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"Whoa! They Could've Arrested *Me*!": Unsuccessful Identity Claims of Women During Police Response to Intimate Partner Violence

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Abstract Many jurisdictions in the U.S. have implemented mandatory arrest policies in an attempt to limit police officers' discretion in their arrest decisions when responding to intimate partner violence calls. Drawing from semi-structured interviews with female victims of intimate partner violence, I explore the ways in which mandatory arrest policies have influenced the identity work of women during their interactions with police officers. I focus specifically on women's "unsuccessful" identity claims: situations where women are unable to convince police officers that they are victims and situations where women are unable to convince officers that they are *not* victims. I examine the strategies that women use during their identity work and explore the consequences of women's failed self presentations under mandatory arrest policies, the most significant of which is a woman's arrest. I argue that under mandatory arrest policies, for many women, the risk of failed identity work is even more consequential than before these policies were established.

Keywords Identity work · Intimate partner violence · Mandatory arrest · Police · Victimization

Introduction

In recent decades the criminal justice system in the U.S. has made numerous reforms to the way it handles intimate partner violence (IPV). Historically police officers commonly refused to arrest abusers even if there was clear evidence of victimization and arrest was what the victim desired (Belknap 2001). Largely as a response to pressure from feminists and battered women's advocates, in the last several decades many jurisdictions have implemented mandatory arrest policies that require officers to arrest an offender if there is probable cause to believe that an act of violence has occurred (Leisenring 2008). These policies were primarily enacted in order to remove discretion from the responding officers so as to ensure the arrest of offenders and serve as a deterrent for future violence (Frye et al. 2007).

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However, mandatory arrest policies have been the subject of much debate and controversy. Different claims-makers (Loseke 1992)—various feminists groups, victim's advocates, policy-makers, academics, and law enforcement officials—disagree about the effectiveness of such policies and whether they do more harm than good for women. Some have argued that removing women's decision-making capacities during police response is disempowering for them (Ferraro and Pope 1993; Ford 1991). Further, of particular concern is recent evidence demonstrating that mandatory arrest policies have led to an increase in the number of women who are arrested for IPV—either as the sole offender or as part of a dual arrest (DeLeon-Granados et al. 2006; Finn and Bettis 2006; Hirschel and Buzawa 2002; Miller 2001). While it is possible that the rise in women's arrest rates reflects an increase in their use of violence, feminist critics have argued that women are more often wrongly arrested for defending themselves against their abusers' violence or when their abusers are able to manipulate the criminal justice system to their advantage (Miller 2001; Osthoff 2002). Indeed, many women who are arrested for IPV usually do not view themselves as offenders and may be shocked when their claims of victimization are rejected (Rajah et al. 2006). While numerous studies have examined the impact of mandatory arrest policies on the arrest rates of victims, we know relatively little about what actually transpires during the police response to IPV under such policies, particularly from the vantage point of women themselves. My research addresses this gap.

I consider victimization to be interactionally constituted (Holstein and Miller 1997). This perspective rejects the idea that people are inherently "victims" and instead is concerned with the ways in which victim status is conferred upon people during social interactions. Drawing from semi-structured interviews with 40 heterosexual women who experienced violence from a partner or ex-partner, I examine how mandatory arrest policies shape women's identity work during their encounters with police officers, focusing specifically on situations in which women find it difficult to convince responding officers to accept their self-presentations.

Below, I first present the three literatures that frame my study: a background discussion of mandatory arrest policies in the United States; an exploration of constructionist approaches to victimization; and a discussion of the ways in which female victims of violence have been culturally represented. I then turn to a discussion of my own study. I examine what the women I interviewed wanted to have happen during their interactions with police officers and the self-presentation strategies they used in an attempt to achieve their goals. I focus specifically on situations in which women were either unable or unwilling to accomplish victimization (Dunn 2001) and the consequences of their unsuccessful identity work. Mandatory arrest policies allow for the recognition of two identities—"victims" and "victimizers"—and require the imputation of these identities by police officers onto the parties involved in IPV situations. My research demonstrates that under this context, the interpretive and interactive work in which women and police officers engage continues to be fraught with struggle and the risk of failed identity work for women is perhaps greater than it was before mandatory arrest policies were implemented.

A History of Mandatory Arrest Policies

Mandatory arrest policies require the police to arrest an offender if there is probable cause to believe that IPV has occurred (Schneider 2000) and are common today in the majority of

jurisdictions in the U.S. (American Civil Liberties Union 2007).[1] They reflect the state's attempts to demonstrate that IPV is a serious public crime (see Schneider 2000 for discussion) and address police officers' historical reluctance to intervene in violent relationships and arrest offenders (Belknap 2001). Perhaps one of the biggest forces behind the implementation of mandatory arrest policies was legislative and criminal justice reform efforts undertaken by battered women's advocates (Bohmer et al. 2002; Schneider 2000).[2] However, some feminist academics were initially skeptical of the state's ability to address violence against women given its patriarchal nature and the myriad ways it has historically maintained and enforced gender inequality (Bohmer et al. 2002; Schechter 1982). Critics have expressed concern about the removal of victims' decision-making powers under mandatory arrest laws, arguing that it disempowers women, limits their agency, and ignores their opinions (Ferraro and Pope 1993; Ford 1991; Hilton 1993; McLeod 1983). Other feminist scholars warned that policies encouraging the police to increase their use of arrest might "lead to a backlash of victim arrests" (Finn and Bettis 2006, p.268).

