

Introduction: The Problem with the Gender Paradigm

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Physical, psychological, and sexual abuse among intimate partners, commonly known as *domestic violence*, but more recently as *intimate partner violence* or IPV, is a significant social and public health problem in the United States and worldwide. IPV had long been considered private by law enforcement, rarely investigated by social science researchers, and poorly understood by mental health professionals. In the 1980s, a series of well-publicized court cases, such as *Thurman v. City of Torrington* (1985), brought to light the grossly inadequate law enforcement response at the time, which allowed repeat offenders to avoid prosecution while their partners continued to be victimized, often fatally. In response, a grassroots victim advocacy movement established shelter and other *services* for victims while lobbying state legislatures across the United States, and subsequently to Canada, the U.K., and other nations, to enact new laws that would hold offenders accountable (Buzawa & Buzawa, 2002; Russell, 2010).

Gender Paradigm Origins, Definitions, and Pervasiveness

About the same time, researchers at the University of New Hampshire had begun to report on the results of two national representative sample surveys showing IPV victimization rates to be comparable across the sexes, with approximately 6 million men and 6 million women incurring some form of physical assault by their partner each year (Straus & Gelles, 1990). These findings were met with skepticism or dismissed by victim advocates, who had dedicated their efforts exclusively to helping battered women. In retrospect, this resistance was understandable at the time, given that research on IPV was still in its infancy and news accounts focused on severely abused women. It was also known then, as it is known now, that men perpetrate the majority of overall violent crimes (79.5%; Federal Bureau of Investigation, 2017). Around the world, women remain exploited and abused by men in various ways, including dowry murders

(Rudd, 2001), sex trafficking (Kotrla, 2010), and rape. Males perpetrate 97.2% of all reported rapes (Federal Bureau of Investigation, 2017), primarily (but not exclusively) upon females.

For these reasons, and because the IPV victim advocacy movement soon merged with the broader feminist political movement – a far more influential force than the social science researchers working in relative obscurity – IPV arrest and intervention policies came to reflect, and continue to reflect, what University of British Columbia professor Donald Dutton and others have called the *gender paradigm*. The gender paradigm frames domestic violence as a problem of men assaulting women, with corollary assumptions regarding risk factors, dynamics, and motives (Dutton & Nicholls, 2005). Research scholars in the U.K. and elsewhere have referred to it as the *feminist perspective* (Dixon et al., 2012). In Scotland it is known simply as the *common story* (Dempsey, 2013), alluding to the pervasiveness of this paradigm within society and the judicial system. Whatever the terminology, IPV is assumed to be a “gendered” phenomenon – i.e., the use, or threat, of physical abuse and other forms of control by men against intimate female partners to enforce male privilege in a patriarchal society (Dobash & Dobash, 1979; 1988; Kang et al., 2017; Pence & Paymar, 1993; Wood, 2013). Consequently, IPV policies have mainly focused on the arrest and rehabilitation of male suspects and protection of female victims via a range of legal and support services (e.g., restraining orders, shelters).

For several decades now, this view has thoroughly dominated IPV arrest, prosecution, and treatment policies in the United States and has informed child custody decisions in the family court system, largely because it has been so widely and unquestioningly accepted. News rarely reports, if ever, feature stories about men or sexual minorities as the abused party. Suppose one wishes to search beyond the headlines. In that case, accurate IPV statistics can be found within peer-reviewed journals, but these sources are available only to academic scholars. In contrast,

there is an endless stream of misinformation about IPV rates, dynamics, and outcomes on internet sites, accessible to everyone. For example, Hines (2014) examined information pages of prominent victim advocacy organizations, such as the National Coalition Against Domestic Violence and its various local and state chapters and found that almost a third of agencies presented false facts about IPV. The paradigm informs the way police are trained to conduct IPV investigations (Hamel & Russell, 2013), dominates state statutes that regulate court-mandated intervention programs for offenders (Babcock et al., 2016), and is evident among shelter workers and mental health professionals (see Follingstad et al., 2004; Hamel et al., 2009; Hamel et al., 2007; Russell & Torres, 2020; for a review.)

