporting their perpetrators for domestic violence, and it usually occurs in one, or multiple ways. Cultural stigma, which is created by the negative beliefs' society shares about those who are victims of abuse, inner stigma, in which they feel they are somehow responsible for the abuse by the perpetrator, and expected stigma, in which they expect negative reactions once their case is closed (Pagliaro, et.al., 2021). These types of stigmas can follow the victim long after the abuse has ended, and the case has been closed. The bulk of victims experience some form of victim-blaming after reporting their abuse to law enforcement, or even a loved one, and this may cause them to doubt their ability to recall instances of violence correctly, therefore preventing them from accessing proper support systems (Pagliaro, et.al., 2021). It is important to remember that victims are *never* responsible for the abuse committed against them by the perpetrators; supporting an individual when they express concerns about their partners being aggressive or violent, they should be taken seriously, and help should be sought.

The “ideal victim” is described as significantly weaker than the perpetrator, who is not known to the victim prior to the abuse and should use sufficient effort to prevent themselves

from being a victim (Christie, 1986). They should also be participating in an act that garners respect from society (Christie, 1986). Victims of domestic violence come from various social categories, but they each deserve equal treatment, the opportunity to share their story, and to be believed, regardless of what they look like or where they come from. Reporting and leaving an abusive partner can tarnish a victim's reputation and ruin their relationships with family and friends. Additionally, when victims break the mold of the perfect victim, they are believed less and stigmatized more, which can prevent victims from reaching out to support systems and advocacy centers that will support them through the process, regardless of what that looks like. Breaking from the idea of the perfect victim is difficult, especially when victims that gain the most traction in the media often meet the requirements of the "ideal victim;" the concept is embedded into our society, when stories emerge of people of color, or men, experiencing domestic violence, there is an initial sense of doubt when reading the story. The sense of doubt should be replaced with support and empathy for the victim, they are risking a lot to share their story and get help.

Perceptions of Violence

Intimate partner violence, the focal point of this thesis, is the abuse or aggression that occurs in a romantic relationship (CDC, *What is Intimate Partner Violence?*). It can take many different forms, such as physical abuse, emotional abuse, stalking, or sexual violence, and the perpetrator is typically known to the victim. Millions of men and women experience a form of domestic violence in their lifetime; domestic violence does not only affect the people in the relationship, but it has been proven to be a societal issue, as it can affect the mental and physical health of the victim (Smith & White, 2016). Frequently, victims avoid medical aid for any injuries caused by their significant other (NCADV (National Coalition Against Domestic

Violence), *Domestic Violence*), and it is rare to see any physical retaliation from victims. Even when victims do seek to hold their perpetrator legally accountable, there is seldom a positive outcome for them.

Many domestic violence cases do not see the court, as charges may be dropped by the victim, or they may redact their statement, for many reasons – for some, that reason is fear. Arrests for domestic violence cases are also rare (Garner, et.al., 2009) as it can be difficult for law enforcement to decipher who is the victim and who is the perpetrator, especially if there are no visible signs of abuse. The courts typically do not have standards for what constitutes an arrest or a conviction in cases revolving topics such as domestic violence or child abuse (Garner, et.al., 2009). The lack of conviction in domestic violence cases often has to do with society's opinion on the subject, which has long been regarded as a private issue (Garner, et.al., 2009). With low rates of conviction, arresting a perpetrator of abuse does not deter the individual from continually committing the crime (Garner, et.al., 2009). Victims may also, rarely, engage in retaliatory violence, or retaliatory action, against the perpetrator. In cases where retaliatory violence occurs, especially in the extremely rare case that a victim murders the perpetrator, they are always acting in self-defense. That is the difference between violence caused by perpetrators and the violence that can be caused by victims.