Indeed, an examination of the ramifications of mandatory arrest policies demonstrates that they have not uniformly benefited victims of IPV. On the one hand, there is evidence demonstrating that mandatory arrest laws have led to an increase in the number of IPV arrests in the past several decades (Catalano 2006; Epstein 1999; Hirschel et al. 2007; Simpson et al. 2006) and reductions in the overall rates of IPV (Catalano 2006; Dugan 2003). However, women's arrest rates have also substantially increased under mandatory arrest policies (Hirschel and Buzawa 2002; Miller 2001). Studies show increases in women's arrest rates to be as high as 500% (Miller 2001; DeLeon-Granados et al. 2006). Dual arrests—situations in which both parties involved are arrested for committing acts of violence against each other—have also become more common (Finn and Bettis 2006; Hirschel 2008; Hirschel and Buzawa 2002; Martin 1997).

Researchers have offered a number of possible explanations for the increasing rates of women arrested for IPV. Some argue that they reflect gender symmetry in men's and women's use of violence (for a discussion, see Muftic et al. 2007). Feminist researchers reject this explanation and argue that IPV is a gendered phenomenon (see Johnson 2005, 2006). They look to other explanations for women's increased rates of arrest. For example, some evidence suggests that offenders who are familiar with the criminal justice system manipulate it in order to avoid their arrest (Miller 2001). Police behavior may also explain women's increased arrest rates for IPV. Stark (2004) discusses the "incident-specific understanding" (p.1321) of battering reflected by the criminal justice system that leads responding officers to focus on individual acts of violence and ignore the broader cycle of control and abuse common to abusive relationships. Finn and Bettis' (2006) study found that many officers fail to fully investigate the context in which an act of IPV occurs, despite the legal requirement that they do so. Thus, some women are arrested when they engage in violence for the purposes of self-defense (Melton and Belknap 2003; Miller 2001). A study by Muftic et al. (2007) examining the characteristics of women arrested for IPV found that

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[1] Instead of mandatory arrest policies, some states have adopted preferred/presumptive arrest policies that provide officers with a bit more discretion when making an arrest (Buzawa and Buzawa 2003).

[2] Other factors that spurred the development of mandatory arrest legislation, include class-action lawsuits filed by battered women against police departments who failed to arrest abusers (Schechter 1982) and a pioneer study (termed the "Minneapolis Experiment") conducted by Sherman and Berk in the 1980s that showed the arrest of batterers prevented future violence (Gelles 1996). In the 1990s, however, replication studies in 6 cities of Sherman and Berk's study showed both deterrent *and* backfiring effects of arrest (Schmidt and Sherman 1996). These replication studies painted a very muddy and confusing picture regarding the effectiveness of arrest in deterring intimate partner violence.

police reports that were generated in dual-arrest situations commonly indicated that the male partner initiated the violence and the female partner fought back.

Finally, research indicates that police officers continue to use some degree of personal discretion even in jurisdictions where mandatory arrest policies are in place. A study conducted by Frye et al. (2007) shows that officers commonly still fail to make any arrest when responding to IPV calls. Some police officers continue to hold stereotypical view about IPV and victims of IPV. Stalans and Finn (1995) found that officers often use their beliefs about what constitutes normative behavior for offenders and victims to determine blame and make arrests; this is particularly true for novice officers. Other studies show that police officers do not always find abused women believable and may even blame them for the violence they experience (DeJong et al. 2008; Ferraro and Pope 1993; Stalans and Finn 2006).

Identity Work: Victimization as Interactionally Constituted

I draw upon a constructionist perspective to analyze and understand women's interactions with police officers. Rooted in symbolic interactionism, constructionist perspectives of selfhood and identity maintain that a person can be defined in innumerable ways and that "who we (and others) think we are is not automatic or inherent" (Harris 2006, p. 224). Instead, an identity is a tool for understanding the self (Schwalbe and Mason-Schrock 1996). Identity work is therefore "anything people do, individually or collectively, to give meaning to themselves or others" (Schwalbe and Mason-Schrock 1996, p. 115). Drawing from Goffman (1963), Snow and Anderson (1987) make a distinction between personal identities, which are the meanings one attributes to one's self, and social identities, which are identities given to others to situate them socially. These identities are not always congruent; the ways in which people perceive themselves are not necessarily how they are perceived by others. Thus, identity-making is often a place of "cultural struggle" (Schwalbe and Mason-Schrock 1996, p. 138).

Constructionist understandings of victimization are most concerned with the collaborative social processes through which a person is understood or categorized as a "victim" or a "victimizer" (Dunn 2008; Harris 2006; Holstein and Miller 1997). As Dunn (2008) argues, following Holstein and Miller, "would-be 'victims' and potential labelers work together to create meaning and thus victimization is an 'interactional process' and 'interactionally constituted.'" (p.1607) These interactional processes are shaped and constrained by social perceptions of violence against women and female victims. In recent decades, there have been a variety of claims-makers who have helped shape/create cultural understandings of female victims of IPV (Berns 2004; Loseke 1992).[3] For example, battered women's advocates and claims-makers helped to construct the image of a "morally pure" and blameless "battered woman" in an attempt to garner public sympathy and counter assumptions that battered women were responsible for the violence they experienced (Davies 1998; Lamb 1999; Loseke 1992). Loseke (1992) terms this image the "pure" victim. Under this framing, a battered woman is portrayed as someone who experiences severe physical violence and is passive, nonviolent, and extremely fearful of her abuser.

