Policing Citizenship:
The State Response to Intimate Partner Violence
In Centre County, Pennsylvania

A Dissertation in
Geography and Women’s Studies

by

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For most of United States history, the state did not intervene in violence perpetrated in
the home. Women experiencing intimate partner violence had little recourse from state
institutions for security or legal justice. This dissertation’s inquiry centers on two
policing practices that emerged in the 1980s to redress for the state’s long history of
ignoring intimate partner violence; preferred arrest and evidence-based prosecution.
Through a feminist geographic analytic, I examine how these two practices affect
intimate partner violence survivors’ holistic security needs and ability to act as
autonomous individuals. My research explores the contemporary state response to
intimate partner violence by way of an institutional ethnography of the criminal justice
system in Centre County, Pennsylvania.

Throughout the dissertation, I grapple with a central challenge – in order for women who
experience intimate partner violence to claim political subjectivity, the state must
criminalize such violence. However, as I illustrate, the state response to intimate partner
violence is rooted in patriarchal protection that often reproduces the very same coercive
dynamics inherent in abusive relations. Consequently, women who reach out to the state
for help often find themselves re-entrenched in familiar positions of coercive control. To
address this challenge, I engage with three principal concepts from critical geography;
public and private, citizenship and neoliberalism. By analyzing the state response to
intimate partner violence through the intersection of these three concepts, I examine
intimate partner violence as more than a violent act that happens at the scale of the home
and body. Rather, through the triangulation of these three concepts, I examine how the
response to intimate partner violence is emblematic of the neoliberal state’s abdication of
social citizenship, its reregulation of spaces, subjects and insecurities, and the way
patriarchal ideology remains central to the regulatory tools of neoliberal policing.
TABLE OF CONTENTS

Acknowledgements........................................................................................................................................... vi

Chapter 1. Theorizing the Politics of Intimate Partner Violence Policing .............................. 1

1.1 Introduction
1.2 Public and Private
1.3 Citizenship
1.4 Neoliberalism
1.5 Theoretical Contributions
1.6 Situating the Contemporary Policing Landscape
   1.6.2 Strand One: The Domestic Violence Movement
   1.6.3 Strand Two: The Victims' Rights Movement
   1.6.4 Strand Three: The Neoliberalization of Crime
1.7 Setting up the Tension in Centre County, Pennsylvania
1.8 Research Methodology
1.9 Constructing Boundaries from the Inside Out

Chapter 2. "Cover Your Ass": Policing Intimate Partner Violence in a Neoliberal Era................................. 28

2.1 Introduction
2.2 Section One: The Spatial Research of Neoliberal Policing
   2.2.2 Policing as Porosity
   2.2.3 Criminalizing the "Domestic"
2.3 Section Two: The Subjects of Neoliberal Logic
   2.3.2 The Power of Policing Philosophies
   2.3.3 Liability and Fear as Neoliberal Logic
2.4 Conclusion

Chapter 3. Calling 911: Citizenship and the Social Contract ................................................................. 51

3.1 Introduction
3.2 Section One: Rights and Responsibilities
   3.2.2 Constructing Cooperation
   3.2.3 The Purple Packet
3.3 Section Two: The Neoliberalization of Citizenship
   3.3.2 Reregulating the Uncooperative Victim
   3.3.3 Reregulating Rights
3.4 Conclusion
Chapter 4. "When he gets out, he's going to kill her": The Neoliberalization of Fear

4.1 Introduction
4.2 Section One: Nuancing Fear and Insecurity
   4.2.2 Complicating Security: Beth's Story
   4.2.3 Dangerous Security: Ann's Story
   4.2.4 Perpetual Fear: Pamela's Story
   4.2.5 Negotiating Fear: Hannah's Story
4.3 Section Two: Normalizing Fear and Insecurity
   4.3.2 Testing the Boundaries of Fear
   4.3.3 Instinctual Fear
   4.3.4 Privileged Fear
4.4 Conclusion

Chapter 5. Reimagining the State Response to Intimate Partner Violence

5.1 Scholarly Findings and Broader Implications
5.2 The Value of Privacy

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Chapter 1

Theorizing the Politics of Intimate Partner Violence Policing

1.1 Introduction

On 10 June 1983, Tracey Thurman, a resident of Torrington, Connecticut, called 911 for help. Her abusive ex-husband stood outside her home, violating probation conditions requiring that he stay away from her property. Tracey walked outside in an attempt to persuade her ex-husband to leave. He stabbed her thirteen times in the chest, neck and throat. The police arrived twenty-five minutes after Tracey’s initial call. They stood by and watched Tracey’s ex-husband kick her in the head twice as she lay bleeding on the ground in the front yard, and permitted him to walk freely about the street while he continued to threaten Tracey. Only after he approached her for a third time, while she lay strapped to a paramedic’s stretcher, did the police arrest and take him into custody. Tracey survived the attack and sued the City of Torrington Police Department for failing to protect her equally under the law. The evidence presented in court demonstrated that the Torrington police routinely protected assault victims who shared no intimate relationship with the offender, but consistently provided less protection to victims in domestic partnerships. The court awarded Tracey Thurman $2.3 million dollars.¹

I first heard of Tracey Thurman’s story in 2005 while sitting around a table in the conference room of the Centre County Women’s Resource Center² with twenty other bright-eyed members of the community; we were training to become volunteer counselor-advocates. I remember feeling horrified, not only by the violence that Tracey survived, but also by the callous indifference of the police officers who represented the status quo at the time. I also remember feeling relief when I learned that the state response to intimate partner violence³ drastically evolved after Tracey Thurman’s

¹ For more information regarding Tracey Thurman’s lawsuit and the court’s ruling see: Thurman v. City of Torrington, 595 F. Supp. 1521 (D. Conn. 1984).
² The Centre County Women’s Resource Center (CCWRC) is the county provider of domestic violence, sexual assault and stalking services. With its main offices and emergency shelter located in State College, Pennsylvania, the CCWRC also maintains a satellite office in Bellefonte, Pennsylvania, the location of the county seat and courthouse. http://www.ccwrc.org
³ I use the term “intimate partner violence” to signal an abusive relationship between two current or former intimate partners. I define “violence” broadly to include physical, sexual, verbal, emotional and financial abuse. Intimate partners include those who are dating, in a long-term relationship or legally married. Intimate partner violence falls under the umbrella terms of “family violence” and “domestic violence” that also include child abuse, elder abuse, and abuse between family members related by marriage or consanguinity. Feminist scholars critical of the term “intimate partner violence” note that it implies a gendered symmetry to interpersonal violence within relationships, and that the term also fails to capture the abuse that often occurs following a separation or the end
successful lawsuit; police departments across the United States began implementing preferred arrest policies and district attorney’s offices began practicing evidence-based prosecution. Preferred arrest policies require police officers to make an arrest in cases of intimate partner violence when the responding officer observes injuries that corroborate the events reported to the police. The arrest occurs regardless of victim consent. Evidence-based prosecution, or “victim-less prosecution”, allows prosecutors to move forward with a criminal case regardless of the victim’s interest in pursuing prosecution by using evidence gathered at the scene, including taped statements, photographs of injuries and officer testimony.