Despite the serious shortcomings of current arrest and prosecution policies, as amply documented throughout this volume, publications from the American Bar Association (ABA) focus exclusively on the rights of female victims, frame domestic violence within a long-discredited ideological framework as a “gender” crime, and promulgate false and misleading views regarding the causes, dynamics and consequences of domestic violence (American Bar Association, 2001; American Bar Association Commission on Domestic & Sexual Violence, 2021; Dutton et al., 2009). Not surprisingly, anecdotal and empirical evidence suggests that practicing attorneys are profoundly misinformed on this subject (Hamel, 2016; Hamel et al., 2009)

Among a growing share of stakeholders involved in IPV intervention policies, there has been some acknowledgment that IPV assault rates are more symmetrical across the sexes than was previously thought. Further, scholars have found the problem to be associated with other risk factors besides patriarchal structures – among them, childhood trauma, mental illness, and substance abuse (Hamel, 2009). When considering motives, however, a core distinction

continues to be drawn, falsely, between male and female violence, wherein the former is assumed to be driven by a need to exercise power and control over the victim, and the latter is assumed to be perpetrated primarily in self-defense (Dragiewicz, 2008; Kimmel, 2002), or as a way to express emotions rather than for instrumental purposes, (Hamberger et al., 1997; Swan et al., 2008.)

The Research Evidence

Nonetheless, *the contemporary research evidence provides scant support for the gender paradigm, in any of its manifestations, certainly not in the United States and other developed countries.* Among the most notable and relevant findings for criminal justice and mental health responses, discussed in greater detail elsewhere in this book, are as follows:

1. Overall rates of intimate partner abuse, defined as any physical, sexual, and psychological aggression, are comparable across the sexes, and they are also comparable across sexual orientation. However, men perpetrate sexual assaults at significantly higher rates than women.
2. While some men are motivated to assault their partners to maintain male privilege, most do so for personality and relationship reasons – to get what they want, to punish, out of jealousy, in retaliation, when they are under the influence of substances, in self-defense, or to express anger or other emotions. Motives are the same for LGBTQ perpetrators as they are for heterosexual perpetrators.
3. Women perpetrate IPV for the same reasons as men, with self-defense one of the least-endorsed motives.
4. In most relationships where there has been physical aggression, both partners are violent, and assaults are instigated on average as often by the female partner as the male partner.

When psychological aggression is considered, the percentage of bi-directional aggression is much higher.

5. Women unquestioningly incur the most serious injuries and account for approximately 80% of intimate partner homicide victims. However, most IPV-related injuries are relatively minor and incurred by men and women in comparable numbers. This is a crucial consideration for arrest and prosecution policies, given that injuries are not a requirement in most states for an arrest to be made.
6. Individuals arrested for an IPV-related crime are ubiquitously referred to as *batterers*, commonly defined as a chronic pattern of physical assaults together with dominating and controlling behavior that only becomes worse over time. A small percentage of offenders are responsible for most incidents of repeat violence, and most defendants engage primarily in infrequent, lower-level violence that results in no or minimal injuries. The violence is not part of an overall pattern of dominance and control but instead arises from escalated conflicts and poor impulse control and does not necessarily worsen over time. These patterns also exist among LGBTQ populations.
7. The short-term impact of observing IPV by the father, as opposed to the mother, is somewhat greater on children in terms of their emotional states (e.g., anxiety, depression). This is perhaps due to the more frightening nature of father-perpetrated violence. However, children are at risk for displaying conduct and academic problems regardless of the parent's sex. Additionally, because observational learning is not dependent on the actor's size and strength, children who observe IPV by either parent are in the long run at risk for perpetrating IPV in adolescence and adulthood and exhibiting

various mental health and substance abuse disorders. These findings are particularly relevant to child custody evaluators, judges, and attorneys.