The United States government finds it difficult to pass new legislation regarding domestic violence as many still believe it to be a private matter, but the effects of abuse go far beyond the walls of the victim's home. By openly admitting to the belief that intimate partner violence is a matter strictly between the two parties involved, it creates stress for the victim, as they may begin to feel alone in their situation (Bailey, 2010). They may internalize the abuse and begin to reflect on their own actions, using them as an explanation to why the abuse is occurring (Bailey,

2010). If the victim engages with others about the abuse they are experiencing, they may realize the same is occurring to someone else and it is not their fault, or that person may become a supporter for the victim – they may try to help get the victim out of the abusive space or check on the victim often to ensure they are okay (Bailey, 2010). This may also encourage victims to safely leave their relationship, look for resources that can help them, and advocate for others in their situation, or for a change in legislation (Bailey, 2010). It may also help them understand they are not at fault for the abuse that has, or is, occurring, but the abuse is an abuse of power that is often supported by society (Bailey, 2010).

As new domestic violence resources began to emerge, the rate of domestic violence cases declined (Dugan, et.al., 2003), but it did not stop. The decline of intimate partner violence depended on the perpetrator's race, gender, and marital status (Dugan, et.al., 2003). It also depended on the number of hurdles the victim had to cross to remove themselves from the relationship, and with the creation of "no-contact orders," victims could be legally protected from any violent actions made by their perpetrators (Dugan, et.al., 2003). Perpetrators do not always take this type of legal action against them lightly, which can make victims feel uneasy. There is a higher risk of homicide if this type of action against the perpetrator agitates them and does not discourage them from reaching out to the victim (Dugan, et.al., 2003). It is incredibly rare to have domestic violence cases where there is any retaliatory action, or retaliatory violence. Michael Alvey mentions this in his interview:

Retaliatory violence makes it seem like it is revenge based, like you hurt me so now I am going to hurt you, and that is uncommon, survivors usually just want to get away from the perpetrator. Sometimes, they will do trivial things, like I once had a client, whose partner had long hair they would brush frequently, and so they would rub their feet on the brush. They knew the perpetrator would never know it happened, but for them, it felt like a little victory... Having said that, I have worked

in cases where people have even murdered their abuser, but those are situations where the abuse was horrific and ongoing over long, extended periods of time.

Though it may not seem like much, misusing an object belonging to the perpetrator could feel like a triumph for the victim. It can be a way to gain a small amount of power over the perpetrator, regardless of if they ever know it occurred. Victims still must be aware of legal action that can occur against them in instances of retaliation. As Michael mentioned, it is rare to have victims murder their abusers, but Tori Dobbs and Mary Tucker describe an instance where the victims get physical with the perpetrator:

So, unfortunately, when people are in relationships where there is so much power, control, and abuse, sometimes they will get angry and react and get upset, sometimes they do not. Sometimes it is self-defense, but it is after a while; they can be the one to physically do something to the other person, but that does not mean they are the predominant aggressor... Fortunately, our survivors are typically very truthful. If the police come to their home, they can get arrested for something as simple as a push or a touch, and abusers are typically very good at pointing the finger, so there are times that our survivors are being arrested, and that is really challenging.

Though it is usually unlikely, victims of abuse can react aggressively toward the perpetrator, and may be arrested because of it. There is a difference between the physical harm caused by the perpetrator and that caused by the victim: the victim usually acts in self-defense against the abuse caused by the perpetrator. Across the U.S., victims may be legally protected from serious consequences if they do act in self-defense. A myriad of states has adopted the Castle Doctrine, which allows dwellers to kill intruders in their home as an act of self-defense (Messerschmidt, 2016). In Massachusetts, the Castle Doctrine looks a bit different; in some situations, the homeowner is instructed to leave their home, while in others, they are allowed to kill the intruder, if necessary (Riehl, 2014). If the perpetrator is within all four walls of the house, physical violence is allotted, but if there is even a foot outside of the perimeter, the victim is instructed to flee (Riehl, 2014). This calls for the distinction between defense of the home and

self-defense, but in cases of domestic violence, it is difficult to separate the two (Messerschmidt, 2016). Instances of domestic violence not only call for a focus on the victim's rights for protecting themselves, but also their rights as a property owner, even if it simply partial ownership (Messerschmidt, 2016). Deadly force is also permitted if the victim believes such action is the only way to protect themselves (Messerschmidt, 2016), and if the abuse has been occurring for lengthy periods of time, or is consistently getting worse, victims may believe that is their only option for escaping the perpetrator.