Preferred arrest policies and evidence-based prosecution mark the heart of my dissertation as I examine how the contemporary state response to intimate partner violence affects the practice of citizenship for women who experience such violence. Today, women in the U.S. who call 911 for help are more likely to receive a prompt reaction from law enforcement and a criminal justice system willing to prosecute intimate partner violence cases than thirty years ago. Yet there is nothing simple about turning to state institutions for security and protection. Wrapped up in state intervention are

of a relationship (Ferraro 1993; Websdale 1997). With awareness and appreciation for these critiques, I use the term to provide consistency for the reader, and I clarify as often as possible the structured gender inequality within abusive relationships.

Women constitute the majority of intimate partner violence victims, specifically the majority of intimate partner violence homicides (http://www.nnedv.org). While I recognize that men, including men in same-sex relationships, can also be victims of intimate partner violence, I rely on Michael Johnson’s (2008) typology of domestic violence to support my choice to focus on women’s experiences in this dissertation. Johnson distinguishes between four types of domestic violence; intimate terrorism, the classic form of intimate partner violence in which an individual is violent and controlling while the partner is not, and three other forms of domestic violence (violent resistance, situational couple violence and mutual violent resistance) in which both partners in a relationship might express violent and/or controlling tendencies to varying degrees. In my analysis of the state response to intimate partner violence, I focus exclusively on intimate terrorism. As Johnson’s scholarship supports, men in heterosexual partnerships overwhelmingly represent the perpetrators of intimate terrorism. In addition to women representing the majority of victims in relationships of intimate terrorism, I also choose to focus on the experiences of women in this dissertation because as I demonstrate, gender plays a central role in how the state responds to intimate partner violence.

I make this statement to indicate that a general improvement has occurred in the last thirty years in regards to how state institutions respond to intimate partner violence following the implementation of preferred arrest policies and evidence-based prosecution. However, I fully recognize that the policing and prosecution response to intimate partner violence remains uneven across the United States. Individual police departments and prosecutors continue to minimize intimate partner violence and the state response alters significantly based on a victim’s geographic location, race, citizenship status, sexuality and socio-economic class.
multiple power relationships that affect the everyday lives of women who experience
intimate partner violence. Herein presents the challenge that I address throughout this
dissertation; in order for women who experience intimate partner violence to claim
political subjectivity, the state must criminalize such violence. However, the state
response to intimate partner violence remains rooted in patriarchal understandings of
protection that often reproduce the very same coercive dynamics inherent in abusive
relationships. As a result, women who reach out to the state for help often find
themselves (re)entrenched in familiar positions of coercive control.

To address this challenge, I engage with three principal concepts from critical geography;
public and private, citizenship and neoliberalism. I draw on these three concepts as the
theoretical structure for this dissertation, while also utilizing a feminist analytic to
consider how gender remains central to each concept. Notably, these concepts overlap.
Throughout the dissertation, I interweave all three into a dialogue to consider how the
state response to intimate partner violence reconfigures notions of public and private and
understandings of responsible citizenship, and how neoliberal ideology is embedded
within these dynamics. I now turn and briefly provide an overview of each of these
concepts and will later elaborate on the dialogue that the triangulation of the three
concepts creates. I elect to structure my dissertation in this way in lieu of the traditional
literature review as the interweaving of these three concepts provides a unique analysis of
the scenarios that I present within each empirical chapter of this dissertation.

1.2 Public and Private

The liberal pursuit of individual liberty and freedom stands as the logic guiding the
separation of public and private spheres. Most notably articulated by Locke (1988),
liberal political theory situates state power and politics within the public sphere, and the
family and domestic issues within the private sphere. For Locke and the scholars he
influenced, situating the family in the private sphere, separate from state power, offered a
space for individuals to realize their potential as rational, free beings without the
intruding presence of government rule (Kelly 2003). Within liberal theory, a primary
purpose of the government is to pass laws that protect property, to settle public disputes
between individuals and to punish those who fail to follow the law. Contrary to this, the
private sphere may operate as the nonpolitical site of the family, unbothered by state
power, and led by the individual interests of the male patriarch (ibid). Rooted within the
separation of public and private is the notion that the private sphere is a space free of
conflict, or more precisely, a space where the male patriarch could settle any conflict that
arose. Herein lies the problem for women who experience intimate partner violence.
Influenced by liberal theory, the U.S. legal code has protected the private sphere as a
nonpolitical space free from government intrusion. By maintaining the separation of
spheres, the law has traditionally prevented outside arbitrators – specifically, those with
more power than the patriarch – from intervening in intimate partner violence, protecting
victims and holding offenders accountable.

Feminist scholars have long critiqued the public/private divide, arguing that the
conceptual boundary unequally situates women in a position subordinate to men
(Eisenstein 1988; Landes 1988; Pateman 1988; Young 1990), restricts women’s access to participate fully as citizens (Davidoff 1988; Ryan 1988; Fraser 1989; Young 2003) and exploits women’s labor, as many women work outside of the home while continuing to shoulder responsibility for household and care work (Mohanty 2003; England and Lawson 2005; Pratt 2005). Feminist scholars have also argued that the public/private divide protects the privacy of men to the detriment of women’s safety (Kelly 2003). Overall these critiques center on how the public/private dichotomy disadvantages women as it works to maintain women’s ongoing oppression and inequality. Feminist geographers, influenced by these critiques, work to make visible how political geographies can be found in local, informal and intimate spaces (see Staeheli et al 2004). More recent scholarship within feminist political geography maps the links between intimacy and geopolitics, further disrupting the public/private binary across multiple scales (Pain and Staeheli 2014; Cowen and Story 2013; Pratt 2012; Pain and Smith 2008).

While feminist scholars have critiqued the public/private divide, they have also debunked the liberal notion that a strict boundary prevents government intrusion from entering into the private sphere. Early feminist scholars of family studies illustrated how state institutions have always played a role in defining and regulating families (Olsen 1985; Gordon 1988; Murray 2009). Feminist scholarship on the welfare state also exposes the persistent state regulation and surveillance of families receiving state assistance that has only increased with contemporary welfare reform (Koven and Michel 1993; Pedersen 1995; Reese 2005). Feminist scholars also note that the permeability of the public/private boundary is more fluid for some citizens than others based on social identity. Forced sterilization, mandatory drug testing for welfare recipients and sodomy laws form an incomplete set of historical examples that make visible the state’s willingness to disrupt the public/private divide by intervening in the private lives and homes of women of color, poor women and gay individuals (Williams 1998; Nadasen 2005). In other words, throughout U.S. history, state intrusion into the lives of marginalized citizens represents a norm rather than exception. However, as the embodiment of the liberal subject, heterosexual, white men have historically enjoyed private lives relatively free of state intervention. Critically, the shift to consistently police intimate partner violence through preferred arrest policies and evidence-based prosecution upsets the long-standing protections afforded to male patriarchs in the home.