While victim narratives have succeeded in drawing increased public attention to the violence that women experience and support for victims, they have not been universally

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[3] As Loseke (1992) importantly notes, not all of these claims-makers have been united in their understandings of this issue; there have been disagreements even among different groups of feminist claims-makers.

beneficial to all women. As Berns (2004) argues, recent media representations of female victims are based upon a victim empowerment frame in which women are viewed as individually responsible for solving their problems with violence and are thus blamed if they are unable to do so. Not surprisingly, some abused women have been reluctant to identify themselves as victims because aspects of dominant victim narratives do not resonate with their own understandings of themselves and their situations (Leisenring 2006; Loseke 2007). Further, social service providers and/or agents of the criminal justice system are often reluctant to view women as victims if their stories are evaluated as deviating too much from the pure victim model (Dunn 2001; Loseke 1992).

There are few studies that examine the interactional processes that occur during police officers' response to IPV under mandatory arrest policies, particularly from the vantage point of women themselves. As Leisenring (2008) demonstrates, the vast majority of existing studies that examine police response to IPV in the context of mandatory arrest policies focus on the ways in which these policies impact men's and women's arrest rates and the likelihood of abusers to re-offend. There exists a fair amount of evidence demonstrating that women's arrest rates have increased under these policies but we have few detailed accounts about what actually transpires in situations where women are arrested. The examination of women's interactions with police officers has most often been survey-based and/or centered on the perspective of service providers.[4] In this study, I draw from my interviewees' own understandings of their interactions with police officers to examine the contexts under which women experience difficulty constituting themselves in ways that assure them the outcomes they desire from police interventions. I argue that police discretionary powers are not limited through the implementation of mandatory arrest policies, as originally intended. Ultimately, I argue that under mandatory arrest policies, a woman's likelihood of arrest (or not) often lies in her ability to interactionally constitute her own victimization.

Methods and Data

The data in this study are drawn from in-depth, semistructured interviews with 40 women who reported experiencing violence in the context of a heterosexual intimate relationship. Violence here is broadly defined, and includes verbal, emotional, psychological and physical abuse. All of the women had at least one encounter with police officers as the result of a violent altercation with a partner or ex-partner that led to their arrest, the arrest of their partner/ex-partner, or the arrest of both of them; many of the women reported multiple encounters with police officers. Fourteen of the women were arrested for domestic violence at some point. It is important to note that none of the women that I interviewed viewed themselves as the offender and all believed they were wrongly arrested.[5]

The research was conducted in 2002 in two separate jurisdictions in a Western state. Mandatory arrest policies were in place in both jurisdictions. I recruited interviewees via several methods: I mailed flyers to women shortly after the first phase of their court case concluded; I posted flyers at various shelters and social service agencies for battered

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[4] One notable exception to this is a study of women's subjective experience of police encounters by Rajah et al. (2006) that draws from a very small sample size (nine women).
[5] While none of my interviewees saw themselves as abusers, many of them did not view themselves as victims either. I discuss the complex reasons for some of the women's hesitancy to identify as victims elsewhere (Leisenring 2006).

women; and I attended several support group meetings for battered women to discuss my research. I paid each interviewee $30.00 to compensate for expenses such as child care, time away from work, parking, and/or bus fare. Interviews took place in settings chosen by the participants. All interviews were tape-recorded with the permission of the interviewees. At the beginning of each interview, I requested that the interviewee tell me her story and discuss the history of her relationship, her experiences with violence, and her experiences with the police and courts. After this, drawing from an interview guide, I asked each woman specific questions about violence she experienced, police officer response, and her interactions with officers. The interviews ranged from 30 minutes to over 2 hours.

I used a grounded theory approach (Glaser and Strauss 1967; Strauss and Corbin 1990) in my research, meaning that I looked for emergent themes throughout the processes of data-collection and analysis. I hand-coded the interview transcripts and developed conceptual codes and categories. These codes were kept active during the coding process (Charmaz 2000); while I made extensive comparisons within and between interviews, the categories often shifted and changed. After lengthy analysis, concrete categories emerged and I developed a theoretical framework. Central to this framework is an examination of how women wanted to be perceived by police officers, the identity work they engaged in to present that particular identity, and the success or failure they had in accomplishing their desired identity with officers.

"Victims" or "Not-victims"? Women's Failed Identity Work

Historically, when the police responded to a domestic violence call, victims needed to prove their victimization in order to convince the police to arrest their abusers. Additionally, they had little trouble convincing officers not to arrest their abusers if this is what they desired. While arrest rates have increased under mandatory arrest policies, given women's increased likelihood of being arrested, it does not appear that a woman's need to constitute herself in particularized ways has diminished in this new legal climate. Women who want to bring about a desired outcome from the police need to present a particular type of self. Some of the women that I interviewed engaged in successful identity work, meaning that they made themselves "believed and believable" (Dunn 2008, p. 1607). These women were interpreted by responding police officers in the same way that they attempted to present themselves, resulting in the women achieving their desired outcomes. However, my concern here is with women's identity work that was *not* successful. In these situations, women's interactions with police officers failed to bring about the results that they desired. Women's unsuccessful identity work falls into two categories: women who were unable to convince the responding officers that they were victims and consequently experienced their own arrest; and women who were unable to convince the responding officers that they were *not* victims and thus experienced their abuser's unwanted arrest. Several women experienced both of these. Below, I explore the strategies that women used in their attempts to accomplish their desired identity and the factors that seemed to shape their failures to do so.

