

Factors Increasing the Likelihood of Sole and Dual Charging of Women for Intimate Partner Violence

Violence Against Women
2014, Vol. 20(12) 1447–1472
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DOI: 10.1177/1077801214557954
vaw.sagepub.com



Julie Poon¹, Myrna Dawson¹, and Mavis Morton¹

Abstract

Sole and dual charging of women for intimate partner violence (IPV) has risen in some Canadian and American jurisdictions since the implementation of pro-charging policies. Adding to the limited research within Canada by examining court cases from a small, Ontario city, sociodemographic and situational characteristics are assessed to determine if the context in which women were charged differs from that of men, or in which dual charges were laid. Women were more likely to be charged if they were younger, in legal or common-law relationships, and in rural jurisdictions. Dual charging was more likely among women in current and dating relationships.

Keywords

dual charging, female offenders, intimate partner violence

In Canada, between 1983 and 1986, the federal and provincial solicitor general implemented policy directives requiring police to charge in cases of wife assault (Ad Hoc Federal-Provincial-Territorial Working Group, 2003). Although there remains no national intimate partner violence (IPV) charging policy in Canada, the official purpose of the policy directive was to improve the system's ability to protect women who were subjected to wife assault by recognizing it as a serious violation of the law. It requires police to lay charges in all cases where there are reasonable grounds to believe that an offense has occurred (Ad Hoc Federal-Provincial-Territorial Working Group, 2003). It was anticipated that this policy shift would lead to an increase in male perpetrators criminally

¹University of Guelph, Ontario, Canada

Corresponding Author:

Julie Poon, Department of Sociology and Anthropology, University of Guelph, 50 Stone Road East, Floor 6, MacKinnon Building, Guelph, Ontario, Canada N1G 2W1.
Email: jpoon@uoguelph.ca

charged for violence against their female partners. However, there has also been an unexpected increase in the number of women charged in IPV cases, either as sole perpetrators or as dual perpetrators with their alleged abusers (Chesney-Lind, 2002; DeLeon-Granados, Wells, & Binsbacher, 2006; Durfee, 2012; Pollack, Green, & Allspach, 2005).

Many jurisdictions in the United States reported a rise in women charged for IPV following the implementation of pro-charging policies. For example, in a Minnesota county, the rate with which women were charged for IPV increased from 13% to 25% (Saunders, 1995). Rates tripled in Prince William County, Maryland, from 12.9% in 1992 to 21% in 1996 (Smith, 1996). In California in 1987, 5% of women were charged for IPV, and this increased to 18% in 2000 (DeLeon-Granados et al., 2006). The rates of dual charging were found to vary across jurisdictions with Rhode Island reporting that 4.9% of cases involved dual charges (Hirschel & Buzawa, 2002) and Arizona, 8% (Governor's Division for Prevention of Family Violence, 2001). Soon after its policy implementation, Connecticut reported a dual charging rate of 33% in 1988 (Martin, 1997), which decreased to 22.1% in 2003 and 20.9% in 2004 (Cares, 2007). Many jurisdictions have since implemented primary or predominant aggressor directives¹ in an effort to reduce the number of women being charged for actions made in self-defense; however, few studies have assessed the degree to which these changes have had an impact on the rates of women charged. To date, McMahan and Pence (2003) reported a decrease in women charged for IPV in Duluth, Minnesota following its primary aggressor policy, although specific data were not available. Similarly, Hirschel, Buzawa, Pattavina, Faggiani, and Reuland (2007) reported that jurisdictions with primary aggressor policies had dual charging rates that were, on average, 2% to 9% lower than areas that did not have such policies in place. However, the overall effect of such directives remains unclear, as other jurisdictions have reported an increase in women charged for IPV despite the implementation of these policies (Bohmer, Brandt, Bronson, & Hartnett, 2002; Chesney-Lind, 2002).

Research documenting women being charged in Canada indicates that the rates of dual charging have varied from a low of 4% (Ursel & Hagyard, 2008) to a high of 9% (Ad Hoc Federal-Provincial-Territorial Working Group, 2003). In Alberta, dual charging increased from 4% to 6% between 1999 and 2000, followed by a 1% decrease from 2000 to 2001 (Ad Hoc Federal-Provincial-Territorial Working Group, 2003). In Winnipeg, 23% of women charged for violent offenses in 1991 involved IPV, and following its "zero tolerance" policy in 1993, this increased dramatically to 58% by 1995 (Comack, Chopyk, & Wood, 2000). Increased rates for men were less substantial, with 43% of violence charges relating to IPV in 1991 increasing to 64% by 1995 (Comack et al., 2000). Within the same jurisdiction, Fraehlich and Ursel (2014) examined women charged for IPV from 1999 to 2005 and found that sole charging rates remained stable, ranging between 8% and 10%. Dual charging steadily declined with a high of 9% from 1999 to 2000 to a low of 3% in 2004 through 2005 following primary aggressor training (Fraehlich & Ursel, 2014). Beyond these studies, little is known about recent trends for women and men charged with IPV in Canada.

This study begins to fill the gap in the Canadian research by using crown attorney data to examine two research questions.

Research Question 1: What factors increase the likelihood that women compared with men are charged in IPV cases?

Research Question 2: Do these factors differ from cases in which dual charges are laid against both individuals involved?

Examining these questions will be beneficial to criminal justice personnel who are responsible for ensuring that the spirit of the pro-charging policy is followed as well as to policy makers who create, implement, and reform such policies.

Literature Review

Pro-charging policies and their application have created concern among victims, front-line workers, advocates, academics, and policy analysts. Although criminal justice policy reforms have occurred in an attempt to recognize IPV as a serious and prevalent criminal matter, the unintended consequence of women being charged has demonstrated the limitations of relying on an institution that continues to reinforce patriarchy and, as such, has reignited the gender symmetry debate (Eigenberg, Kappeler, & McGuffee, 2012).² More recently, some researchers have argued that IPV in its most common form is instigated by men and women making reciprocal attempts to control one another, resulting in the escalation of violence (Dutton, 2012). They argue that IPV is best predicted by virtue of common personality features rather than a gendered analysis (Dutton, 2012). However, others have refuted these claims, asserting that the criminal justice system's approach toward IPV, including its reliance on pro-charging and pro-prosecution policies, inadequately considers incidents as isolated, narrowly defines the crime, and ignores the gendered context in which women frequently use force (Hamberger & Guse, 2002; McMahon & Pence, 2003; Osthoff, 2002; Worcester, 2002). In essence, those who contest the idea that gender symmetry exists argue that the criminal justice system views women's broader motivations for using violence as irrelevant in determining whether charges are suitable as well as in establishing a legal defense (McMahon & Pence, 2003). It is recognized that the decision to charge may stem from the use of violence by some women against their male partners. However, it may also reflect the interactions, attitudes, and beliefs that police officers have based on certain situational and sociodemographic characteristics of those involved in incidents of IPV. Thus, charging outcomes may continue to reflect attitudes toward IPV by law enforcement despite efforts to limit this through pro-charging policies and police training (Lipsky, Cristofalo, Reed, Caetano, & Roy-Byrne, 2012; Martin, 1997). The sections below discuss research relating to women charged for IPV.