8. Children who witness one parent physically assault the other are not necessarily more impacted psychologically than children who witness verbal abuse or merely intense arguments unless the physical assaults lead to serious injury.
9. The two most ubiquitous tools used in IPV training, the so-called Duluth “Power and Control Wheel,” and Lenore Walker’s three-phase “Cycle of Violence,” can be helpful in some contexts but are simplistic and can also be misleading. The former purports to be an inclusive category of psychological abuse tactics used by perpetrators to dominate their partners but is incomplete and was originally intended to apply only to heterosexual male offenders; evidence-based measures of psychological abuse currently in use are based on populations of both male and female perpetrators. Furthermore, so-called “power and control” behaviors, or psychological abuse, are not always accurately defined, and their impact on victims depends on many factors, including the extent to which they constitute a pattern of abuse and whether they are accompanied by physical violence, or the threat of such violence. In disputed child custody cases, “power and control” charges may sometimes refer merely to intense and hostile but otherwise normal relationship conflict.
10. The latter accurately describes only one type of IPV dynamic – specifically, a heterosexual male perpetrator with features of borderline personality disorder, the sole or dominant aggressor in a relationship, with a heterosexual female who is the sole or primary victim. The Walker model fails to account for the far more common varieties of

mutually escalating couple dynamics, the behavior of anti-social or psychopathic offenders, violence by borderline women, or same-sex IPV.

The body of research evidence makes it abundantly clear that the “common story” is just that – a story. For true believers, this narrative either confirms their personal experiences or resonates with their political sensibilities. For most, it seems plausible enough, given some suspension of disbelief, and provides a simple explanation for matters they are not inclined to investigate.¹ But for the unfortunate victims and family members whom IPV policies have adversely impacted on an individual level, the common story is nothing more than a pernicious lie.

Paradigm Consequences

The extent to which current arrest, prosecution, and treatment policies have been effective in reducing rates of IPV, holding perpetrators accountable, and keeping victims safe is an ongoing topic of debate (Buzawa et al., 2017; Eckhardt et al., 2013). Problems with measurement are considerable, including the varying nature of the epidemiological survey and the specific questions used, differentiating the effectiveness of IPV-specific policies with an overall decrease in violent crimes, and determining how to measure desistance (e.g., whether to rely on criminal justice data, victim reports, mental health functioning, relationship satisfaction). Nonetheless, it is universally agreed that more can be done (Buzawa et al., 2017; Hamel, 2009).

There are several possible reasons for the limited effectiveness of current IPV policies. This can include a resistance by many in our society to consider IPV severe enough to report as a crime, victim non-cooperation, organizational and bureaucratic limitations, budget restrictions,

¹ Explanations for symmetry in IPV, compared to much more asymmetrical rates of general violence across the sexes, derive from both cultural and evolutionary/sexual selection theories, and center around the importance of the home and family in women’s lives, as well as prevailing norms allowing women more latitude to aggress within this sphere (see Hamel, in press, for a more detailed account).

and traditional religious beliefs. There is also the tension between an overreaching law and order response to such a complex problem, presuming all IPV cases to be serious criminal matters akin to the failing war on drugs, and the difficulties of getting convictions in a system where one is presumed innocent until proven guilty. Another reason is the persistence of the gender paradigm that encourages the stereotyping of perpetrators (Boushey, 2016; Hine et al., 2020; Lysova et al., 2020; Douglas & Hines, 2011; Tsu et al., 2010). Ostensibly a liberal, “feminist” ethos, the paradigm depends on, and champions, a law enforcement response that is at best clumsy but well-intended, and at worse, entirely unconcerned with progressive civil rights values (Corvo & Johnson, 2012).

Let us be clear: A great deal of good and long-lasting value has been achieved due to the battered women’s movement. Violence between married, cohabitating, and dating partners is now taken seriously, both among the public and the institutions responsible for protecting us. Laws are now in effect that makes IPV a punishable crime, including statutes for offenses (e.g., marital rape) that had not existed before, and no longer do police regard partner violence as merely a family squabble. Nonetheless, these laws have been limited. Clearly, many women remain in danger from severe, potentially lethal violence from male partners who manage to avoid prosecution for their crimes. This is a serious problem.

On the other hand, male victims and sexual minorities are even less likely to get justice, as arrest and intervention policies too often continue to frame intimate partner violence primarily in terms of male perpetrators and female victims. Research over the past 30 years indicates that IPV stretches far beyond this historical paradigm and is in dire need of criminal justice reform. Aside from stymying our collective efforts to reduce rates of IPV in our communities effectively, the gender paradigm, vigorously defended by individuals who see themselves as champions for

women's rights, continues to rely upon anachronistic principles and dismissing empirically based research which can lead to *benevolent sexist ideologies*² that only serve to reinforce tired stereotypes about women as helpless, child-like creatures who lack agency (Hamel, 2020). Instead, this book provides evidence-based data that can hopefully lead to necessary reform toward greater inclusion to accommodate all victims.