Inability to Accomplish Victimization: Arrest of Woman

Fourteen of the women in my sample reported that they were arrested on domestic violence (or related) charges at one point; to reiterate, all believed they had been wrongly arrested. Three of the women were arrested twice, for a total of 17 arrest incidents. In 14 of these incidents, the woman was the sole arrestee, in two of them she was arrested along with her

partner/ex-partner, and in one incident the woman was arrested along with her mother. In all but two of these 17 incidents, the woman was no longer in a relationship with her abuser. Below, I discuss four factors that seemingly influenced women's inability to accomplish victimization with responding officers: failure to leave an abusive relationship; an admitted use of violence and/or damaging of property; unsuccessful emotion management; and failure to proactively define the situation in their favor.

Failure to Leave the Abusive Relationship

Baker (1997) argues that in place of the pre-battered women's movement, mainstream view that battered women should stay with abusive partners a new narrative has emerged about what "good" victims should do: (1) leave and stay away from their batterer; and (2) cooperate in the arrest and prosecution of their batterer. The failure of some of the women I interviewed to follow these edicts appeared to influence police officers' opinions about whether or not they were real victims. In other words, if officers knew that a woman had previously experienced violence from her partner, but had not left the relationship nor had filed for and/or maintained an existing restraining order, they seemed less likely to take her claims of victimization seriously. Indeed, several of the women I interviewed who were arrested were told by police officers that they were being taken into custody precisely because they had called the police previously yet had not left their abusive partners.

For example, one evening Heather, a 38 year-old white woman, called the police due to the violence of her then-boyfriend, Roger. She told me that she just wanted him to leave her house; she did not want him arrested because she was afraid of what he would do in retaliation. When the police arrived, she did not tell them that Roger had been violent, but told them she wanted him to leave and they escorted him from the property. Heather and Roger ended up getting back together and he moved in with her again. A week later they were driving home and Roger became verbally abusive, kicked her out of the car, and drove away. Heather was afraid that Roger was going to go steal things from her house, as this was a pattern with him. At the urging of a passing motorist who picked her up, she called the police.

Three police officers responded to Heather's call, pulled Roger over on the highway, and found that he had stolen some of her books. They met her at her house, with Roger. Heather described what happened:

> And I was just hysterical, crying, crying and crying, but then they started talking to Roger, and they're like "why did you dump her in the canyon?" And Roger said, "She hit me in the car. She hit me a lot." And I didn't hit him in the car. If I had, he would have clobbered me, he would have killed me. And it was a lie, but they believed him. And since I was the one saying, "Don't arrest him, don't do anything" they thought I was the guilty party. But really I didn't want Roger arrested because number one, he'd come back and kill me; number two, he had no money to bond out of jail, and guess who would feel so guilty? I'd bond him out because I'm that way. So…I just wanted them to get the stolen stuff and tell Roger to go to California like he had planned. And they didn't do that. They arrested me.

I asked Heather if she spoke to any of the responding officers and she replied that she talked to one of them: "Yeah, from the start [one of them] came up to me and he treated me like dirt. And…I said [that] I [had] called the cops a week ago on Roger. And he goes, 'yeah, yeah and that's why you're getting arrested too. Because you called a week ago and you couldn't stay away from him, could you?'"

Heather was apparently arrested for several reasons. Not only did Roger lie to the police and say she hit him, but she also did not want Roger arrested; she believed these things made her look guilty to the police. Further, one of the officers made it clear to Heather that he was upset about her inability to "stay away" from Roger. Heather believed that all of these things diminished her credibility with the police and thus resulted in them not viewing her as a real victim.

Dunn (2001) states that "law enforcers, and the generalized juries to whom they mentally refer, expect victims to be 'innocent' (to bear no responsibility for their own victimization) yet proactive (to take responsibility for their own safety)" (p.298). A woman's returning to her partner violates these expectations and makes it harder for her to present herself as a legitimate victim to the police. As a result, police sometimes stop providing assistance to these women. The arrest of women in my study who failed to behave in a manner expected of a "good" victim may represent the punishment of women who do not follow the "correct" culturally proscribed steps to exit the abusive relationship.

Use of Violence and/or Damage of Property

The pure victim image of abused women also seemed to influence women's ability to accomplish victimization during their interactions with police officers. To review, according to this image, true victims are passive and not themselves violent. Women in my study whose behavior contradicted these understandings often seemed to have difficulty in convincing police officers to accept their victim claims. Several of my interviewees who were arrested told me that the police officers cited damaged property as the reason for their arrest. Some of the women I interviewed who were arrested admitted to the police that they used violence in some form, although they reported it was done out of frustration and anger over their partner's/ex-partner's actions and/or in self-defense.

For example, Krista, a 28 year-old African American woman, was in an on and off again relationship with her children's father, Thomas, whom she described as verbally, physically, and emotionally abusive. One day Thomas was watching their baby at his house and told her that he wasn't bringing the baby back to her as originally planned. When she arrived at his house, all of the doors were locked and he wouldn't let her in. She banged on a window that was already cracked and it broke. Thomas called the police. Krista told me that the officers never asked for her side of the story; they simply asked her if she lived there and if she broke the window. She told them that she accidentally broke the window and they arrested her, telling her that Thomas' actions did not matter given that she had damaged his property.

Another interviewee, Gina, a 40 year-old white woman, reported throwing fruit at her husband, Joe, after she became frustrated with him when he belittled her and called her names in front of their children. Gina tried to get Joe to leave and they had a physical altercation where he grabbed her by the wrists and she scratched him in the face. Joe then called the police. When two officers arrived, Gina and Joe were separated; one officer listened to her story and another listened to his. Gina described how she tried to demonstrate to the officer listening to her that she was the victim in this situation:

> I told her that 12 years ago I lived in the shelter for a month and [Joe] was charged with reckless endangerment and almost ran me over with a car. I go, "There's records on that—you need to find those records because he has a history of doing this to me" and I said, "He was hurting my wrist." But I didn't explain that good enough…that… it was in self-defense…that's why…I scratched him. And I don't think I was really clear about that.