Research on Situational Characteristics of Women Charged for IPV

Although there is some variation between comparison groups in the literature, there are a number of situational characteristics that may affect the likelihood that a woman will be charged in cases of IPV. These situational characteristics, which are discussed

below, include the couples' prior police contact, the criminal record of the accused, the level of injuries, weapon use, who initiated police contact, the presence of substance abuse, and the victim's preference to charge. To date, the effect of prior police contact on women charged for IPV is unclear. Prior contact may decrease the likelihood that the woman will be charged because officers often use the history of violence to make more informed decisions about victim/offender roles in IPV (Lyon, 1999). However, officers may not understand the varied reasons why female victims remain in abusive relationships (DeJong, Burgess-Proctor, & Elis, 2008), especially because ending the relationship often does not put an end to the abuse and may increase their risk of IPV (Henning & Feder, 2004; Klein, 2008). As such, repeated calls for assistance may cause police to shift the blame onto the woman by using her defensive actions as grounds to lay charges against her (DeJong et al., 2008; Henning & Feder, 2004; Henning, Renauer, & Holdford, 2006). Conducting a thorough investigation to uncover any patterns of abuse is crucial, particularly when the accused is female as, for example, Friday, Lord, Exum, and Hartman (2006) found that women were less likely than men to be identified as the accused in future incidents of IPV.

The criminal record of the accused could be viewed as a reliable indicator of whether charges are suitable, and this may pose problems for women who are unfamiliar with the system and may plead guilty simply to expedite the process (Worcester, 2002). Women with a criminal record could be at greater risk of being charged because any future incidents of violence could be interpreted as their continued defiance of gender norms that associate women with passivity (Gilbert, 2002; Miller, 2001). Research has also found that men who are accused of IPV are more likely than women to possess a criminal record, suggesting that men could play a greater role in the violence that results in their victimization by their female partner (Feder & Henning, 2005; Henning & Feder, 2004; Statistics Canada, 2004).

Examining the level of injuries, prior research indicates that minor (Durfee, 2012) and serious injuries (Durfee, 2012; Ho, 2003) to a male partner increase the likelihood that the woman will be charged. Although injuries provide evidence that a dispute occurred, it is typically gendered and thus raises concerns for women who are accused of using force. For example, defensive markings made by women tend to surface immediately (e.g., scratches), whereas offensive injuries made by men often do not appear until the next day or later (e.g., bruising), which may cause police to question the woman's accusations (Henning et al., 2006; Melton & Belknap, 2003).

Weapon use by women may also place them at further risk of being charged because women often turn to weapons to compensate for their lack of physical strength (Hamilton & Worthen, 2011; Henning & Feder, 2004). This may also make women vulnerable to facing more serious charges because the criminal justice system tends to operate under the assumption that greater safety concerns exist in incidents involving the use of a weapon (Comack et al., 2000). The use of a weapon is even more problematic for women, who often utilize nearby household items in self-defense against their male partner. As such, the use of a household item by a woman may not only result in the assumption that they acted as the primary aggressor rather than in self-defense but may also be used to justify more severe charges of assault with a weapon (Comack et al., 2000).

Another situational characteristic that police may consider when determining who to charge is who initiated police contact as it is often interpreted as help-seeking behavior by the victim. However, research has suggested that some male perpetrators may “work” the system by making the initial phone call with the intent of having the female victim charged (Miller, 2001; Pollack et al., 2005). In contrast, one Winnipeg study found that even when women initiated police contact, they were more frequently charged compared with men (Comack et al., 2000). This may raise greater concerns for certain groups of racial and ethnic women as some research suggests that Black and Hispanic women may be more likely to report incidents of IPV to the police (Lipsky et al., 2012), which may make them more vulnerable to being charged. Other studies continue to highlight the discrepancies between who contacted the police and the gender of the accused. Women who contacted the police compared with a third party were more likely to be charged, reinforcing the stereotype of the “helpless” female victim in need of others to call for assistance on her behalf, whereas men who initiated police contact were less likely to be charged (Hamilton & Worthen, 2011; Jones & Belknap, 1999).

Although evidence of alcohol or drug use by the perpetrator increases the likelihood of a charge regardless of gender (Durfee, 2012; Feder, 1997; Hamilton & Worthen, 2011; Jones & Belknap, 1999), this is particularly problematic for females who are accused of perpetrating IPV. They may turn to self-medication to cope with ongoing violence, thereby increasing their risk of continued abuse and subsequent need for assistance from law enforcement, which may also increase the level of police surveillance in their lives (Anderson, 2002; Klein, 2008; Miller, 2001; Swan & Snow, 2006). Similarly, police are more likely to lay charges regardless of gender if the accused is hostile (Hamilton & Worthen, 2011; Klein, 2008). This may place women at a disadvantage because they may continue to experience emotional distress and trauma on the arrival of police. Thus, they may appear to have a hostile demeanor toward officers, who may perceive the woman’s actions to be in opposition to prescribed gender norms. Conversely, by the time police arrive at the scene, men may have already dispensed their aggression onto the female victim allowing them to appear calm and credible (Klein, 2008; Miller, 2001).

Finally, Ho’s (2003) findings indicate that while officers considered the female victim’s preference to charge along with an exhaustive list of other factors, the male victim’s preference to charge was the strongest predictor of whether police would lay charges against the woman, despite the objective to minimize reliance on the victim’s preference through the use of pro-charging policies.