I take up and elaborate more fully on the concept of public and private in Chapter 2 as I examine the application of preferred arrest policies in the everyday policing of intimate partner violence. While the notion of public and private represents the underpinnings of modern liberal democratic theory, I illustrate how contemporary intimate partner violence policing reconfigures notions of public and private as the state more routinely intervenes in private space and intimate relationships. Within the chapter, I focus specifically on the figure of the police officer, and how the police officer embodies the porosity of the public/private realm. This chapter also illustrates how the contemporary state response to intimate partner violence broadens the scope of who is subject to policing and state intervention. While intimate partner violence offenders more routinely experience public accountability as a result of preferred arrest policies, I examine how these policies also
privatize the lives of police officers. I transition now to introduce the second concept that shapes the theoretical structure of this dissertation.

1.3 Citizenship

Intimately connected to public and private, the concept of citizenship marks a topic of scholarly focus that spans centuries and multiple academic fields. I conceptualize the policing and prosecution response to intimate partner violence as a social contract of rights and responsibilities that mediates the relationship between the state and women who experience intimate partner violence. Within liberal democratic theory, the notion of the social contract forms the basis of the state’s authority over members of society; individuals consent – either willingly or implicitly - to surrender some of their rights to the state in exchange for the protection of the remainder of their rights (Locke 1988). Notably, individuals per se do not offer or withdraw consent to the social contract. Rather, the state establishes its authority through the common consent of “the public” who has come together to collectively form just and fair laws (Boucher and Kelly 2003).

In the context of policing, the social contract represents the basis of police legitimacy, shaping the foundation of “policing by consent” (Bowling and Sheptycki 2012). Akin to the social contract, policing by consent signals the public’s agreement to be policed (ibid). In the tradition of liberal theory, specifically the work of Locke, the idea of the social contract rests on the notion that individuals who abide by the laws of society maintain their inalienable rights. However, in exchange for inalienable rights, individuals surrender to the state the authority to enforce their rights (Boucher and Kelly 2003).

Feminist critiques of social contract theories abound. These critiques range from questioning the initial premise of “the public” and who determines just laws (Ryan 1988; Landes 1988; Fraser 1989), to noting the masculinist bias within the social contract that prioritizes individualism over other relationships that might better reflect women’s everyday experiences (Hirschmann 1996). Feminists critical of social contract theories have also challenged the notion that women willingly “consent” to its conditions (Pateman 1988; Hirschmann 1992; Brown 1995; Hirschmann and McClure 2007). Hirschmann (1996) asserts that consent within the social contract is not only involuntary, but that it also functions discursively to mask the state’s coercive role in shaping notions of ideal citizenship. She shows that nearly all social contract theories rely on some form of rationality to explain the behavior of those who willingly enter into the contract (1996, p. 160). Consequently, the state relies on irrationality not only to characterize irresponsible citizens who challenge the social contract, but to also justify their subsequent disciplining (Nadesan 2008).

By conceptualizing the state response to intimate partner violence as a social contract, I illustrate how the state relies on gendered tropes of rationality to normalize responsible citizenship. While feminist literature shows how the state precludes historically marginalized groups, including women, from enjoying full citizenship rights, this work tends to focus on how women are excluded from public life (Pateman 1988; Marston 1990; Fraser and Gordon 1992; Yuval-Davis 1997; Ngai 2004). In particular, feminist geographers have examined how spatial barriers, including the gendered notions of public
and private that I outlined in the previous section, restrict women’s inclusion as political subjects (see Staeheli et al. 2004). My analysis of the state response to intimate partner violence departs from previous scholarship on gender and citizenship by examining how the state deliberately includes and publicly recognizes the citizenship rights of a historically marginalized group; women who experience intimate partner violence.

I examine the concept of citizenship more fully in Chapter 3 as I trace the coordinated set of procedures that guide the state response to intimate partner violence from the moment a victim dials 911 to the incarceration of her batterer. Conceptualized as a social contract, I illustrate how this coordinated set of procedures, coupled with gendered tropes of rationality, work to normalize responsible citizenship. In my theorization of the state response to intimate partner violence, I draw on scholars who conceptualize “the state” not as a fixed unit, but rather those who seek to understand “how ‘the state’ comes into being, how ‘it’ is differentiated from other institutional forms, and what effects this construction has on the operation and diffusion of power throughout society” (Sharma and Gupta 2006, p. 8). I rely on the concept of “the state” to broadly signal the compilation of laws, institutions and actors that shape the response to intimate partner violence, and when applicable, I distinguish between federal, Pennsylvania and municipal governments. By examining how the state response to intimate partner violence normalizes responsible citizenship and reregulates irresponsible citizenship, Chapter 3 illustrates how “the state” reproduces patriarchal power throughout society.

1.4 Neoliberalism

I engage with the concept of neoliberalism within this dissertation in two ways. First, I rely on the concept as a means to situate my research in a particular historical, political, economic and social era. As a free-market, economic theory that became politicized in the 1980s by Ronald Reagan and Margaret Thatcher, the ideological components that shape neoliberalism form the contemporary policing response to intimate partner violence and represents the core of this dissertation. I thoroughly detail in the next section how the shift within the U.S. to neoliberalize crime in the 1980s and 1990s influenced the state response to intimate partner violence. In addition to relying on neoliberalism as the historical context for my dissertation, I also engage with neoliberalism as a theoretical framework. With recognition that neoliberalism offers a broad catchall for theorizing state restructuring and rescaling in the contemporary era of globalization (Brenner and Theodore 2002), I draw on the scholarship of critical geographers to consider how neoliberal ideology also works as a regulatory framework that disciplines subjects and spaces (Peck and Tickell 2002).

As an economic rationale, neoliberalism is characterized by deregulation, privatization, and the withdrawal of the state from business and the economy. Spatially, neoliberal ideology suggests a corresponding (re)entrenchment of the boundaries between public and private to spaces free of government intrusion, from the home to the national economy (Peck and Tickell 2002). Cowen (2006), however, cautions that the rationale for extending state security into private homes at a time when the government was withdrawing from social welfare and the economy points not to a waning of the
government in the private sphere, but rather to a reregulation of the state’s involvement in economic and social practices. I examine this reregulation of the state in economic and social practices to illustrate how intimate partner violence policing, in an era of neoliberalism, reconfigures the public and private, citizenship and experiences of (in)security.