Gina offered Joe's past arrest and her stay at the local battered women's shelter as proof that she was the victim in their relationship. She realized that the scratch on Joe's wrist damaged her attempts to demonstrate this and she made an effort to explain that she scratched him in self-defense. The police went outside to confer and when they came back inside, they told her that not only did her 10-year old son's story match her husband's story, but they could also find no records of her husband's prior arrest. They then arrested her.

The criminal justice professionals and service providers who work with domestic violence victims that Miller (2001) interviewed reporting believing that women often use violence for different reasons than do men; most often, they use it out of frustration or in self-defense. Further, they believed that police officers often do not take the time to carefully investigate incidents and are not always trained to take into account the power dynamics in which IPV most often occurs. Miller argues that because officers are now directed to make arrests, "rather than ignoring women's behavior as they had in the past, the police focus on the violence itself and not the context in which it occurs" (p. 1351). Thus, the police simply arrest the person they think is the most violent. The officers in Gina's case apparently decided that her use of violence was not out of self-defense and they could not corroborate her claim of Joe's past arrest for IPV. In spite of her attempts to present herself as the victim, the police did not seem to see her in this light and she was arrested. When a woman does not fit into the pure victim construction—when she is not visibly injured and/or she reports using violence herself—the police appear less likely to view her as a legitimate victim.

Women's Unsuccessful Emotion Management

Many of the women I interviewed who were arrested reported believing that their emotional state when officers arrived at the scene seemed to impact the degree to which the police accepted their stories and found them believable. Researchers have found that emotion management is important to the successful presentation of a victim identity for female victims of violence involved in the criminal justice system (Dunn 2001; Konradi 1999; Rajah et al. 2006). Konradi (1999) discusses how rape victims in courtrooms often face contradictory expectations surrounding their emotional presentations, as the norms require "emotional suppression on the one hand (the rational witness) and evocation on the other (the traumatized rape victim)" (p.56). Not surprisingly, around one-quarter of the women I interviewed believed that their emotional state influenced their credibility with the police in that women who were very upset were less likely to be taken seriously then women who were calm. Confirming Miller's (2001) findings, many of these women reported that their partners/ex-partners used the women's emotions as "proof" that they were crazy and therefore, less credible.

Ann, a 21 year-old white woman, reported such an experience. She decided to break up with her boyfriend, Rich, after he became physically violent. She went to his apartment to officially end the relationship and obtain some possessions. Rich became very upset, yelling at her, throwing her stuff around, and hitting her on the top of her head (all in the presence of his roommates). Ann decided to leave and while she was attempting to get her purse, Rich closed the screen door and locked it, trapping her in the house. She could hear one of Rich's roommates telling Rich not to give Ann her purse. She tried to open the door to get out, accidentally breaking a piece of it. Rich finally opened the door and threw her purse into the street. She left the house, retrieved her purse, and went to a neighbor's house and called 911. Ann described what happened when the police responded:

> I was sobbing. I was just totally…couldn't talk to anybody. I was upset, I had just
> been hurt. And I guess the thing was is that I didn't get to tell my side of the story

first. They were like, "What is your side of the story? Tell us your story, tell us your story" and I was like, "Don't talk to me, go talk to him first. I'm too upset right now. Please just give me a moment to compose myself." And so they went and talked to Matt and his roommates. And basically what they said is that I had come over and become psychotic and attacked him and broke the door…And was finally composed enough to tell them what had happened and they were like, "You're under arrest." And I didn't get a chance to tell them my side of the story.

Not only did Rich get to tell his story first, but Ann also believed that the police assumed she was unreasonable and that her emotional state was an admission of guilt.

Women's Inability to Define the Situation in Their Favor

Ann's experience with the police illustrates another factor that women believed negatively influenced their ability to establish themselves as credible victims: their failure to proactively define the situation in their favor. One important factor appears to be who places the initial call to the police. In the 17 incidents of women's arrest in my study the woman was the first to call the police only five times. The man called the police first in nine of the incidents and a third party called the police in the other three incidents. For example, Krista, the woman discussed above who broke her boyfriend's window, said that she never called the police due to Thomas' violence because she feared losing his financial assistance for her children and because she "didn't like to see people in jail." Krista told me that she thought Thomas had the upper hand when the police responded to their altercation because he called them and he was aware of the workings of the criminal justice system due to his prior arrests for IPV with other women. He told her that he knew exactly what to say to the police when he called and when they arrived to avoid his arrest and ensure her own.

Veronica, a 27 year-old African American interviewee, also believed that her failure to explain an altercation with her then-boyfriend, James, in her favor to police officers was one of the main reasons that she was arrested. Veronica said that James had "thrown her around" during their arguments before but that this incident was the most severe. They were at his mother's house and he wanted her to give him money (which she suspected was for drugs); when she refused, he pinned her down while punching and hitting her. She said this lasted a long time and even though she was crying and asking for help his brothers in the house were ignoring them. A plumber who was working next door came by and asked if anyone inside the house needed help. Veronica said that Thomas put his hand over her mouth and told her to shut up while his brother answered the door and told the plumber that everything was OK. She explained how she remembered that James kept a knife under his bed, and while she was lying on her stomach with James sitting on her legs, she got the knife and told him she would cut him if he didn't let her leave. They fought with the knife and James ended up with a small cut on his hand. At that point James let go of the knife and Veronica grabbed it and left. She described what happened next: "The plumber came out the house next door, 'cause he heard us outside and I still had the knife in my hand, and [James] was still acting like he was coming at me. So I called the police and the plumber went in and used the neighbor's phone and also called the police. Well, before the police came, I had gotten into my car and left." Veronica said she left James' house because she was upset and scared of him.