Research on Sociodemographic Characteristics of Women Charged for IPV

Certain sociodemographic factors may place some women at greater risk of being charged for IPV. First, females who are no longer with their partner (Fraehlich, 2009) or who are seen to be in less committed relationships, such as those who are dating, face an increased risk of being sole rather than dual charged (Martin, 1997; Muftić,

Bouffard, & Bouffard, 2007). This suggests that officers may sole charge women when there is a clear indication that the contact is unwanted because the relationship has dissolved, or when the couple appears to be less invested in their commitment to one another. Second, the presence of children may place women at greater risk of being sole charged because they may resort to IPV to protect their children from their male partner's violence (Pollack et al., 2005; Swan, Gambone, Caldwell, Sullivan, & Snow, 2008).

Third, research has also shown that younger and racial/ethnic minority women are more likely to be charged if they engage in IPV (Henning & Feder, 2004; Swan & Snow, 2006; Visher, 1983). Considering that IPV is highest among younger couples (Johnson, Ollus, & Nevala, 2008), and women who engage in IPV are more likely to be younger than men (Henning & Feder, 2004), police may take an interventionist approach by charging younger women in an attempt to have them conform to feminine behavior in the future (Visher, 1983).³ For already overcriminalized groups of women—specifically, African American (Swan & Snow, 2006) and Aboriginal women (Fraehlich, 2009; Ursel, 2001)—pro-charging policies may function as an increased mechanism of surveillance and control within the criminal justice system. Pro-charging policies may disproportionately affect these overcriminalized women, along with Latino (Swan & Snow, 2006) and immigrant women (Fraehlich, 2009; Pollack et al., 2005; Ursel, 2001). Overall, race and ethnicity may influence the likelihood of certain groups of women engaging in IPV and subsequently seeking out police protection due to their lack of alternatives. Consequently, they may be criminalized by police, who may use their actions as grounds to lay charges.

Research on Situational Characteristics of Women Dual Charged for IPV

Prior research relating to dual charging has some variation among comparison groups and predominately compares women being dual rather than sole charged, or alternatively, whether certain factors are more likely to result in women being dual charged in contrast to whether the effect differs among men who are dual charged. Generally, when examining situational characteristics, women are at an increased risk of being dual charged when they make the initial phone call to the police (Fraehlich, 2009; Muftić et al., 2007), they do not have a prior criminal record involving domestic violence offenses (Fraehlich, 2009), or when they do not possess any prior criminal record (Feder & Henning, 2005; Martin, 1997).

Other situational characteristics may also influence the likelihood of women being dual charged, but the findings are mixed. For instance, examining the presence of injuries, Finn and Bettis (2006) found that females were more likely to be dual charged when there were injuries to both individuals, while Durfee (2012) found some variation depending on the severity of injury. Specifically, while minor injuries increased the likelihood of dual charging regardless of gender, incidents involving major injuries were only associated with dual charging if they were perpetrated by the female accused (Durfee, 2012).

The effect of prior police contact on dual charging is also mixed. Hirschel et al. (2007) found that police were less likely to dual charge if they were familiar with the history of violence of the accused, but other research has produced contrasting findings. In particular, Feder and Henning (2005) found that 63% of the dual charged couples in their study had reported prior contact and, further, Martin (1997) found that dual charged women were less likely to have prior police contact compared with dual charged men. Martin's findings suggest that officers may have resorted to dual charging in circumstances where there were counter allegations of abuse and they were unfamiliar with the history of violence in the relationship. Police may have faced difficulties in identifying whether a clear victim and abuser previously existed in the relationship, and therefore may have found it challenging to determine a primary aggressor. As such, they may have resorted to charging both individuals, thereby increasing the number of women dually charged (Hirschel & Buzawa, 2002).

Although dual charging incidents were less likely to involve weapons than cases resulting in sole charging (Fraehlich, 2009; Martin, 1997; Muftić et al., 2007), women were more likely to be dual charged when weapons were involved because police may interpret the use of a weapon as an indication that the assault was deliberate, rather than a gendered response to the threat of imminent violence by the male perpetrator (Houry, Reddy, & Parramore, 2006). Furthermore, females who exhibited signs of being under the influence of a substance such as alcohol or drugs were also more likely to be dual charged (Durfee, 2012; Houry et al., 2006; Martin, 1997). Houry et al. (2006) have argued that a victim under the influence may appear uncooperative and disorderly, which may prevent officers from determining a sole probable cause to lay a charge during the course of their investigation. Alternatively, police may misinterpret the violence to be a "drunken brawl" between two intimates, which highlights the importance of a full investigation into the context in which women use violence against their partners (Feder & Henning, 2005; Houry et al., 2006; Jones & Belknap, 1999; Martin, 1997).

Research on Sociodemographic Characteristics of Women Dual Charged for IPV

Although dual charging may indicate that mutual force was used by the couple, research suggests that it may also reflect the disproportionate use of pro-charging policies on individuals with certain sociodemographic characteristics. Specifically, research has shown that women who were younger (Fraehlich, 2009; Martin, 1997), White (Fraehlich, 2009; Martin, 1997), of higher socioeconomic status (Frye, Haviland, & Rajah, 2007), residing in rural areas (Martin, 1997), with incidents occurring in the absence of children (Houry et al., 2006), and in current rather than former intimate relationships (Fraehlich, 2009; Houry et al., 2006; Martin, 1997) were more likely to be dual charged. Other sociodemographic characteristics have been found to influence the likelihood of dual charges against women, however, variation exists in the findings. First, when examining relationship status, Fraehlich (2009) found that women in common-law relationships were as likely to be dual charged as those who were married, while contrasting research by Houry et al. (2006) and Martin (1997) found that women in common-law

relationships were at the greatest risk of being dual charged. Houry et al. (2006) suggest that officers may have difficulty identifying the relationship as being intimate and may therefore fail to investigate the true nature of the incident.

Research on the sexual orientation of intimate partners and dual charging has indicated that same-sex couples who engaged in IPV were at an increased risk of being dual charged. Officers may have had difficulty determining a primary aggressor because they were unable to consider the gender of those making cross allegations. In addition, they may have viewed the violence as mutual because both individuals were quite possibly of similar size and strength (Klein, 2008; Pattavina, Hirschel, Buzawa, Faggiani, & Bentley, 2007). Alternatively, officers may have operated on the assumption that the dispute occurred among acquaintances rather than intimates and may have resorted to charging both individuals rather than carrying out a thorough investigation (Hirschel & Buzawa, 2002; Hirschel et al., 2007). Finally, although there is limited research relating to gender and dual charging of same-sex couples, Hirschel et al. (2007) found that female same-sex couples were at greater risk of being dual charged compared with male same-sex couples when there were reports of intimidation.