Akin to the feminist critiques of public/private and social contract theory, feminist scholars have illustrated the particularly damaging effects of neoliberal policies for the everyday lives of women (McDowell 1997; Katz 2001; Staeheli 2003). Feminist geographers are engaged with examining contemporary processes related to neoliberal ideology and their gendered effects at transnational and translocal scales (Nelson and Seager 2005). Inherent within much of this scholarship is attention to how neoliberal policies devalue the worth of women, both in regards to their labor and as humans (Pratt 1999; 2004; Wright 2006). Feminist geographers have also made visible how neoliberal policies that encourage the withdrawal of public funding from the social welfare system relocate responsibility for the provision of care and support to individuals and communities (Staeheli 2013). These feminist geographic engagements with neoliberal ideology and gender provide the framework for how I engage with the concept of neoliberalism in each of the dissertation’s empirical chapters.

As neoliberal ideology supports the reregulation of the state in private space and intimate relationships (Chapter 2), and the reregulation of citizenship rights and responsibilities (Chapter 3), I detail in Chapter 4 how neoliberal ideology normalizes everyday feelings of insecurity and fear. Drawing on the work of critical geographers who engage with feminist and emotional geopolitics, I illustrate how state security practices, in an era of neoliberalism, produce feelings of fear and insecurity. Specifically, I examine how neoliberal policing and prosecution practices fail to address the multiple and varying physical, financial and emotional security needs of women who experience intimate partner violence. I also trace how neoliberal policing and prosecution practices produce feelings of fear and insecurity for an increasing array of individuals, including the state actors who work with women who experience intimate partner violence.

1.5 Theoretical Contributions

Although I discussed each of the three principal concepts that provide the theoretical framework for my dissertation in the previous sections separately, it is through their triangulation that the contributions of this dissertation for the discipline of geography materialize. By analyzing the state response to intimate partner violence through the intersection of public and private, citizenship and neoliberalism, I examine intimate partner violence as more than a violent act that happens at the scale of the home and body. Rather, through the triangulation of these three concepts, I examine how the response to intimate partner violence is emblematic of the neoliberal state’s abdication of social citizenship and its reregulation of spaces, subjects and insecurities. While scholars engaged with neoliberal theory have shown the correlation between neoliberal economic policies and a turn to punitive measures to address social problems (Mariani 2001; Smith 2001; Wacquant 2001), my feminist geographic analytic of the state response to intimate
partner violence contributes to critical geography by showing how patriarchal ideology remains central to the regulatory tools of neoliberal policing.

Geographers have shown how neoliberal ideology and the retrenchment of the state from social welfare policies contribute to the uneven development of diverse geographies across scale. More recently, this scholarship has focused on how neoliberal policies effect urban landscapes and public spaces (Brenner and Theodore 2002). Through the case of intimate partner violence policing, I depart from existing geographic literature to show how neoliberal ideology creates new opportunities for the state to intervene in the private. While geographic literature examines how private sector organizations have had to fill the void of social service provision following the disinvestment of funding from the public sector, I illustrate how the increased policing of intimate partner violence extends the spatial reach of the neoliberal state into private spaces and intimate relationships. Additionally, this dissertation fills a gap in the geographies of policing literature by examining the gendered dynamics of policing strategies in private space and how neoliberal policing practices not only reregulate women who experience intimate partner violence, but also the police officers who respond to such crime.

This dissertation also contributes to geographic literature that examines how neoliberal policies normalize political recognition as the primary citizenship rights within a neoliberal state. While my analysis departs from current scholarship on gender and citizenship by examining how the state deliberately includes and publicly recognizes the citizenship rights of women who experience intimate partner violence, I show how the neoliberal state’s intense focus on punitive accountability normalizes the retrenchment of the state from providing social citizenship. By conceptualizing the relationship between the state and women who experience intimate partner violence as a social contract, I also show how the neoliberal policing response to intimate partner violence normalizes a distinction between “good” and “bad” patriarchy. While this dissertation shows how patriarchal ideology continues to permeate within state institutions, I contribute to the field of geography by showing how neoliberal policing policies reproduce the state’s role as “good” patriarchal provider of militaristic protection.

Finally, through a feminist attention to emotion, this dissertation contributes to the fields of feminist and emotional geopolitics by showing how state-centric security practices create fears and insecurities for subjects of protection. While feminist geopolitics has made visible how localized security discourses link to transnational discourses (Koch 2011), and critiqued critical geopolitics for failing to connect global analyses of fear with everyday geographies of fear (Pain 2009), lacking from this literature is an explicit focus on how neoliberal ideology normalizes everyday fears and insecurities. As my analysis of preferred arrest policing practices illustrates, the neoliberal state has reregulated physical security as the primary form of state-centric security. No longer responsible for providing holistic security and protection, the neoliberal state’s reliance on punitive accountability as the primary form of protection normalizes feelings of fear and insecurity for an increasing array of individuals. With this as my dissertation’s theoretical framework, I transition to situate the contemporary state response to intimate partner violence within its historical context.
1.6 Situating the Contemporary Policing Landscape

In 1984, a year prior to Tracey Thurman’s successful lawsuit, a Police Foundation survey found that only ten percent of police departments in U.S. cities with populations over 100,000 utilized preferred arrest policies for domestic violence (Sherman et al 1992, p. 14). In 1986, a year after the lawsuit, the number of police departments that incorporated preferred arrest policies increased to forty-three percent. By 1988, just four years after the initial study, ninety percent of the police departments originally surveyed mandated or preferred arrest for misdemeanor domestic violence assaults (ibid). The Thurman vs. City of Torrington case exposed the financial liability for state agencies that failed to respond to intimate partner violence incidents, and police departments referenced the case as influential in the ultimate standardization of preferred arrest policies (ibid). Yet, something more was going on in the mid 1980s to elicit such a fundamental change to state practice. Rarely does a policy response to a social problem – particularly one as age-old as intimate partner violence – happen so radically, so quickly, or with such broad spatial implementation.

To situate the changes in the state response to intimate partner violence that began in the 1980s, and the analysis of my dissertation research that is to follow, this section independently introduces and then weaves together three social and political movements that emerged and developed in the 1970s and 1980s; the domestic violence movement, the victims’ rights movement and the shift toward the neoliberalization of crime. I trace the trajectory of each strand to consider the moments when the movements converged and departed, and the tensions left behind that shape the contemporary state response to intimate partner violence.