Intimate partner violence occurs daily in the United States; millions of Americans each year are affected by violence in their romantic relationships. For some, abuse has been occurring for an indefinitely lengthy period that can seem like it may never end. Victims are not promised any justice in the courtroom, as the justice system is not focused on the victim, it is focused on upholding the law. Legislation regarding domestic violence is not always up to date because it is believed to be a private matter between the victim and the perpetrator; even when laws are passed, there is no guarantee they will be completely upheld. When perpetrators are continually arrested with no legal action, it does not deter them from committing the same crime again. Some victims do seek legal action, such as "no-contact orders," but this does not always have a good outcome, as some perpetrators may become upset over this and engage in retaliatory action against the victim and be more aggressive than before. Victims often feel isolated from the rest of the world and may believe the abuse they are experiencing may never end, and, in rare cases, may physically harm, or murder, their abuser. Victims do not become the dominant aggressors when they physically react to the violence caused by the perpetrator, they do not gain power and control in the relationship, again, for some, the abuse may feel like it is eternal, and may see retaliation as the only option.

VI. Conclusion

Throughout this thesis, I have focused on the stereotype of the “ideal victim” and how it plays out in the Massachusetts court system for survivors of IPV. I have demonstrated how advocates believe victim-survivors are treated by the legal system by using the concepts of gender, intersectionality, victim-worthiness, and violence; survivors do not have a universal experience with the law. I explored the gaps between the written law and how it is enforced by law enforcement daily, as well as how little awareness and training there is for domestic violence situations, including de-escalation and writing police reports properly, including proper pronouns for members of the LGBTQ community. I examined how social categories affect an individual’s interactions with law enforcement and within their communities; for those living in areas where police are not trusted, or places that are over-policed, interacting with law enforcement can be dangerous and fearful. For victims who are immigrants, there is typically the presence of a language barrier, which can make it almost impossible for them to communicate any abuse they may be experiencing.

The façade of the ideal victim makes it difficult for victims of abuse to get the help and support they need. Many victims struggle telling family and friends about the abuse, they fear they may not be believed because they do not show any physical signs of abuse, or because they do not look the part of a domestic violence victim. Domestic violence can happen to anyone, but legal actors do not treat all victims the same. Multiple interviewees described the challenges victims of abuse face with legal actors, some recall a history of victims not being believed for being too vocal or being criticized for not wearing the proper courtroom attire. Law enforcement often misgenders individuals in police reports, and some may not believe the victim simply

because the perpetrator does not look bigger or stronger than the victim, but these are merely assumptions. Christie (1986) describes the requirements necessary to be an ideal victim in our society, and those include being weaker than the perpetrator, who is not known to the victim, and having put in a reasonable effort to protect herself. I mention “herself,” because it has been assumed by society that victims of domestic abuse are women, but men, both in heterosexual and same-sex relationships, can experience domestic violence – though it happens to men at a lower rate than women, it does not exclude men from the conversation.

Victims face many challenges when reporting the abuse they experience, and for some the only option is to engage in retaliation, which could be something as small as misusing the perpetrator’s hairbrush, or, in extreme cases, killing the perpetrator. There is some legal protection for victims in these extreme cases, known as the Castle Doctrine. In Massachusetts, allows home dwellers to use lethal force if they feel threatened by an individual in their home, but only if the perpetrator is within all four walls of their home. If the perpetrator has even a foot outside of the house, the victim would face legal consequences, as they would be expected to leave the home instead of defending themselves. Though it is exceedingly rare to have a victim kill the perpetrator, it important to have legislation that will protect the victim if they feel it is their only option to end the abuse.