Purpose of the Book

To address these misconceptions this volume will describe the strengths and shortcomings of current IPV arrest and prosecution policies as they are carried out across the United States, considering methodologically sound contemporary research. It will demonstrate that the battered women's movement was long overdue and responsible for several necessary reforms in our criminal justice system that remain as relevant today as ever before, given the lack of protection for many of the most vulnerable victims, usually women. While ending violence against women is an admirable aim, this vision continues to neglect other victims of IPV. Therefore, this text focuses on how a more empirically based criminal justice response and practice would be more effective in providing for the safety of all victims. This includes holding offenders accountable and stopping the intergenerational cycle of violence in families while ensuring the civil rights of criminal defendants.

This book is written by scholars, practitioners, and attorneys to provide research and expertise that should be of interest to legal professionals responding to and adjudicating criminal, family court, and tort cases involving accusations of IPV, as well as mental health professionals, policymakers, and others interested in IPV as a societal and criminal issue. We hope that it will

² In contrast to *hostile sexism*, the term *benevolent sexism* refers to attitudes and behaviors that regard women as virtuous and to be admired, but also fragile, lacking in agency or competitive drive, often helpless, and in need of protection – what some call the “women are wonderful” effect.

be helpful to district attorneys in making more informed decisions about who and how to prosecute so that IPV offenders are forced to take responsibility for their violence. We seek to assist defense attorneys in preventing defendants from being wrongfully convicted or mandated to a course of treatment that fails to address their needs and potentially leaves victims in danger. We also hope that the information presented will help victim advocates and treatment providers by providing a common empirical ground on which to engage and cooperate for the benefit of all involved constructively.

Our concerns regarding the deleterious consequences of current IPV arrest, prosecution, and treatment policies are summarized below, then elaborated upon elsewhere in the book, and a variety of promising reform recommendations will be advanced. If you are a defense attorney or civil libertarian, you may already share these concerns. If not, we hope you will learn to take them seriously and to give voice to them, whatever your role may be in, the collective effort to combat relationship violence.

Undermining Defendant Rights

In most states, including California, police officers are encouraged to conduct investigations into IPV allegations according to guidelines set forth by mandatory arrest and pro-arrest statutes. These statutes make sense insofar as they allow police to intervene in situations where a victim may be at significant risk, but evidence of harm (e.g., injuries) is often lacking. Some of the most dangerous perpetrators know how to hurt their victims without leaving marks and can project a calm demeanor, giving the appearance that “there’s nothing to see here” (DeLeon-Granados et al., 2006; Miller, 2000). It is also true that when police are encouraged to arrest with minimal evidence that a crime has been committed many innocent people are likely to find themselves behind bars. This also comes neatly wrapped with the attendant legal, financial,

and emotional costs to defendants and their families. Defendants criminally convicted of an IPV offense, even in misdemeanor cases, or arrested but never charged, can be denied employment opportunities and, following relationship dissolution, find their parental rights denied or severely curtailed. Among them, people of color, low-income individuals, cannot meet bail requirements or afford skilled legal counsel to exonerate them. For these reasons, and lack of confidence an attorney may have about going to trial, defendants often take a plea deal to go back to work and provide for their families. Even when the incident is minor, the toll on families is not inconsiderable, as when children are needlessly removed from their mother by Child Protective Services for “failure to protect” (Stark, 2002).

Ideally, a balance should be found between the rights of citizens not to be falsely arrested on the one hand and keeping people safe. Sadly, among some victim advocates, there appears to be very little concern for defendant constitutional rights - particularly the rights of male suspects or members of sexual minority groups. This lack of concern has been amply demonstrated over the past two decades, following the enactment of mandatory arrest laws and the resulting spike in arrests, including those involving female defendants. Only after this increase of female arrests did victim advocates question mandatory arrest laws, arguing that these laws sometimes led to police officers unknowingly arresting the wrong person. As a legal remedy, advocates helped to enact so-called *predominant aggressor* guidelines. The exact definition varies from state to state. However, they align well with the definition proposed by the International Association of Chiefs of Police (IACP), which defines the term as “the individual who poses the most serious, ongoing threat, which may not necessarily be the initial aggressor in a specific incident” (International Association of Chiefs of Police, 2017).