1.6.2 Strand One: The Domestic Violence Movement

I begin with the domestic violence movement, for without the grassroots efforts of small groups of women who began organizing around kitchen tables in the 1970s, the plight of battered women would have remained behind closed doors. Although not all women involved in what became the domestic violence movement identified as feminists, the domestic violence movement owes to second wave feminism’s consciousness raising the language that moved battered women and their allies to envision an alternative way of life for themselves, and women more generally. Influenced by the civil rights, anti-war and black liberation movements of the 1950s and 1960s, women who had been on the frontlines of marches and protests for others’ equality began to question their own position in a highly hierarchal, male-dominated society (Dobash and Dobash 1979).

Two major branches of feminist organizing developed over the course of the late 1960s and early 1970s with different ideological influences (Schechter 1982). Women’s rights feminists focused on working within the current legal structure to obtain the same rights and opportunities as men. The National Organization of Women (NOW) came to embody these efforts. The women’s liberation movement, influenced by socialist and radical theory, also sought equal rights for women as a means to fighting discrimination, but
rooted their critique within the unequal gender division of labor and women’s lack of control over their bodies and sexuality.

Declaring the private inherently political, the women’s liberation strand of the feminist movement made visible the ways that male domination operating in the public sphere of paid labor and politics also permeated within the private sphere of the family. The “personal is political” became the popular rallying cry of second wave feminism, yet the radicalness of what this declaration represents cannot be underscored. By declaring that the personal is also political, second wave feminism successfully challenged the public/private binary, proclaimed the family unit a public institution, argued that the state’s responsibility to provide public protection extended into the home, and asserted that women had rights within the family unit. Declaring the personal political challenged the status quo of not only the prevailing patriarchal family structure but also the state’s relationship with its female citizens. By pointing to patriarchal ideology and socially unjust institutions as the root causes of domestic violence, responsibility for violence in the home shifted off the shoulders of battered women. The rallying cry supported an environment for battered women to speak about violence without shame, while the women’s liberation movement offered an egalitarian and participatory structure for domestic violence activists to begin organizing.

Although influenced by second wave feminism, critiques of patriarchy and the advocacy efforts of the rape crisis movement that preceded it, the domestic violence movement began in large part out of necessity and not one particular feminist ideology (Schechter 1982). The first shelters formed ad hoc, in the homes and apartments of women who felt drawn to help following their own experience as battered women, or personal knowledge of a battered woman’s experience. Initially, hotline calls providing legal information to battered women were routed through an advocate’s personal home telephone, and early shelters subsisted on the generosity of a few private donations and very limited resources. Operating under a collective work structure with goals of empowerment and autonomy, battered women seeking refuge sat at the table with shelter staff and participated in democratic decision-making regarding the rules and procedures of the shelter.

While an overarching feminist ideology eluded the domestic violence movement, self-determination became the long-standing philosophy of the early shelters as advocates eschewed family therapists and other professional “experts” who rooted their theories of domestic violence within victim-blaming rationalizations (Schechter 1982). For example, many therapists explained women’s participation in their own victimization as the primary cause of domestic violence, rather than pointing to or condemning the behavior of abusive men (Miccio 2005). In response, the domestic violence movement turned inward and focused on how battered women within the movement might support one another. Using phrases that continue to resonate today, the domestic violence movement judged battered women the experts of their own lives and encouraged battered women to “trust her instincts” because she “knows her circumstances and what her batterer is capable of better than anyone else.”
The early years of the domestic violence movement focused on safety, shelter and learning; learning how to provide support to battered women within an egalitarian framework while constantly responding to crisis; learning how to advocate for the needs of battered women when few members of the movement had formal organizing or activist experience; learning how to frame the problem of domestic violence in a way that attracted the support of potential donors and politicians. While not romanticizing the early years of the domestic violence movement, the late 1970s represents an activist era when women came together to advocate for themselves and identify solutions to a problem that permeated society (Mahoney 1994). In hindsight, the movement’s success was astounding; between 1974 and 1982, 300 shelters and 48 state domestic violence coalitions developed across the U.S. where none had existed prior (Schechter 1982). In the process, women were transformed into political subjects, who made connections of solidarity locally and nationally, and began a movement that saved the lives of an untold number of battered women.6

Advocates knew, however, that shelters and support groups alone were not enough to end the problem of domestic violence. Tensions arose over how to maintain the domestic violence movement as one that was grassroots led and survivor focused, with the constant need for funding, resources and safety that state institutions were best suited to provide (Miccio 2005). Reforming the police response to domestic violence became a primary focus for advocates, as the reluctance of law enforcement to respond to domestic violence most visibly represented the state’s failure to protect battered women. Understood as a “family” or “personal” problem, law enforcement historically did not view domestic violence as a crime and often refused to become involved with violence perpetrated in the home. Officers who responded to calls for assistance typically encouraged the batterer to “take a walk around the block” or the police forced the battered woman to leave the home because her husband owned the property (Buzawa and Buzawa 1996). Most law enforcement responses reaffirmed the abuser’s behavior as legitimate or insignificant. Typically, the police arrested only in instances when the battered woman presented with injuries so serious that the officer could not ignore the violence, as in the case of Tracey Thurman, or the assault rose to the level of an attempted murder. The law enforcement response to poor women and women of color proved even more apathetic (Sherman et al 1992).

Advocates turned attention to state laws and local procedure as way of reforming the police response to domestic violence. Even though every U.S. state incorporates laws that criminalizes assaultive behavior, most domestic violence related injuries only rise to the level of misdemeanor assault; the equivalent of closed-fist punch resulting in a black eye (Sherman et al 1992). Assault laws through the early 1980s only required police officers to arrest in cases of misdemeanor assault when the officer directly witnessed the crime. By its private and intimate nature, police officers rarely observe domestic violence

6 Scholars and activists credit domestic violence shelters for also saving an untold number of abusive men’s lives; following the creation of shelters, women who might have otherwise murdered their abusive partners out of desperation had other options and a place to flee rather than resorting to homicide (Stark 2007).
incidents. For misdemeanor crimes that the officer did not personally observe, in the early 1980s, the law required that the officer obtain a warrant from a judge to make an arrest; police officers rarely took the time or effort to obtain a warrant for an assault involving a battered woman (Dobash and Dobash 1992). In response, advocates reasoned that battered women deserved state protection just like other crime victims. They rooted their claims within a rights-oriented framework, specifically the 14th Amendment of the U.S. Constitution, to argue that all citizens deserved equal protection under the law, including battered women (Sherman et al 1992).