This thesis has challenged the conventional belief that victims are protected and treated properly according to the written law and in the courts. In doing so, this thesis revises the ways in which the readers understand the court proceedings in a domestic violence case and how the treatment of domestic abuse varies depending on numerous social categories. The truth is the legal system is not a victim-centered space, there is no designated space for victims within legal processes; this is where advocates come in. Advocates are trained for many types of violence and

relationships, they understand all victims are not the same, some have unique needs, and they work tirelessly to ensure their clients are well taken care of. They provide clarity and support in what can be the hardest situation of the victim's life, having an advocate with victims every step of the way is helpful to every victim, but especially for those who may have lost the support of their friends and family through the process.

Advocates have shared their thoughts throughout the interview process about what can, and should, be done to make the process more helpful and supportive for victims who are trying to get aid. Tori Dobbs and Mary Tucker, from Elite Domestic Violence Advocacy, shared:

The challenges we face are not knowing what to expect because of the lack of consistency. I think they do have consistent, required training, so I am not faulting the court for not having that. My question is, how can they deliver that and then follow-up on it in a way where they can see how various people have understood it the same or differently? Potentially requiring further training in particular areas and decide if that training made a difference in the understanding and the practice that they bring to the court. Everybody is human, they all have their own life experiences, and it is going to impact everyone differently. It is difficult to explain it to someone who has never experienced this type of violence before.

This was common among advocates when asked what changes they would like to see in Massachusetts courts that would create a more just system for victims. Michael Alvey, from Boston Aid, speaks about this a bit more:

I would like to see more required training around working with survivors of domestic violence and understanding them. I think a lot of times, when I have been to court, judges have thought victim's reactions to certain parts of the case were strange, for example when a victim stole money from the perpetrator and were collecting it so they could leave, but for victims of sex trafficking, this reaction was not strange. I also think more training around domestic violence for law enforcement, specifically on ways to figure out who is the abuser and who is the victim, instead of just showing up and arresting the person who is bigger or more masculine presenting. All those things can create a lot of problems for survivors because what an abusive person can do with a restraining order is very different from what a survivor does. Perpetrators can create false violations of the restraining order against the victim, and the victim must then prove such allegations are false.

A universal training standard when dealing with domestic violence situations is essential; being mindful of gender identities and being able to understand the situation, asking the proper questions, and understanding that assumptions are not always correct can make substantial changes in the trust between victims of domestic violence and law enforcement. If legal actors present themselves as welcoming and supportive of domestic violence victims, regardless of how they look or act, it can alter how victims view the legal system, and may allow them to come forward rather than enduring the abuse out of fear of the outcome provided by the court. Finally, Hannah Dennison, from Core Advocacy, mentioned something from her previous experience in a different state she would like to see implemented in the Massachusetts courts:

In the state of New York, there is something called mandated reporting and how it presents itself is that police officers who respond to a domestic violence call are required to, at the scene, call a domestic violence hotline and connect the victim to an advocate. I like this because regardless of whether the victim wants an advocate or wants to go forward with a court case, they are at least presented with all of their options right in the moment, and they are given a resource that they can connect with later. It also helps advocates advocate for an emergency restraining order. Basically, 24 hours a day, there is a judge on call who can order restraining orders at any time, but it means more paperwork for police departments, so they do not like to offer, but I wish they would so we can get victims in the courtroom sooner, like the next day, rather than waiting several days to contact them.

All the advocates offered great pieces of advice for the Massachusetts court system, and I would like to see such changes implemented. Mandating more in-depth training for law enforcement is essential; they are often the first people to arrive at the scene of domestic abuse, if they are not given proper training and information on how to differentiate between the perpetrator and the victim, it can prevent victims from receiving the help they need. By making police mandatory reporters, it supplies them with the responsibility of ensuring the victim is aware of all their options and knowing they spoke to an advocate who knows domestic violence situations can make a stark difference for victims. Many times, they are not aware of the legal

rights they have, which can explain why many domestic violence situations are not reported.

Changes to legal processes, both in and out of the courtroom, can be beneficial to victims of domestic violence and the court, and may finally result in justice for victims.

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