In theory, these guidelines might indeed serve to protect actual victims who, in some circumstances, may have initiated an act of pre-emptive aggression against someone who had previously engaged in a pattern of chronic violence and who now threatens further harm (Hamel, 2011; Hamel & Russell, 2013). However, when citing such cases, advocates inevitably refer only to female victimization, despite the gender-neutral language used in predominant aggressor statutes (Chesney-Lind, 2002; McMahon & Pence, 2003). Ideology and political bias aside, these statutes are difficult to properly administer, given the lack of empirically derived criteria upon which to determine precisely how to identify the predominant aggressor. Suppose IPV scholars cannot agree on this term. What can be reasonably expected from poorly informed police officers presented with two plausible but conflicting stories and a lack of reliable eyewitnesses? History of previous IPV, a common criterion, can only be reliably ascertained from criminal justice records, which may or may not say anything meaningful about the aggressor in a particular incident (Hamel, 2011).

Moreover, most IPV is bi-directional in the general population, yet most states discourage mutual arrests, forcing arbitrary distinctions to be made between perpetrator and victim. In arrests involving heterosexual relationships, men's relatively greater size and strength make them convenient targets for arrest. However, female victims may also be arrested for the same reason, or when they are intoxicated or otherwise frustrate the police who arrive at the scene. The opposite problem exists with same-sex couples, where police are even less informed about IPV dynamics (Letellier, 1994; Russell & Torres, 2020). Officers may assume mutuality in violence due to the lesser difference in size and strength between the parties, when in fact, one partner is the predominant aggressor.

Police officers cannot be blamed for ideologically tinted policies. However, they are nonetheless responsible for enforcing existing laws, and how they do so reflect in part the inherent difficulties in any type of police work. A solid body of forensic psychology research has revealed the extent to which police officers cannot accurately detect deception when interviewing general criminal suspects. Instead, they rely on the same misleading cues as lay people (e.g., Bond & De Paulo, 2006; Hartwig & Granhag, 2015). Figuring out who is lying and who is telling the truth in IPV cases presents additional difficulties. Given the personal nature of intimate relationships and the possibility of ulterior motives, the person who initially reports an IPV incident may or may not be the actual victim. Other reasons for calling the police include getting someone to mediate a non-violent but escalating conflict, retribution for actual or imagined infidelity, or as a means to forcibly kick out a partner for purposes of gaining an advantage in a child custody case (e.g., Cook, 2009). False allegations of IPV, a form of coercive control known as Legal and Administrative Abuse, are made by both sexes, including by manipulative men, as previously mentioned, and confirmed by abused women and their allies (DeLeon-Granados et al., 2006; Miller, 2000). Nonetheless, false allegations can also greatly benefit female batterers, who are more likely to be taken seriously because they are female and presumed to be the victimized party (Douglas, 2018; Hines et al., 2015).

Once an arrest is made and charges are filed by the local prosecutor, current “no-drop prosecution” policies in some jurisdictions make it difficult for the complainant to see the charges dismissed, a practice discouraged by the National District Attorneys Association (2017). Battered women advocates correctly argue that victim retraction is often done under duress, either due to threats made by the perpetrator, for economic reasons, or because the perpetrator wore the victim down with a variety of self-serving, manipulative, and guilt-inducing tactics

(Bonomi et al., 2011; Hamel, 2020). This is a serious problem long recognized by district attorneys and advocates alike (Leisenring, 2008). Rarely, if ever acknowledged is the possibility that the presumed “victim” had initiated the violence but lied about it, for whatever reasons, or perhaps called the police during a bilaterally escalated incident in which the parties were equally culpable but later felt genuinely guilty for lying or exaggerating their partner’s degree of involvement. Due to the legal consequences of perjury and concern that charges might be brought against them should they want the investigation to continue, complainants are reluctant to fully disclose their culpability in any incident (they make perfunctory statements or provide no information in their retraction statements (Sleath & Smith, 2016). Still, it does not take much imagination to understand that when law enforcement officers arrive at the scene of a domestic disturbance, especially in mandatory arrest states, and primed to make an arrest, it makes sense for all parties to shade the truth. Nobody wants to be arrested.