Veronica went home and called over to James' mother's house to find out if the police came. One of James' brothers answered the phone and Veronica said that she could hear a female officer in the background telling James to tell Veronica that he was going to press

charges against her; the phone was then disconnected. She tried to call back but could not get through. A few weeks later when she talked to James about the situation he told her he said he didn't want to press charges and so the officers had left. Veronica said she was very surprised later to find out that James had lied and the police had actually issued two felony warrants for her arrest (for menacing with a deadly weapon and assault with a deadly weapon). In retrospect, Veronica said she realized she should have made more of an attempt to give her side of the story to the police: "It didn't click in my mind that I should get the lady police officer on the phone, and explain everything, that he was attacking me when [the cut on his hand] happened....But I couldn't get her on the phone, I couldn't get through, so I just kind of left it alone." Veronica stated that if would've been "smart enough" to tell them her side of the story than maybe the outcome would've been different and she wouldn't have been arrested.

My data supports Miller's (2001) claim that under mandatory arrest policies, many abusive men are learning how to use the criminal justice system to their advantage. The criminal justice professionals and service providers that she interviewed reported either directly observing men manipulate the criminal justice system or hearing about this from victims they work with. Manipulative behaviors included "men self-inflicting wounds so that police would view the woman as assaultive and dangerous, men being the first ones to call 911 to proactively define the situation, and men capitalizing on the outward calm they display once police arrive (his serenity highlights the hysterical woman)" (p. 1354). Indeed, more than a few of the women I interviewed reported believing that their partners' engagement in such behavior limited the women's ability to successfully present a credible victim identity to law enforcement officers. Perhaps tellingly, all but two of 14 interviewees who were arrested reported that their partners had previously been arrested for IPV (and several of them multiple times), giving them an awareness of the criminal justice system and its handling of IPV cases. Through mandatory arrest policies, some men appear to be gaining the "know-how" to ensure their partners' arrest and avoid their own.

Inability to Disprove Victimization: Failure to Avoid Arrest of Partner/Ex-Partner

Not all abused women who experience IPV want their abusers to be arrested and/or jailed. (Ferraro and Pope 1993; Stewart 2001). Women's reasons for this are varied: they may depend on their partners for income and/or housing for themselves and/or their children; they may be afraid of retaliation from their abusers; they may not trust the criminal justice system; they may prefer their abusers receive anger management counseling and/or drug/alcohol treatment; and/or they may not want to end their relationships. Some of the women I interviewed did not want the police involved in their situations at all but had little choice because someone else had called the police, like a family member or neighbor. Others did desire police assistance and even called the police themselves but did not want their abuser to be arrested and were unaware of mandatory arrest policies. The identity work of women in all of these categories most often involved trying to convince police officers that they were *not* "true" victims in order to avoid the arrest of their partners. Many of them, however, were unsuccessful at this.

For example, Susan, a 30 year-old white woman, called the police on her husband, Robert, after an episode that she described as the only incident of violence in their relationship. They had gotten into a verbal altercation one evening over a mess Robert had made while he was installing insulation into their house and his refusal to clean it up. Robert tried to leave the house and Susan blocked his path, kicked him in the leg, and took his keys. Robert attempted to grab the keys from her and pushed her while she was holding

their 9 month-old daughter. Susan fell on the bed, hitting and cutting her head on a curtain rod (the baby was unhurt). Susan told me that she then called the police not because she desired Robert's arrest but because she wanted to stop the incident.

When the police arrived, she told them what happened and showed them the cut on her head. She said that while she did not want Robert arrested, she also did not want to lie to them. Robert also admitted pushing Susan, and the police arrested him. However, Susan told me that did her best to convince the police that she wasn't victimized:

> [I said to the police officer] This isn't a big deal, this thing on my head. It was an accident. I was just as much to blame by yelling and keeping [Robert] from going, taking his keys, cussing at him, provoking him basically. He's not like this, he's never done this before… trust me that I'm not lying to you. You see my daughter, she's perfectly fine. Yeah, she's a little upset, but look, you see what happened, you see the insulation all over the place, that he was just doing this and it caused this stuff…I said I'm gonna go to his brother's house to go spend the night, so you know, I'm fine.

Susan tried to convince the police that she was not a "true" victim in order to prevent Robert's arrest. She offered much evidence as proof of this: saying that the incident was an accident and that Robert had never been violent before; claiming at least partial responsibility for their altercation; assuring the officer that her daughter was fine; pointing to the condition of the house that led to their argument; and telling the officer that she was going to leave the house. However, her claims were unsuccessful as Robert was arrested.

In an attempt to prove to the officers that she wasn't a real victim, Susan told them that she cussed at Robert and kicked him. However, by doing this, she risked constructing herself as abusive, which would provide the police with grounds to arrest her. She clearly recognized this, saying:

> I told them that I kicked him too, which thank God they kind of dismissed that or they said I kicked "at him" because they could have arrested me, too. And they knew that I cussed at him and everything and that I was yelling, but they overlooked that, I guess, because I've heard that they could even have arrested me for that. And I'm like "Whoa!" They could've arrested *me*!