Some members of the domestic violence movement went a step further and focused attention on modifying legislation to frame domestic violence as a crime different than other types of assaultive behavior. These advocates reasoned that because domestic violence occurred in the home between intimate partners with a strong potential for recurrence – unlike an assault between strangers in a public bar fight – that law enforcement’s power to arrest should be expanded in cases of domestic violence (Schechter 1982). These arguments paved the way for the preferred arrest laws that most U.S. states now incorporate. Preferred arrest laws not only require the arrest of a perpetrator of domestic violence when injuries corroborate that a crime occurred, but these laws also waive the requirement to obtain a warrant, and police officers may arrest in cases of misdemeanor assault immediately upon responding to the incident (Miccio 2005). In Pennsylvania, assault in the context of domestic violence is the only misdemeanor level crime that does not require that officers obtain a warrant before making an arrest. I return to further expand on the increased role of the state in minimizing the use of officer discretion and its effects on domestic violence policing in the third strand of this section.

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7 Twenty-one U.S. states mandate arrest; Alaska, Arizona, Colorado, Connecticut, District of Columbia, Iowa, Kansas, Louisiana, Maine, Mississippi, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Virginia, and Washington. An additional eight U.S. states follow pro-arrest policies where arrest is the “preferred” action; Arkansas, California, Florida, Massachusetts, Michigan, Montana, North Dakota, and Tennessee. Thirty-three U.S. states have laws that require arrest for violation of a restraining order; Alaska, California, Colorado, Delaware, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. (American Bar Association Commission on Domestic Violence).

The different perspectives on how to respond to domestic violence made visible some of the early tensions and factions within the domestic violence movement, and second wave feminism more generally. As critiques emerged from third world feminists and women of color regarding the politics of the second wave feminist movement as one primarily directed by the interests and experiences of white middle class women (Blee and Twine 2001; Mohanty 2003), the domestic violence movement faced similar tensions as its diverse membership called into question the overreliance on the criminal justice system as the means to addressing the problem of domestic violence. Women of color, for example, pointed to the inherent racism evident in the criminal justice system and how middle and upper class white women shared a different relationship with state institutions than did women of color and poor women (Crenshaw 1994; Richie 2000).

As schisms emerged within the domestic violence movement through the politics of identity, the criminal justice system remained a highly conservative institution. The radicalness of the domestic violence movement’s claims for equality and rights waned when advocates began presenting their demands to politicians and government stakeholders. As way of making visible the conservative influence on the increased role of state institutions in the response to intimate partner violence, I transition to the second social movement of the late 1970s and early 1980s – the victims’ rights movement – and the role it played in shaping the contemporary criminal justice system response to intimate partner violence.

1.6.3 Strand Two: The Victims’ Rights Movement

For most of U.S. history, the legal system did not afford rights to victims of crime (Karmen 2012). Rather, the legal system regarded victims as complainants; members of society who brought evidence and information concerning illegal activity forward to the appropriate authorities, triggering a police investigation (ibid). The state might then require the complainant to testify as a witness to the crime following an arrest, whereby the complainant fulfills his responsibility as a citizen within the state’s social contract. Prior to the 1980s, the state rarely provided compensation, restitution or real acknowledgement of the physical or emotional suffering that victims of crime endured. Within this framework, the state prosecuted offenses on behalf of the entire community, not the individual whom directly experienced the crime.

The initial academic theories of victimization that emerged in the late 1940s contributed little to acknowledging the rights of crime victims. The scholarly field of victimology, an outgrowth of criminology, instead focused on the ways crime victims contributed to their own victimization (Fattah 2000). This early scholarship theorized that victims, either consciously or unconsciously, participated in causing crime by their own negligence, carelessness, or provocation, or by behavior that was arousing, encouraging or inciting (ibid; Fattah 1992). Through the 1970s, victimology scholars categorized types of victims and analyzed victim-perpetrator relationships, and then shifted methodologically to instead conduct large-scale survey studies to determine the extent and spatial patterns of victimization across society more broadly (Fattah 2000).
By the late 1970s, scholars outside the victimology field began critiquing this research, calling it “the art of blaming the victim” (Clark and Lewis 1977 in Fattah 2000, p. 25). As the activists within the 1960s and 1970s political and social movements made visible the experiences of those who endured civil rights violations, victimology scholars came to realize that the experiences of crime victims did not mirror the theories being produced within the discipline (Fattah 2000). This period represents a turning point, and today, the field of victimology is more applied than theoretical. However, despite its victim blaming tendencies, the early research in victimology proved valuable for the emerging victims’ rights movement; the large-scale surveys made visible the extent of unreported crime happening in homes and communities across the U.S. and contributed to the victims’ rights consciousness raising that was already underway.

Although activists usually cite the radical and social justice-based feminist and civil rights movements as primarily responsible for influencing what became the victims’ rights movement, the conservative law and order movement cannot be overlooked for its role in shaping both the original victims’ rights movement and its current iteration. As a reaction to the liberal civil rights movements of the 1960s that called for an increased role of the federal government to address discrimination issues, and representing the trend toward conservatism that intensified in the late 1970s and the early 1980s, the law and order movement championed the criminal justice system as the means to address social problems and prevent crime (Beckett 1997).

The scale of unreported crime revealed through the victimology research and reinforced by U.S. Department of Justice commissioned victimization studies proved concerning to the law and order movement, particularly as the research indicated that victims of crime underreported because of lack of confidence in law enforcement (Friedman 1985). These studies also illustrated that when victims and witnesses reported crime many were uninterested in cooperating in the criminal justice system because they found appearing in court an inconvenience or intimidating (ibid). Consequently, prosecutors had no choice but to dismiss cases. The unrealized potential for increasing arrest and incarceration statistics by providing more rights and support to victims of crime made the law and order movement a paradoxical ally in the victims’ rights movement.

The membership of the newly formed victims’ rights movement shared few ideological connections; they represented mothers of children killed in drunk driving accidents, battered women, rape survivors, survivors of child abuse, individuals who experienced racial hate crimes and family members who lost a loved one to random street crime (Young and Stein 2004). Despite lacking an overarching philosophy, as direct or indirect victims of crime, the activists who would lead the victims’ rights movement shared similar goals. They sought greater involvement for victims in the criminal justice system as participants, with the right to be present during criminal proceedings and to meet with prosecutors to participate in conversations regarding how cases might be resolved. The movement also advocated for financial benefits, including restitution and victim’s compensation to support the burden of medical bills and property damage as a result of criminal behavior.
Finally, in what would lead to ongoing conflict, the victims’ rights movement generally supported increasing harsher punishments for offenders of crime. As victims of criminal behavior that the state historically minimized – rape, domestic violence, child abuse, racial violence, drunk driving – the victims’ rights movement found itself advocating alongside members of the conservative law and order movement to increase police involvement in previously ignored crimes, and to enact tougher sentencing practices following the arrest and prosecution of offenders (Goodmark 2013). With only a common set of goals driving the victims’ rights movement and lacking a more cohesive organizing framework, tensions emerged as the politically connected and resource abundant law and order movement slowly thwarted and co-opted the victims’ rights movement (ibid).