Drawing from this prior research, the following section describes the method used in the present study including a description of the sample, variables and their measurement, as well as analytic procedures used to examine the context in which women are charged in cases of IPV.

Method

Sample

The data used in this study were collected as part of a larger project funded by the Social Sciences and Humanities Research Council of Canada.⁴ Data were collected at a crown attorney's office in a small Ontario city. The case-tracking instrument used information on the nature of the offense and the criminal justice process and outcomes. In the current study, these data were used to examine, first, whether certain factors increase the likelihood of women being charged compared with men and, second, whether certain characteristics increase the likelihood of dual charges, rather than sole charges, being laid against women in IPV cases.

The study sample includes 1,621 cases of IPV that occurred from 2003 to 2009 in which charges were laid within the jurisdiction under investigation. This jurisdiction operates under the Ontario Domestic Violence Court Program using a specialized court process designed to respond to IPV. The specialized court process was introduced in the jurisdiction under study in 2003. Intimate partners include current and former partners as well as married, common-law, and dating partners.

Variables, Measurement, and Analytic Procedures

Dependent variables. The dependent variable for the first model in this study is the gender of the accused, with males coded as 0 and females coded as 1. Providing descriptive

statistics for the sample as a whole, Table 1 shows that males were the accused in 83% of cases, while females were the accused in the remaining 17% of the sample. The dependent variable in the second model is the type of charge, with sole charge cases coded as 0 and dual charge cases coded as 1. In this sample, 96% of cases involved sole charging of either a male or female, while 4% resulted in dual charging of both individuals involved in the incident and were treated as two separate, but linked cases.

Independent variables. The independent variables examined in this study consisted of both sociodemographic and situational characteristics also presented in Table 1. The first sociodemographic variable captured the victim–defendant relationship state. Current relationships comprised 70% of the cases, with former relationships making up the remaining 30% of the sample. Second, a relationship status variable measured the type of relationship between the victim and the accused at the time of the incident. As shown, 30% of the cases involved couples who were or had been in dating relationships, 31% were legal spouses, and the remaining 39% were or had been in common-law relationships. The presence of children was included as a dichotomous measure, with 42% of cases involving no children compared with 58% of the cases that involved at least one child. The type of jurisdiction variable compared cases that occurred in urban areas (70%) and rural jurisdictions (30%). The age of the accused was treated as a continuous variable; the average age was 34 years. The gender of the accused, which was the dependent variable in the first model, became an independent variable in the second model.

The analysis also included six situational independent variables. First, the presence of injuries variable was captured using a three-category measure that distinguished the degree of injuries sustained as a result of the incident. As shown, 53% of cases resulted in no injuries, 39% involved minor injuries, and the remaining 8% of the sample had serious injuries. The use of a weapon was included as a dichotomous measure, with 87% of cases involving no weapon, whereas a weapon was used in the remaining 13% of the sample. The variable examining who reported the offense compared cases where others reported the offense (29%) and the victim reported the offense (67%). The prior police contact variable indicates that there was no prior contact in 41% of cases and prior contact in 52% of the sample. Examining the accused's criminal record variable, 50% of the cases had no criminal record, whereas 47% had a criminal record. Last, the victim's substance abuse variable compared cases where there was no substance abuse by the victim (62%) with cases that involved substance abuse (21%). Table 1 shows that four of the situational variables were missing data in some of the cases. More specifically, the variable examining who reported the offense had missing data in 4% of the cases, and the prior police contact variable had information missing in 7% of the cases. Information relating to the accused's criminal record was missing in 3% of the cases, and last, examining the victim's substance abuse information was missing in 16% of cases. Procedures to address these variables and their missing information are described below.

To maximize the sample size and increase the statistical strength, dummy variables were created for the variables with missing data, which identified whether there were

Table 1. Descriptive Statistics: Sociodemographic and Situational Variables of IPV Cases From One Ontario Jurisdiction, 2003 through 2009 (*N* = 1,621).

Variables	<i>N</i>	Percent (%) ^a
Dependent variables		
Gender of accused		
Male (0)	1,343	83
Female (1)	278	17
Type of charge		
Sole (0)	1,555	96
Dual (1)	66	4
Sociodemographic variables		
Relationship state		
Current	1,143	70
Former	478	30
Relationship status		
Dating/ex-dating	488	30
Legal spouse/ex-legal spouse	495	31
Common law/ex-common law	638	39
Presence of children		
No child present	669	42
Child present	936	58
Type of jurisdiction		
Urban	1,135	70
Rural	486	30
Accused age	1,621	34 years
Situational variables		
Presence of injuries		
No injuries	851	53
Minor injuries	633	39
Serious injuries	133	8
Use of weapon		
No weapon	1,409	87
Weapon	212	13
Who reported offense		
Other	474	29
Victim	1,092	67
Missing	55	4
Prior police contact		
No prior police contact	670	41
Prior police contact	837	52
Missing	114	7
Accused criminal record		
No criminal record	808	50
Criminal record	769	47
Missing	44	3
Victim's substance abuse		
No substance abuse by victim	1,011	62
Substance abuse by victim	347	21
Missing	263	16

Note. IPV = intimate partner violence.

^aPercentages may not add up to 100 due to rounding.

any significant correlations between the missing data and the dependent variable. A significant correlation occurred after running the logistic regression model predicting females charged against all of the independent variables. Specifically, the “presence of accused criminal record” variable as well as the “missing information on criminal record” variable reached statistical significance (presence of accused criminal record $p \leq .001$ and missing information on criminal record $p \leq .01$). Further investigation into the gender frequencies of the missing criminal record variable revealed that males were the accused in 91% ($n = 40$) of the cases, and females made up the remaining 9% ($n = 4$) of missing cases. As a result, the criminal record variable was excluded from the analysis in Model 1 and this had an impact on the “prior police contact” variable, which no longer reached statistical significance. In addition to this exclusion, cases involving same-sex partners were omitted from both analyses because of the limited number of incidents ($n = 23$) although it is acknowledged that IPV can occur in these relationships.