For all of these reasons, we should all be mindful of limitations and biases inherent in the current criminal justice response to IPV, and the very real threat to defendant rights and procedural justice, as evidenced by the scholarly research literature. In their review, Shernock and Russell (2012) conclude:

Simulation studies of police officer and mock juror decision making have found that males are viewed as more culpable in IPV situations but have found no significant racial differences. The results of these simulated studies are for the most part borne out in reality regarding the criminal justice response to IPV. In general, it appears that the less favorable treatment of males regarding the issuance of POs, arrest, and prosecution is most salient...The less favorable

treatment of males becomes somewhat more pronounced at each of the subsequent stages of the criminal justice process (p. 523).

Considering the greater physical danger posed by male perpetrated IPV, it is essential to understand that among the research papers referenced by the authors were many local and nationwide studies on arrest and issuance of restraining orders that controlled for the extent of injuries. These studies confirm a significant pattern of gender bias within the judicial system.

Limited Effectiveness of Arrest, Prosecution, and Intervention Policies

Within pro-arrest and mandatory arrest states, IPV arrest rates are higher than where police have greater discretion. This is a positive outcome if it helps bring more batterers to justice. Unfortunately, additional arrests lead to fewer successful prosecutions because district attorneys lack the resources to process weak cases (Davis, 2008; Hirschel & Buzawa, 2002). Undoubtedly many of these weaker cases involve situations of high conflict that need not be addressed through the criminal justice system. However, in other cases, victims might be in danger. There are few alternatives to arrest in most jurisdictions other than allowing a potentially violent individual to go free. Save for the issuance of a restraining order, which provides no legal mechanism by which the perpetrator, or perpetrators, might be helped to resolve their issues (e.g., such as deferred prosecution or a mandated assessment protocol with which to determine alternate intervention options) (Young et al., 2007). Particularly troublesome, a lack of alternatives may put victims in danger when they are denied the choice of having the prosecution dropped. This has been demonstrated in studies showing that in pro-arrest states, they are less likely to call hotlines or report re-offenses to law enforcement, making them feel revictimized by the criminal justice system (Hotaling & Buzawa, 2003; Mills, 2003).

Once a defendant pleads guilty to an IPV charge, he or she may have to serve a jail sentence, but in misdemeanor cases they are typically required instead to complete a course of treatment. Except for Colorado and Washington State, state standards governing such treatment are not based on the particulars of a case, such as a defendant's personality, ability to change, abuse pattern, or risk of re-offending. Treatment recommendations from battered women advocates tend to lean toward one-size-fits-all remedies. These treatments include intervention programs rooted in a same-sex psychoeducational group format, otherwise known as batterer intervention programs (BIPs). Such programs typically emphasize gender role factors and offender use of "power and control" behaviors and discourage or prohibit evidence-based approaches such as couples counseling or anger management. However, such approaches may not be adequate or flexible enough to fully meet the needs of a highly heterogeneous population (Babcock et al., 2016; Maiuro & Eberle, 2008). Therefore, it is not surprising that they affect a mere 5% reduction in recidivistic violence above arrest and court monitoring (Babcock et al., 2004).

The point needs to be stated, however apparent, that when batterers are not arrested or held accountable for their violence, whether they be male or female, gay or straight, they remain a threat to their victims and contribute further to the intergenerational cycle of violence. They are also denied an opportunity to rehabilitate themselves. Of course, IPV does not happen in a vacuum. In most partner-violent relationships, the abuse is bi-directional, and both partners need to be held accountable. However, even when one party dominates or is solely responsible for the violence, treatment is more likely to be effective when it is understood from a systemic perspective (Hamel & Nicholls, 2007). Unfortunately, current policies presume rigid

perpetrator/victim distinctions that limit alternative treatment options. This is a problem in dire need of redress.

Throughout this book, an argument is made that arrest, prosecution, and treatment should be based on the research evidence and the facts of each case. There is no reason (other than politics) why this cherished maxim should not apply to violence between intimate partners. To the extent that women are more impacted than men from physical assaults, the system should respond accordingly. Prison cells will no doubt continue to accommodate primarily male homicide perpetrators. On average bigger and stronger, men can more readily protect themselves and are at lesser risk of life-threatening violence. Therefore, they are unlikely to require the same level of shelter services as female victims. Nevertheless, the current reflexive law enforcement response, based on traditional gender stereotypes, makes a mockery of the judicial system, fosters confusion and cynicism, and erodes support from potential allies needed in the fight against IPV. Sadly, it also re-affirms the very stereotypes that feminists have sought to overcome by denying women and sexual minorities – whether victim or perpetrator – a sense of agency.