I trace the conservative law and order movement’s influence on the neoliberalization of crime in more detail in the following section, but here I focus specifically on the role of the law and order movement in shaping conceptualizations of both victims’ rights and victim subjectivity. Although the law and order movement supported enhancing victims’ rights, they did so primarily to bolster victims’ support of the arrest, prosecution and incarceration of criminals. However, it became clear that not all victims embraced the same goals. Battered women represent case in point. Some battered women desired the police to drop charges while others wanted their batterer to receive an incarceration sentence beyond the sentencing guidelines of a misdemeanor assault. Some battered women sought financial restitution while others begged the prosecutor to waive the fines and costs associated with their batterer’s arrest so not to further financially burden the family. Some battered women requested shared custody with the father of their children while others demanded the batterer’s custodial rights terminated. Some battered women insisted that their batterer receive rehabilitative treatment, such as counseling and alcohol treatment, rather than incarceration. Giving voice to individual battered women made evident that battered women – like most crime victims - did not share a clear or consistent desired outcome for how they wanted “their” cases resolved.

The conservative law and order movement relied on discursive techniques to distinguish between victims of crime who supported the strong punishment agenda and those who did not by framing some victims more deserving than others. For crimes against women, the gendering of the deserving/undeserving distinction reinforced the deserving victim as one defined by her innocence and absence of agency (Hershatter 1997). Unfortunately, feminists were complicit in buttressing the construction of the innocent agency-less victim discourse. However, they did so for different reasons than the conservative law and order movement. Feminists, particularly those addressing violence against women, were in a constant battle to prove women’s credibility as victims of male violence. Even though the domestic violence and rape crisis movements made great progress in rendering private violence visible and research indicated that women overwhelmingly minimized abuse, the criminal justice system and society more broadly perceived women as liars when they identified as victims of male violence. In response, feminists began constructing women as “innocent saints” to challenge the constant barrage of accusations that women fabricated their abuse stories (Shepard and Pence 1999).
Feminists’ complicity in the innocent, agency-less victim discourse proved problematic for two reasons. First, it played a role in splitting different feminist movements that then became co-opted by conservative political movements driven by moral ideology. Related, the innocent agency-less victim discourse adversely affected women who did not represent that victim subjectivity. Feminist advocacy relating to prostitution offers an example for how the two-part problem operates in tandem. Feminists engaged in prostitution activism generally split along two camps; the first model their arguments around Kathleen Barry’s *Female Sexual Slavery* (1979), who argues that all prostitution represents a form of violence against women that is sexually exploitative by nature. Barry and other anti-prostitution feminists advocate for the abolition of prostitution rather than the regulation of the sex industry, viewing all prostitutes victims of male violence and misogyny. In opposition, the second feminist position on prostitution advocates for the rights of women to work in the sex industry. Rather than viewing all women engaged in the sex industry victims of male exploitation, sex workers rights feminists root their activism in the agency of women to control their own sexuality (Kempadoo and Doezema 1998). They advocate for a regulated sex industry that protects sex workers’ health, safety and financial security.

The law and order response to prostitution mirrors the feminist division; women who present as innocent victims of male violence receive the benefits afforded to victims of crime, while women who claim agency as sex workers face prostitution charges or are deported as undocumented immigrants (Luibheid 2002; Doezema 1999; Hershatter 1997). While engaged in the same behavior, the criminal justice system treats those who embody the innocent agency-less victim trope as victims of crime. Although the state criminalized prostitution, the law and order movement supported the anti-prostitution feminists’ campaign to victimize prostitutes as part of a larger conservative and moral agenda rooted in controlling (female) sexuality (Ditmore 2005). The law and order movement then co-opted the anti-prostitution feminist argument that women are victims of male violence, but only offered victimization status to the women whose (good) sexuality fit the conservative ideology.

Domestic violence advocates relied on the innocent victim narrative as way of convincing the criminal justice system to deem battered women victims of crime. Not only did advocates minimize battered women’s flawed behavior, they argued that responsibility lie with the batterer for any problematic behavior the battered woman might exhibit; his abuse made her do it (Shepard and Pence 1999). The once popular Battered Women’s Syndrome defense – rarely used today - represents the innocent agency-less victim narrative (Websdale 1997). By situating battered woman as agency-less, the domestic violence movement contributed to a law and order framework that provided victims’ rights through patriarchal protection, rather than a philosophy of social justice. As agency-less victims, battered women’s position within the criminal justice system became one of bystander as the law and order agenda moved forward with arrest, prosecution and incarceration as the logical solution to society’s ills. I transition now to the final social and political movement that emerged in the late 1970s and early 1980s to consider its contribution in shaping the contemporary criminal justice system response to policing intimate partner violence – the shift toward the neoliberalization of crime.
1.6.4 Strand Three: The Neoliberalization of Crime

In this third strand, I situate the increased involvement of the federal government in the local policing response to intimate partner violence within the broader political economy of the 1980s. During this period, the state embraced intimate partner violence, along with other previously minimized offenses – such as drug crime – into a new wave of behavior deemed fit for criminalization. With funding as incentive, the federal government actively promoted a militarized form of security within local communities that normalized criminalization as public policy. Concurrently, the federal government dismantled the welfare state and privatized social services, resulting in profound effects on the experience and practice of both political and social citizenship for many people. Although an economic rational, I trace the ways the federal government began applying neoliberal ideology to social problems, including intimate partner violence, helping to establish the conditions that normalized criminalization as public policy. Beginning under President Nixon with his declaration to wage “war on crime” and intensified by President Reagan’s “war on drugs” rhetoric, the criminal justice system became primed to intervene in crimes that had not been previously recognized as such, including intimate partner violence.

Notably, responsibility for fighting crime shifted in scale during the 1980s, with the federal government becoming a more visible participant in shaping police practice. While state and federal laws had always determined definitions of crime, historically, local law enforcement agencies maintained autonomy to address criminal behavior and enforce laws within their jurisdictions (Herbert 1997). Individual officer discretion, a key tactic in local policing, traditionally played a role in determining which crimes law enforcement officers enforced, those that might be overlooked, and which behaviors might result in a verbal warning rather than arrest (ibid). For incidents of intimate partner violence, Tracey Thurman’s case hints toward the politics of officer discretion when a male head of household perpetrated violence against his wife or child(ren); officers routinely delayed responding to domestic incidents - if they responded at all - and once on scene, officer discretion often resulted in a passive response, even when injuries were present (Dobash and Dobash 1979; Sherman et al 1992). With private property laws as justification, many police officers consider(ed) the home a private space beyond the purview of the state and when officers used discretion in incidents of intimate partner violence, they generally reaffirmed the authority of the patriarch to determine his own affairs within his home (Buzawa and Buzawa 1996).