Presented below are the results for the first model predicting women charged relative to men charged. The bivariate associations are first presented to identify whether there were significant preliminary associations between the independent and dependent variables using the Pearson chi-square statistic followed by the results from the multivariate analysis using binary logistic regression. Next, the results from the second model predicting dual rather than sole charging are presented, again, examining the bivariate relationships followed by the findings from the binary logistic regression analysis. Using binary logistic regression was appropriate because the dependent variables were dichotomous, making it possible to predict the likelihood of a result occurring relative to it not occurring (Demaris, 1992).

Results

Variables Predicting Women Charged

Table 2 presents the results for the bivariate analyses of the key independent variables and the first dependent variable, the gender of the accused. At the bivariate level, situational variables appeared to play a greater role in predicting the gender of the accused compared with the sociodemographic variables. Specifically, the only sociodemographic variable with a significant relationship was the type of jurisdiction: rural cases of IPV had a higher proportion of females who were the accused than males. In contrast, five of the six situational factors significantly predicted the gender of the accused. First, incidents in which there were no injuries were less likely to occur in cases where the accused was female compared with incidents involving a male accused. However, cases with minor injuries were more likely to involve an accused who was female rather than male. Serious injuries were less common in cases where the female was the accused. Second, cases involving weapons were more likely to involve a female rather than male accused, as were those cases in which others reported the offense to the police. Having a prior criminal record was less likely among females who were the accused compared with males. Cases where there was substance abuse by the victim were more likely to involve an accused who was female.

Table 2. Bivariate Relationships: Sociodemographic and Situational Variables by Gender of the Accused of IPV Cases From One Ontario Jurisdiction, 2003 through 2009 (N = 1,621).

Variable	Male accused		Female accused		χ^2	p
	Percent (%)	Number (N)	Percent (%)	Number (N)		
Sociodemographic variables						
Relationship state					2.995	.084
Current partners	70	935	75	208		
Former partners	30	408	25	70		
Relationship status					3.875	.144
Dating/ex-dating	31	412	27	76		
Legal spouse/ex-legal spouse	31	417	28	78		
Common law/ex-common law	38	514	45	124		
Presence of children					2.791	.095
No child present	41	555	47	130		
Child present	59	788	53	148		
Type of jurisdiction					5.735	.017*
Urban	71	957	64	178		
Rural	29	386	36	100		
Accused age (years)	34.87		32.09			
Situational variables						
Presence of injuries					15.336	.000***
No injuries	54	727	46	128		
Minor injuries	37	497	49	136		
Serious injuries	9	119	5	14		
Use of weapon					11.887	.001***
No weapon	88	1,185	81	224		
Weapon	12	158	19	54		
Who reported offense					9.603	.002**
Other	29	373	38	101		
Victim	71	929	62	163		
Prior police contact					3.313	.069
No prior contact	43	543	50	127		
Prior contact	57	708	50	129		
Accused criminal record					85.670	.000***
No criminal record	46	598	77	210		
Criminal record	54	705	23	64		
Victim's substance abuse					9.575	.002**
No substance abuse by victim	76	857	66	154		
Substance abuse by victim	24	269	34	78		

Note. IPV = intimate partner violence.

* $p \leq .05$. ** $p \leq .01$. *** $p \leq .001$.

Table 3. Logistic Regression Model 1: Sociodemographic and Situational Variables Predicting Females Charged (Gender of Accused) of IPV Cases From One Ontario Jurisdiction, 2003 through 2009 (N = 1,621).

Variable	<i>b</i>	Odds
Sociodemographic variables		
Relationship state		
Former partners	-.032	0.963
Relationship status		
Legal spouse/ex-legal spouse	.527*	1.694
Common law/ex-common law (Reference: Dating/ex-dating)	.484**	1.623
Child present	-.200	0.819
Rural jurisdiction	.378**	1.460
Accused age	-.032***	0.968
Situational variables		
Minor injuries	.335*	1.398
Serious injuries (Reference: No injuries)	-.687*	0.503
Weapon	.671***	1.956
Victim reported	-.312*	0.732
Missing who reported (Reference: Other reported)	.144	1.154
Prior police contact	-.201	0.818
Missing prior police contact (Reference: No prior police contact)	-.096	0.909
Substance abuse by victim	.477**	1.612
Missing substance abuse by victim (Reference: No substance abuse by victim)	.170	1.186
Constant	-.891	
-2 log likelihood	1,407.038	
χ^2	78.626***	

Note. IPV = intimate partner violence.

p* ≤ .05. *p* ≤ .01. ****p* ≤ .001.

At the multivariate level of analysis, Table 3 shows that seven of the independent variables were significantly related to the gender of the accused. Cases involving legal or common-law couples were more likely to result in a female rather than male being charged compared with cases involving dating partners. Similar to the bivariate results, rural incidents were more likely to involve charges against females rather than males compared with incidents that occurred in urban areas. Cases with an accused who was

older were less likely to involve females being charged compared with males being charged.

Examining situational characteristics, minor injuries were more likely to result in charges against a female rather than a male compared with incidents with no injuries, whereas serious injuries decreased the likelihood that females would be charged compared with males, which is consistent with the bivariate findings. Incidents involving a weapon were more likely to have a female charged, which also supports the bivariate results. In contrast to the bivariate findings, at the multivariate level when the victim reported the offense, it was less likely that the female would be charged compared with cases where others reported the offense. Lastly, cases where there was substance abuse by the victim were more likely to involve an accused who was female compared with cases where there was no substance abuse by the victim. These findings will be discussed in more detail after examining the results of the second model in which the type of charge is the dependent variable.

Variables Predicting Dual Charging

Table 4 indicates that at the bivariate level, six independent variables were significantly related to the type of charge. Beginning with the sociodemographic variables, cases of IPV involving former partners had a lower proportion of dual rather than sole charges. Dating and common-law couples were more frequently dual rather than sole charged, whereas legal spouses were less likely to be dual charged. Incidents where children were not present had a higher proportion of dual charging, and cases with a female accused were more likely to result in dual charging than cases with a male accused. With respect to the situational variables, when the victim reported the offense, it was less likely to result in a dual rather than a sole charge. And when there was substance abuse by the victim, dual charges were more likely to be laid than sole charges.