Organization of Chapters

The information provided in this volume provides a contemporary view associated with all aspects of the adjudicative process and evidence-based interventions surrounding IPV. The book is organized into four sections, including history and research, litigation, issues of family law, and evidence-based interventions. Part one includes an overview of the current research on IPV. Bates and Papamichail (see Chapter 2) examine the evolution of IPV awareness, gender similarities and differences of IPV, prevalence, causes, and dynamics of IPV. The authors also address various typologies of abuse, risk factors, antecedents, and consequences of IPV for

victims and families. Part one also explores the history and advances of law enforcement and criminal justice response to IPV. For instance, Russell and Seisler (see Chapter 3) summarize arrest rates for cis-gender and sexual minority victims and perpetrators of IPV. They examine critical legal cases leading to current arrest policies, including mandatory arrest, pro-arrest, and discretionary arrest, and explore the effectiveness of these policies. The authors also explore how social stereotypes can influence IPV response and the extent to which training and experience can shape how they interpret and handle IPV incidents. Police officers are not immune to IPV within their own ranks; therefore, officer-involved domestic violence (OIDV) is addressed along with considerations of discretion and provides recommendations for greater inclusiveness in policy and practice.

Part two includes four chapters on the litigation process from prosecution, strategies for mounting a legal defense in IPV criminal cases, intimate partner homicide and the battered person syndrome, and jury decision making. Cox and colleagues (see Chapter 4) explore how gender and sex influence the prosecution of IPV and address gender-inverted (female to male IPV) in addition to IPV in same-sex relationships. They examine legal and extra-legal factors associated with prosecutorial decision-making and offer implications for practice and directions for future research. In Chapter 5, Dresow, a San Francisco Bay Area attorney, reflects on the challenges and strategies to mount a legal defense in IPV criminal cases. He provides general guidelines from receiving the first phone call from someone in need of a defense, initial steps upon accepting a case, information gathering, collateral consequences, and the necessity of understanding the universe of the case to build an effective defense. The author stresses the importance of guiding clients through the process while acknowledging the idiosyncrasies of IPV compared to other crime classifications. In this context, he refers to sex and gender, mandatory

arrest and dominant aggressor laws, and the consequences of arrest and prosecution on defendants, trial considerations, the use of expert testimony, and sentencing alternatives.

Chapter 6 focuses on intimate partner homicide (IPH). Hamel, Dutton, and Lysova provide an in-depth view of IPH, including prevalence, context, risk factors, and motivation for IPV perpetration. The authors note differences in types of IPV and how situational couple violence differs from intimate terrorism and address male-perpetrated and female-perpetrated IPH in the context of intimate terrorism, violent resistance, and self-defense. The authors also explore risk factors and personality as predictors of IPH, along with a review of the battered woman's syndrome within an IPH context. Similarities and differences across the sexes are provided in conjunction with implications for prosecutors and defense attorneys charged with adjudicating these cases. The last chapter in this section pertains to jury decision-making in IPV and overcoming bias in the courtroom (see Russell & McKimmie, Chapter 7). This chapter covers critical issues for the jury in cases of IPV. Issues address self-defense in confrontational and non-confrontational issues, why victims do not leave their abuser, motivations for IPH, the gendered nature of IPV, and the role of stereotypes and scripts in jury decision making. A summary of the literature on jury decision-making in IPV cases is reviewed emphasizing non-typical victims and perpetrators. The authors review the various ways in which jurors make decisions individually and within groups. They explain how juror gender and expert testimony of the battered person syndrome influence decisions in IPV cases and offer suggestions for jury selection, reform, and future research.