Susan's experiences demonstrate the risks that women take when they attempt to downplay a victim status in an attempt to convince responding officers that their partners/ex-partners should not be arrested. Ultimately, she believed that because she was a mom, was the injured person, and was the one who called the police, the officers sympathized with her and she was able to avoid her own arrest.

Another interviewee, Beth, a 48 year-old white woman, believed that her attempts to avoid the arrest of her on and off again boyfriend Sam did lead to her own arrest. Sam called the police during an altercation that originated with Sam's attempt to have unwanted sex with Beth. They had gone out to dinner and he drove her back to his house. She didn't want to go inside and he dragged her out of the truck and into his house. Beth pushed him and shoved him in an attempt to get away. Once inside, Sam pushed her up against the kitchen table and it fell on top of her. Then Sam called the police. When they arrived Beth said she was very short with them and didn't tell them much about what happened. She stated, "I was afraid he was gonna get in trouble. That's why I kept my information very brief." Beth said that Sam had a past history of arrests for domestic violence and she was more worried about Sam getting in further trouble than she was about avoiding her own arrest (which she never even thought was a possibility). She said she didn't want him "sitting in prison" because he wouldn't get help with his drug addiction and he had four

daughters to financially support. Beth said the police simply asked her if she was involved with the pushing and shoving and she said she was without giving many details about how she acted in self-defense. The police then ended up arresting both Beth and Sam without telling Beth why she being charged.

Beth's experiences mirror those of women in Rajah et al.'s (2006) study who believed that they were wrongly arrested for domestic violence due to an "insufficient exchange of information" (p.904). The women either failed to volunteer pertinent information or sometimes gave false information about what happened, making it easier for police officers to understand them as "not-victims." And, under mandatory arrest policies, being understood as not-victim clearly makes women more vulnerable to arrest.

The Ambiguities of Police Decision-Making

Interestingly, some of the women who were arrested reported that at least one of the responding officers either seemed hesitant to arrest them or directly stated at some point that they probably should not have been arrested. This happened to five of the 14 of the women I interviewed who were arrested. Gina described how when she was arrested, one of the two responding officers was much kinder to her than the other, trying to make sure her neighbors did not see her get into the police car and asking about her wellbeing during her transport to the jail. Later, her lawyer told her that this police officer had contacted the district attorney on two separate occasions to say that he did not feel good about the arrest and thought that they had arrested the wrong person. A similar thing happened to Heather. After she was arrested, while she was sitting in the police car, one of the responding officers told her that he believed her story and thought she was innocent, but he could not do anything about it because the arresting officer had more authority than he did. Finally, Krista related how one of the responding police officers told her that he thought her ex-boyfriend was very manipulative and that she "really got screwed." He even told her that she should have lied and said she didn't break her ex-boyfriend's window. These stories illustrate that a woman's attempt to demonstrate that she was victimized may be assessed differently by each police officer who responds to the call.

Evidently, responding officers do not always agree on who is the true victim. This makes sense under a constructionist understanding of victimization. Officers likely draw from varied narratives in their attempts to make sense of the people involved in each situation and reach different conclusions about who is a victim and who is a victimizer. As DeJong et al. (2008) found, officers working in the same jurisdictions reflect different understandings of IPV, "ranging from problematic (simplification of IPV, victim blaming, patriarchal attitudes toward women, and presumption of victim noncooperation) to progressive (recognition of the complexity of IPV, awareness of barriers to leaving, and consideration of IPV as serious and worthy of police intervention)" (p.692). Similarly, Buzawa and Buzawa (2003) argue that "different officers have far different propensities to make arrests" (p.152). They discuss research suggesting that factors such as officer age, sex, and experience level all impact officer's arrest decisions. Finally, evidence suggests that there are a number of factors that impede police officers' attempts to determine who the primary aggressor is in an IPV incident, such as time constraints that prohibit officers from spending sufficient time investigating the incident, officers' limited access to criminal history databases, and officers use of legal terms that victimized women don't understand or connect with (Crager et al. 2003). That some of my interviewees reported disagreement among officers as to what happened and who was the victim should thus not be surprising.

Conclusion

In this paper I have examined the varied and complex interactional processes at play in women's identity work with police officers who respond to IPV calls. The women I interviewed attempted to present themselves in particular ways during their interactions with police officers, usually in order to achieve a particular goal (e.g. ensure the arrest of their partner/ex-partner, avoid the arrest of their partner/ex-partner, and/or avoid their own arrest). However, their self presentations did not always seem to be readily accepted by responding officers and they often experienced undesired outcomes from police involvement in their situations.

Women who are victims of IPV have historically struggled to have their victim claims validated during their interactions with the criminal justice system (Dunn 2002; Ferraro and Pope 1993; Schechter 1982). However, mandatory arrest policies were designed to help alleviate this by removing discretion from police officers in their arrest-making decisions to ensure that these cases are treated uniformly and to minimize situations where officers fail to make an arrest of an abusive person. Such policies have unquestionably assisted some women who are victims of IPV given the increase in the number of IPV arrests and a decrease in the overall rates of IPV since their implementation (Catalano 2006). However, my research demonstrates that in some cases police officers continue to exercise considerable discretion in their arrest-making decisions.