The multivariate findings for the second model predicting the type of charge—dual or sole—are presented in Table 5 and indicate that four of the independent variables were significant. Consistent with the bivariate findings, females were more likely to be the accused in cases that resulted in dual rather than sole charging compared with males. In fact, females were four times more likely to be the accused in incidents of dual rather than sole charging. These findings may provide further support for the argument that the increase in females charged with IPV is a reflection of the gender-neutral application of pro-charging policies, an issue that will be discussed in more detail below.

Similar to the bivariate results, IPV cases involving former relationships were less likely to result in dual rather than sole charges compared with current relationships. Furthermore, incidents involving legal spouses were less likely to result in dual charges compared with dating couples. Only one situational variable produced a significant relationship; specifically, cases reported by others, including the accused or a third party, were more likely to result in dual charges, and this corresponds with the preliminary results from the bivariate associations. The findings related to the variables

Table 4. Bivariate Relationships: Sociodemographic and Situational Variables by Type of Charge of IPV Cases From One Ontario Jurisdiction, 2003 through 2009 (N = 1,621).

Variable	Sole charge		Dual charge		χ^2	p
	Percent (%)	Number (N)	Percent (%)	Number (N)		
Sociodemographic variables						
Relationship state					11.797	.001***
Current partners	70	1,084	89	59		
Former partners	30	471	11	7		
Relationship status					19.851	.000***
Dating/ex-dating	29	459	44	29		
Legal Spouse/ex-legal spouse	32	491	6	4		
Common law/ex-common law	39	605	50	33		
Presence of children					7.990	.005**
No child present	41	646	59	39		
Child present	59	909	41	27		
Type of jurisdiction					2.520	.112
Urban	70	1,083	79	52		
Rural	30	472	21	14		
Accused age (years)	34.53		31.08			
Gender of accused					52.253	.000***
Male	84	1,310	50	33		
Female	16	245	50	33		
Situational variables						
Presence of injuries					2.555	.279
No injuries	53	822	44	29		
Minor injuries	39	601	48	32		
Serious injuries	8	128	8	5		
Use of weapon					0.779	.377
No weapon	87	1,354	83	55		
Weapon	13	201	17	11		
Who reported offense					32.575	.000***
Other	29	435	63	39		
Victim	71	1,069	37	23		
Prior police contact					1.974	.160
No prior police contact	44	639	53	31		
Prior police contact	56	810	47	27		
Accused criminal record					3.804	.051
No criminal record	51	767	63	41		
Has criminal record	49	745	37	24		
Victim's substance abuse					21.130	.000***
No substance abuse by victim	76	984	48	27		
Substance abuse by victim	24	318	52	29		

Note. IPV = intimate partner violence.
 *p ≤ .05. **p ≤ .01. ***p ≤ .001.

predicting women charged will be discussed in greater detail in the section below, followed by a discussion of the findings related to dual charging.

Table 5. Logistic Regression Model 2: Sociodemographic and Situational Variables Predicting Dual Charge (Type of Charge) of IPV Cases From One Ontario Jurisdiction, 2003 through 2009 (N = 1,621).

Variable	b	Odds
Sociodemographic variables		
Relationship state		
Former partners	-1.028*	.358
Relationship status		
Legal spouse/ex-legal spouse	-1.918***	.147
Common law/ex-common law (Reference: Dating/ex-dating)	-.210	.811
Child present	.064	1.066
Rural jurisdiction	-.454	.635
Accused age	.001	1.001
Female accused	1.396***	4.040
Situational variables		
Minor injuries	-.004	.996
Serious injuries (Reference: No injuries)	-.119	.888
Weapon	.140	1.151
Victim reported	-.990***	.372
Missing reported (Reference: Other reported)	-.069	.934
Prior police contact	-.311	.732
Missing prior police contact (Reference: No prior police contact)	.224	1.251
Accused criminal record	-.263	.769
Missing accused criminal record (Reference: No accused criminal record)	-.449	.638
Substance abuse by victim	.547	1.729
Missing substance abuse by victim (Reference: No substance abuse by victim)	.052	1.053
Constant	-2.337	
-2 log likelihood	448.243	
χ^2	103.583***	

Note. IPV = intimate partner violence.

* $p \leq .05$. ** $p \leq .01$. *** $p \leq .001$.

Discussion

Gender of the Accused: Males Versus Females

This study contributes to the growing, yet limited body of research examining what factors lead to sole and dual charging of women for IPV in Canada and elsewhere. Our results showed that, similar to Henning and Feder's (2004) findings, women were more likely to be the accused compared with men when the incident involved an accused who was younger in age. Also consistent with prior research, situational

characteristics involving women as the accused were more likely to involve minor injuries (Durfee, 2012), weapons (Comack et al., 2000; Henning & Feder, 2004; Ho, 2003; Melton & Belknap, 2003), and someone other than the victim reporting the offense to police (Comack et al., 2000). Our findings also indicate that females were less likely than males to be charged when the incident involved serious injuries.

Although Jones and Belknap (1999) found that generally the more intimate the relationship, the less likely the incident would result in police intervention, the current study suggests that this is not the case for women. Our results show that women were more likely than men to be charged when they were involved in intimate relationships for which the level of perceived commitment was beyond the stage of dating. Women in violent domestic relationships often face unique impediments to ending abusive relationships, and often the more committed the relationship, the more their lives are personally and financially intertwined within the relationship, making it difficult to sever ties. Living in close quarters with a combative partner may also increase the frequency of violence and, as such, they may have more frequent contact with police (Brownridge, 2008). Despite their increased training to recognize such dynamics, police may become frustrated with their lack of discretion as a result of pro-charging policies coupled with the frequent lack of follow-through at the court level when charges are laid. As a result, police officers may channel their frustration into resentment toward the women whom they see as repeatedly calling for their assistance to the same residence, not appreciating the obstacles these women face in trying to dissolve the relationship or stop the violence (DeJong et al., 2008; Gover, Paul, & Dodge, 2011; Horwitz et al., 2011). Given these findings, future research is needed to examine current police attitudes toward pro-charging policies and their attitudes toward women who use force against their partners within different types of relationship statuses.