Section three, Issues of Family Law, covers challenges and strategies in litigating IPV in family law cases, custody and intervention recommendations, and child abuse and parental alienation. Chapter 8 was written by an experienced practicing family law attorney in Southern

California. Pissara provides a unique look into the family court system by offering guidelines for domestic violence. The author helps attorneys navigate the family court system and provides an in-depth perspective on how domestic violence affects individuals and families. The author provides recommendations of how custody determinations can be improved so that children's best interests are served. Chapter 9, written by Hamel and Baker, provides a gender-inclusive framework surrounding custody and intervention recommendations in family law. The authors approach IPV from perspectives of the child's best interest and elaborate on the complexities of family abuse. Child custody evaluation procedures, custody protocol, and child custody recommendations are addressed for legal actors, child custody mediators, and evaluators, as the authors provide an in-depth review of the complete process of the evaluation, interviews, observation, to synthesizing data to ensure objectivity reduce potential bias. Lastly, in this section Chapter 10 authors Harmon & Kruk examine parental alienation, gender bias, and child abuse. They summarize the empirical research on these topics, draw parallels on how IPV and parental alienation behaviors affect the victims of these behaviors, and examine similarities in patterns and motives of abuse and their effect on children.

The fourth and final section—Evidence-Based Interventions, focuses on cutting-edge gender-inclusive intervention strategies for legal actors, mediators, counselors, and restorative justice practitioners. Hamel & Ennis (Chapter 11) provide ideas for evidence-based interviewing protocols and risk assessment instruments to hold perpetrators accountable. Within this chapter, Hamel and Ennis explore ways to gauge better the actual risk posed by IPV perpetrators through evidence-based interview protocols and assessment techniques utilizing validated, reliable instruments such as the Spousal Assault Risk Assessment (SARA and SARA v3), Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER), Ontario Domestic Assault Risk

Assessment (ODARA), Domestic Violence Risk Appraisal Guide (DVRAG), Domestic Violence Screening Instrument (DVSI) and Danger Assessment (DA). Similarly, Roberts (Chapter 12) reviews RNR-Informed approaches to batterer intervention programs. Roberts addresses the inconsistencies in most batterer intervention strategies and draws from her work in Washington State that provides an alternative evidence-based approach to IPV treatment. She addresses the risk, needs, responsivity assessment and treatment framework, behavioral assessment standards, differentiated treatment model, core competencies, and a cognitive-behavioral treatment model approach to standardize a core curriculum. Authors in Chapter 13 (see Chu, Bennett, Pollard, and Babcock) examine the efficacy of couples and family interventions for IPV as safe and effective interventions for couples experiencing situational couple violence. Their chapter addresses perpetrator typologies, intervention programs such as restorative justice, family interventions for witnessing IPV, and IPV prevention programs. The last chapter in this volume (Chapter 15), by Barocas and Shimizu, provides an overview of restorative justice (RJ) theory and practice and addresses the research on restorative justice in IPV cases. The authors review the history, definitions in practice, the use of restorative justice to address IPV crimes, including crime severity, various methods used, the timing of restorative justice, and the evidence-base for restorative justice interventions.

This volume has two distinct purposes. First, it provides a novel approach by addressing the gendered aspects of IPV and its effects within the legal system, practice, and intervention. Second, this book provides a unique view of contemporary evidence-based research surrounding the adjudication process of IPV. It offers ways to address the problems associated with adjudicating IPV cases in practice and intervention to serve all IPV victims better and hold batterers accountable. The book intends to demonstrate how the gender paradigm has affected

(and continues to affect) legal decision-making and practice, and the many ways in which differential treatment exists within the context of IPV. We hope this text demonstrates that the time to move beyond the gender paradigm is now. Armed with the current state of the research, readers of this text have the knowledge and ability to do so. This book provides the expertise and tools necessary to help us to become more cognizant of our own biases and ultimately more inclusive in the adjudicative process and IPV intervention/prevention practice. The information provided in this book provides a foundation from which we can learn and apply by developing tools to improve research, policy, and practice allowing us to move forward toward eradicating IPV and closer to equality. We recognize there are limitations and issues that may not have been addressed. However, we hope this text demonstrates the need for a paradigm shift and revitalizes the debate between traditional gendered perceptions of IPV and those who recognize that IPV is no longer a gender-based crime, but rather a crime that exists beyond gender or sexual orientation/identity. Ideally, this text can serve as a catalyst to spark discourse, empirical research, and improve practice in the adjudicative processes of IPV that can lead to wide-ranging political and ideological changes over time.

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