Clearly, instead of simplifying women's identity work during police response to IPV, mandatory arrest polices have further complicated women's interactions with officers in that they now face an even greater need to achieve victim status than before. Two groups of women seem to be most impacted by these policies: those that want their abusers arrested and attempt to accomplish victimization with officers but are unsuccessful in doing so; and those that wish to avoid the arrest of their abusers and consequently attempt to downplay, or outright reject, a victim status. Prior to the development of policies mandating arrest for IPV cases, if a woman refused or was unable to convince officers that she was a victim the outcome most likely was that her abuser would not be arrested. However, under mandatory arrest policies, not only might a woman's refusal/failure to prove a victim identity still result in officers opting not to arrest her abuser, but it has also greatly increased the odds that she will face her own arrest.

The experiences of women I interviewed such as Susan and Beth show how under mandatory arrest policies, women who wish to avoid the arrest of their partner/ex-partner– for whatever reason—often feel compelled to defend their abusers, even in situations where they recognize the problematic nature of their abusers' behaviors. The strategies women in these situations use to convince officers of their abusers' innocence—such as failing to call the police, minimizing any violence they have experienced, highlighting their own use of verbal and physical violence, and/or withholding information—are not behaviors culturally expected of true victims. And in the current legal climate when a woman is not recognized as a victim the costs are very real.

One of the biggest issues appears to be with the limited identities offered under mandatory arrest policies. In "social problems work" (Miller and Holstein 1989), people involved with and affected by social problems become categorized in very particular ways. Mandatory arrest policies offer two identities: "victim" or "victimizer." The job of police officers who respond to IPV calls involves the assignment of these identities to the parties involved. However, as Loseke (2007) argues, identities offered through institutional policy are often not apt descriptions of the people who are affected by the social problem that the policy is intended to address. Thus, the characteristics and experiences of some IPV victims deviate from those reflected in collective understandings of female victims of violence. This makes both women's identity work and officer's identity-assignment work particularly challenging.

It appears that under mandatory arrest policies women's attempts at successfully presenting a victim identity are also sometimes thwarted by their partners/ex-partners' more successful identity work. As I have previously discussed, some criminal justice professionals and service providers report believing that men who are chronic abusers and have prior experience with the criminal justice system for IPV have learned how to manipulate the system in their favor (Miller 2001). My study provides additional empirical support to this claim from the vantage point of women who experience IPV. Under mandatory arrest policies, some abusive men have clearly learned how to establish themselves as the victim during their interactions with police officers which, by default, usually frames their partner/ex-partner as the victimizer.

My data is obviously limited to my interviewees' subjective perceptions of police behavior. Because I did not speak with the responding officers I cannot know with certainly why police accepted or rejected the identity claims of the women I interviewed. However, the women's accounts of the officer's words and behaviors indicate that police officers' continued reliance on dominant victim narratives may be central to women's difficulties in achieving a victim identity, particularly in cases where there is not clear evidence of victimization. When women behave in manners that are not congruent with cultural understandings of "true" or "pure" victims, officers seem less likely to confer a victim identity upon them. Officers appear to read much of women's behavior through the false victim/agent lens that is central to women as victim narratives (Leisenring 2006; Loseke 2007; Schneider 1993). That is, because female victims of violence are often understood as helpless, terrified, and passive, if a woman acts in ways that counter these images—by engaging in verbal and/or physical violence, damaging property, failing to show fear, etc.—she is less likely to be viewed as a legitimate victim by officers. Similarly, a failure to follow the course of action that good victims are expected to with regards to the criminal justice system (Baker 1997)—such as cooperating with the police and staying away from their abusers—also seems to result in police officers taking women's victimization claims less seriously.

While mandatory arrest policies are centered upon simplistic understandings of IPV, police officers' perceptions may be more complex. Crager et al.'s (2003) study of six police agencies in Washington found that officers interpret mandatory arrest policies differently, with some believing they could choose not to make an arrest but many believing that they must make an arrest at every IPV incident. Additionally, officers were concerned that they would be held civilly liable if they failed to make an arrest. Evidently mandatory arrest policies have limited (some) officers' use of discretion in that they believe that failure to make an arrest is no longer an option. However, the mandate to make an arrest seems to have expanded their inclination to arrest women, either in a sole arrest or as part of a dual arrest. This may be explained by studies suggesting that when faced with difficulty in determining the primary aggressor police may arrest one or both parties and let the courts sort out the details (Bohmer et al. 2002; Miller 2001). Certainly, the fact that some of the women I spoke with reported having knowledge about discrepancies in the responding officers' assessments of their situations demonstrates the messiness of police response to IPV. While the legal line between the identities of victim and victimizer is clear and distinct in terms of their consequences, the line between these two identities during police response appears to be much fuzzier.

My research suggests that under mandatory arrest policies, a woman does not necessarily need to be categorized as a victimizer to experience her own arrest. The accounts of some of my interviewees indicate that women are sometimes arrested if their actions and behaviors violate normative expectations of female victims. Women thus appear to be at risk for arrest if, for whatever reason, they are evaluated by officers merely as "not-victim."

And, for all intents and purposes, under the law, "not-victim" is synonymous with "victimizer." The ramifications of being categorized as a victim versus a victimizer are drastically different. Women understood as the former are entitled to sympathy, support, and services from the criminal justice system, yet those understood as the latter are stigmatized and subjected to various penalties and punishments.

Structural and cultural conditions affect people's identity work. As Schwalbe and Mason-Schrock (1996) argue, once identities are created, they "act back" on social life. Under mandatory arrest policies, narrow and limited conceptions of victim have become further institutionalized, only complicating many women's interactions with police officers. While women in violent relationships' attempts to either claim or reject a victim identity during their interactions with police officers are not new—they certainly engaged in such activity prior to the implementation of mandatory arrest policies—perhaps never have the consequences of failed identity work for them been so great.

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