The results from this study indicate that women were more likely than men to be charged if the incident occurred in a rural rather than an urban jurisdiction. This suggests the need to examine whether rural police have sufficient training with respect to responding to cases of IPV, given that research has shown that training resources are often limited in rural police departments (Pruitt, 2008). As a result, police in rural areas may charge women more often because they do not have the necessary training to understand or appreciate women's reasons for engaging in the violence or to recognize the violence as defensive in nature (Pruitt, 2008; Websdale, 1995). This is a concern because rural women face a variety of unique impediments, such as social isolation, lack of anonymity, and difficulties accessing the limited services available to them, which make them more vulnerable to being victimized by their partners (Benson, 2009; Websdale, 1995). If rural women are charged for acting in self-defense, these barriers to service may be magnified because some women may refrain from seeking assistance in the future out of fear of being charged or losing their children as a result of child protection intervention.

Incidents with victims who were under the influence of a substance were more likely to involve women as the accused. In these cases, then, because women were the accused, the victims who were drinking or using drugs were men. Considering that research has shown that police are more likely to view victims who have been drinking

as uncooperative, unreliable, and bearing some responsibility for the incident (Hirschel & Hutchison, 2011), our findings suggest that intoxicated male victims may be treated with greater credibility than female victims who have been drinking. Intoxication has traditionally been treated as socially acceptable in the context of masculine behavior and, therefore, police may neutralize men's actions occurring within this context and may place the blame on women (Hillier & Foddy, 1993). Put differently, cases involving victims who were not under the influence of a substance were more likely to involve men as the accused, meaning that the female victims were not drinking or using drugs in these circumstances. This suggests that the female victim's credibility may be contingent on whether she adhered to both gender and victim stereotypes. In short, to be seen as credible victims of unprovoked violence, women must be perceived as devoid of alcohol or drug use (Hillier & Foddy, 1993). This is even more problematic when gender-neutral policies are enforced because it decontextualizes the reality that women frequently turn to substances as a coping mechanism for the violence while ignoring evidence of their increased risk of being victims of IPV (Centers for Disease Control and Prevention, 2008; Klein, 2008; Miller, 2001).

Type of Charge: Sole Versus Dual Charges

Examining the type of charge, the findings indicate that similar to previous research, dual charging was more likely to occur in current relationships (Fraehlich, 2009; Houry et al., 2006; Martin, 1997), and in cases where others, not the victim, had reported the offense (Fraehlich, 2009). In contrast to previous research (Martin, 1997; Muftić et al., 2007), our findings indicate that dual charging was more likely to occur among intimate partners who were in dating relationships compared with other relationship types. It is possible that dating couples are perceived to have less of an investment in the relationship (Dawson & Gartner, 1998) and may be more forthcoming when making claims against one another, resulting in the decision to lay dual charges. Furthermore, despite the belief that pro-charging policies limit the influence of sociodemographic factors, these factors could have an influence on the increased likelihood of dating couples being dual charged. For example, dating couples often do not have children, which may increase their likelihood of being dual charged because officers do not have to account for the child's interests nor do they have to consider temporary child care when laying charges (Houry et al., 2006). Also, dating couples tend to be younger and inexperienced in intimate relationships, which may affect their ability to communicate effectively with one another as well as with police (Johnson et al., 2008). These factors could have a differential impact on young females who violate their gender roles prompting police to intervene (Johnson et al., 2008), which is an area for future research to explore and will be discussed in greater detail in the section to follow.

The finding that women were more likely to be dual rather than sole charged compared with men is consistent with prior research (Martin, 1997), but for the purpose of examining women charged for IPV, this factor warrants further discussion. While this finding could lend support to the idea that men and women engage in mutual violence (Dutton, 2012; Straus, 2009), it could also be a reflection of unintended consequences

of pro-charging policies that are enforced in a gender-neutral manner, ignoring the gendered context in which IPV may occur (Pollack et al., 2005). In other words, when such policies ignore the context in which women's use of force occurs, their actions may be perceived as mutual rather than defensive (Hamberger & Guse, 2002; Swan & Snow, 2006).

Although it was intended that pro-charging policies would provide more consistent responses to IPV, the findings from this study suggest that there are significant discrepancies that continue to exist, which have had an impact on women involved in IPV. In particular, certain sociodemographic factors continue to have an influence on who is charged, including whether it is one or both parties. In some circumstances, charging women as the sole or dual perpetrator may reflect a lack of consideration toward the gendered context of the violence. In other words, women experiencing ongoing victimization at the hands of their male partners may respond through their own use of force and so they may be charged for actions made in self-defense. Furthermore, the findings from this study suggest that officers may continue to rely on other sociodemographic factors such as age, relationship state, and relationship status to make decisions about whether or not to lay charges in incidents of IPV, despite the intent for pro-charging policies to minimize selective law enforcement and to ensure a more consistent response. This has clear implications for women who are brought forth as perpetrators of IPV under pro-charging policies because they may refrain from seeking formal protection in the future (Pollack et al., 2005). With this in mind, future policy considerations should emphasize the need to increase training resources to educate and promote awareness among police officers of the differential impact that certain sociodemographic factors may have in placing certain groups of women at greater risk of engaging in IPV.

A thorough investigation into allegations in cases of IPV is essential because women in the current study were often charged for actions that resulted in minor injuries, whereas males were charged for inflicting more serious injuries, which may be an indication of the lack of consideration for the type of force women tend to use in IPV. Efforts have been made to improve the investigatory process with the enactment of primary aggressor policies that instruct police to conduct a thorough investigation into the allegations and injuries made by those involved in the IPV incident (Alberta Attorney General, 2008). Ensuring that primary aggressor policies are in place may be beneficial for officers who have not received extensive training to understand the complex reasons behind women's use of force as such policies promote a full investigation into how any injuries occurred to distinguish between actions made in offense or defense. Stark (2012a) argued that even more dramatic changes are likely to occur within the criminal justice system as current practices that emphasize incident-specific injuries will continue to result in women being charged for acting in self-defense and, therefore, will do little to tackle the larger problem of coercive control. Tactics of coercive control entrap women in forms of abuse that are not necessarily physical and are achieved through patterned techniques of ongoing sexual degradation, isolation, intimidation, and control. These control tactics may not be easily identifiable because they are entwined with traditional gender roles, including the control of finances by

men earned in the public sphere in exchange for women's contributions in the private domestic sphere (Stark, 2012a). Taken together, these tactics work to constrain women's liberty and autonomy but may not necessarily meet the legal standard of an offense among intimate partners, which is problematic because it has been suggested that its presence may be a predictor of women's use of force (Swan & Snow, 2003).

To begin to address the existence of coercive control, law reform should focus on incidents that raise safety concerns rather than just evidence of physical fights. This would potentially diminish the frequency of women being dual charged as these incidents typically do not raise safety concerns nor typically display signs of coercive control. Police should approach each investigation on the assumption that coercive control exists by thoroughly interrogating the history of abuse in the couple's relationship even when injuries are not involved (Stark, 2009). This shift would encourage officers to anticipate coercive control and promote a more proactive response that could include follow-up visits with the victim. Police training would also prompt officers to act with caution in instances where they have identified the existence of coercive control but the victim has made the decision to remain in the relationship. In these circumstances, the decision to stay could reflect the victim's level of entrapment within the relationship because leaving their partner could create genuine safety concerns for the victim, making it crucial that officers maintain contact irrespective of the outcome of the incident (Stark, 2012a). In recognition of the limitations of an incident-specific approach to IPV, some countries and jurisdictions have started to incorporate elements of the coercive control model into their own criminal justice reforms including New York in the United States, Turkey, France and, as of September 2012, England, which amended its definition of IPV to include coercive control (Stark, 2007, 2012a, 2012b).

In light of the study findings, there are a number of areas requiring further investigation. First, future research should investigate other sociodemographic factors that the current study was unable to examine such as victim and/or accused race/ethnicity, socioeconomic status, and sexual orientation as the literature suggests that these factors may influence whether charges are laid against women in IPV. Second, the level of violence that occurs between dual charged men and women should be examined in more qualitative detail to provide more insight into whether these incidents are typically "mutual." Third, the findings of this study indicate that dual charging is more likely to occur among those in dating relationships. Considering that individuals in dating relationships are often younger and perhaps inexperienced in communicating their concerns in a mature manner, future research should examine this factor more closely to determine whether there is a differential impact on younger females who violate their gender roles in dating relationships. Finally, future research should examine the rates in which dual charges are dropped or successfully prosecuted along with the outcome in relation to the gender of the accused.

Although this study adds to our understanding of factors that increase women being charged for IPV within Canada, it is not without its limitations. The sample for the second model examining the type of charge contained a limited number of dual charge cases ($n = 66$) thereby limiting the significance of the findings. It also examined only one jurisdiction, making it difficult to generalize the findings to a larger population.

The study relied on official data documented by the investigating officers and crown attorneys and, therefore, could represent only their understanding of how the events transpired by emphasizing or minimizing the evidence of one individual against another to provide support for their decisions. Last, while the literature suggests sociodemographic factors such as race/ethnicity, socioeconomic status, and the sexual orientation of the accused and victim may play a role in some women increasingly being sole or dual charged for IPV (Fraehlich, 2009; Martin, 1997; Miller, 2001; Pollack et al., 2005), as discussed above this information was often limited or absent from the crown attorney files where the original data were collected.

The move to implement pro-charging policies in all cases of IPV across Canada has proven to be a decision that has had negative consequences for some women who experience violence in their intimate relationships. The significant findings relating to the gender of the accused and the type of charge in this sample suggest that the increase in women charged could be a reflection of gender-neutral policies that are incident-based rather than context-based, particularly when examining the sociodemographic factors. Treating women's violence as equal to men's violence in intimate relationships will inevitably result in an increase in women being brought forth as perpetrators because the meaning behind their actions, particularly when it is in self-defense, becomes irrelevant in the decision to charge. Paradoxically, although implementing thorough police training and clearer guidelines to determine a primary aggressor may produce responses that result in greater equity and justice, we must proceed with caution to ensure that these reforms do not further transform into a kind of equality with a vengeance (Minaker & Snider, 2006). In other words, as we have seen with pro-charging policies, the use of primary aggressor policies might also result in more female victims experiencing the negative consequences of the criminal justice system as an offender, rather than the potential benefits that ought to be available as a victim. Ultimately, it is crucial that these concerns are addressed in a meaningful manner if the criminal justice system wants to have its policies accurately reflect the objective for which it was originally enacted, which was to adequately respond to the prevalence and serious nature of violence against women in Canada.

Authors' Note

The principal investigator was the second author.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: The data for this study were part of a larger research project funded by the Social Sciences and Humanities Research Council of Canada (SSHRC Standard Research Grant No. 410-2004-134).

Notes

1. Primary and predominant aggressor policies have been used to educate officers about violence against women and to encourage them to conduct a more thorough investigation to help them distinguish between assaultive and self-defensive acts, which includes considering any prior history of violence, future dangerousness, and the level of injuries. The expectation is that such guidelines will encourage police to exhaust all efforts to identify any defensive acts and to dual charge only if they have exhausted reasonable efforts to determine a primary aggressor and have reasonable grounds to lay such charges (Finn & Bettis, 2006).
2. For in-depth discussions of the gender symmetry/asymmetry debate, see Dutton (2012), Kimmel (2002), Saunders (2002), and Straus (2009).
3. More recent literature continues to rely on Visher's (1983) findings to support the argument that police may treat young girls and women who violate their prescribed gender roles more punitively in an attempt to intervene at an early age (see Mallicoat, 2007). Therefore, the authors have cited Visher (1983) as the direct source.
4. SSHRC Standard Research Grant No. 410-2004-134. The second author was the Principal Investigator.

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Author Biographies

Julie Poon is a PhD candidate in the Department of Sociology and Anthropology at the University of Guelph, Ontario, Canada. Her research examines violence against women with a

focus on criminal justice policy responses toward women who are victims and offenders of intimate partner violence.

Myrna Dawson is a Canada Research Chair in public policy in criminal justice and associate professor in the Department of Sociology and Anthropology at the University of Guelph, Ontario, Canada. Her research focuses on social and legal responses to violent victimization. She is author of numerous articles and reports and coauthor of *Violence Against Women in Canada: Research and Policy Perspectives*.

Mavis Morton is an assistant professor teaching criminology, criminal justice, and public policy in the Department of Sociology and Anthropology at the University of Guelph, Ontario, Canada. Her scholarship interests include violence against women, women and the law, feminist criminology, justice and social policy, community-based research, public sociology, and community-engaged scholarship. She has worked with rural and urban community partners (advocates, community committees, criminal justice and social service organizations, and government) engaging in research, education, advocacy, and service coordination on issues related to violence against women and their children and other social justice issues for more than 25 years.