Police officers were not the only state agents who practiced discretion within the context of the law during this era. Prosecutors also maintained individual authority to determine which cases advanced into the criminal justice system, including crimes that might be pled to a lesser offense. Likewise, judges ruled within sentencing parameters that allowed them flexibility to consider a just punishment for the crime under consideration, or to overrule a prosecutor’s plea bargain if a judge deemed the bargain an inappropriate outcome in relation to the crime. Today, local criminal justice agencies continue to maintain a degree of authority over the everyday policing of individual communities, and
individual officer discretion endures as accepted police practice. However, beginning in
the 1980s, the federal government assumed a stronger role in shaping definitions of
crime, the methods in which local law enforcement agencies policed crime, as well as the
punitive guidelines within which prosecutors and judges sentenced offenders of crime.

The Reagan administration’s declaring “war on drugs” is perhaps best emblematic of the
federal government’s increased involvement in crime fighting during this era and the
subsequent wide-scale repercussions for society writ large. While the “war on drugs”
movement proved powerful in declaring illegal drugs “public enemy number one”, the
underlining rhetoric entrenched black men as the underserving “other” in the battle.
Scholars and activists have likened the state’s now thirty year “war on drugs” to a new
Jim Crow era, where racist policing, a woeful lack of criminal justice system resources
for defendants of crime, and mandatory minimum drug sentences have created an entire
generation of disenfranchised black men (Alexander 2010). The success of the “war on
drug” movement, however, extends beyond the federal government’s ability to shape the
narrative and tap into the U.S. white majority’s fear of the undeserving racialized other;
the drug war’s ultimate success lies in large part with the federal government’s
willingness to fund it. Beginning in the 1980s, the federal government began providing
financial incentive as way of persuading local and state policing agencies to shift
personnel and resources away from “hard” crimes – such as murder, grand theft auto and
violent (non-domestic) assault – to instead focus on what most law enforcement agencies
considered a relatively non-concerning issue; drug crime. By the 1990s and with full
support of the Clinton administration, money routinely trickled down from the federal
government to local police agencies in the form of cash grants, free training and access to
former military equipment (Kraska 2001).

The federal government’s funding of the policing response to drug crime did not occur
without conditions. For example, law enforcement agencies often had to agree to develop
specialized narcotics task forces as a stipulation to receive federal funding (Alexander
2010). Scholars have since linked the contemporary militarization of police departments
with these narcotics task forces, along with the increased reliance on paramilitary units
for everyday policing, like the use of Special Weapons and Tactics (SWAT) teams to
execute routine drug warrants or to intervene in mental health crises (Dansky et al 2014).
Unsurprisingly, as local law enforcement agencies directed attention to drug crime,
arrests related to drug offenses increased exponentially, leading to a demand for new
prisons to house an ever growing incarcerated population. What scholars and activists are
now calling the (private) prison industrial complex overwhelmingly relies on the bodies
of brown and black men convicted of non-violent drug crimes to fill its cells (Gilmore
2007).

Before tracing a similar shift in the federal government’s involvement in shaping the
police response to intimate partner violence, the “war on drug” era also makes visible
another change in the state’s relationship with its citizens. While the federal government
increasingly allocated funding toward punitive measures and criminalized the drug
economy, it simultaneously disinvested from the social welfare system. Beginning in the
1980s and couched again around the undeserving racial subject, most notably the
“welfare queen”, the Reagan administration used implicit racial coding as a means to target black women, especially black mothers, as the underserving recipients of state assistance (Nadasen 2005).

The dismantling of the welfare state continued through the 1990s as the Clinton administration enacted the Personal Responsibility and Work Opportunity Reconciliation Act – or “workfare” - that “ended welfare as we know it” (Reese 2005). The federal government redirected the funding that once went to support public housing assistance, food stamps, subsidized childcare and job training to instead finance the construction of new prisons and to arm police departments with military equipment. While the criminalization of the drug economy during the 1980s and 1990s had profound effects on the experience and practice of political citizenship for offenders of felony drug crimes, the privatization of social services following the dismantling of the welfare state has reshaped the experiences of social citizenship for an untold number of U.S. citizens (ibid).

The federal government’s increased involvement in the local response to intimate partner violence cannot be understood outside the political and economic context of the 1980s and early 1990s. While the federal government withdrew financial support for the daily needs of many of its citizens, it actively promoted a militarized form of security that normalized criminalization as public policy. In an era where increased focus on personal responsibility, deregulation of the economy and the privatization of social services were/are the norm, the overreaching of the federal government into local policing – and subsequently, private homes - may seem contradictory. Yet, the rational for extending state security into private homes becomes logical when the neoliberal practices of this era are viewed as less about deregulation and instead as a “re-regulation” of the state’s involvement in economic and social practices (Cowen 2006).

Similar to the funding pattern that emerged during the “war on drugs”, in the early 1990s, the federal government began directing funding to local law enforcement agencies to encourage the active policing of intimate partner violence. Most notably, the 1994 Violence Against Women Act (VAWA) integrated a specific federal funding stream for intimate partner violence policing (Meyer-Emerick 2001). While VAWA provides much needed funding to domestic violence shelters and community-based domestic violence agencies, VAWA allocates two Department of Justice grants toward incentivizing law enforcement to actively respond to intimate partner violence; STOP (Services Training Officers Prosecution) grants and Grants to Encourage Arrest Policies. Both of these grants center the solution to the problem of intimate partner violence within a stronger criminal justice system response (ibid). STOP grants require community-based domestic violence agencies to partner with their local police departments and district attorney’s office in order to be eligible for funding. Additionally, law enforcement must comply with various conditions to receive federal funding. For example, both grants require local police departments to incorporate a domestic violence protocol that includes preferred arrest as their official policy response to intimate partner violence. As federal funding became available, smaller police departments, with smaller budgets, serving populations
less than 100,000 who had not incorporated preferred arrest policies during the mass shift in the 1980s now had incentive to do so.

Unlike the “war on drugs” the federal government’s increased involvement in the 1980s in shaping the local police response to intimate partner violence had the support of an active grassroots political movement who had been advocating for increased state involvement in intimate partner violence for over a decade. However, within their activism, domestic violence advocates called for a more holistic understanding of state security than simply arrest and incarceration. The domestic violence movement encouraged the state to support the physical security and economic justice needs of intimate partner violence survivors, demanding that a proactive law enforcement response be coupled with access to affordable and safe housing, subsidized childcare, food stamps, public transportation and job training (Buzawa and Buzawa 1996). The domestic violence movement did not anticipate that the state would dismantle the welfare system. Feminists were not the only activists during this era that turned to the state to make social justice claims, only to find their claims undermined by the state’s larger economic goals rooted in neoliberal ideology. For example, the 1960s anti-war movement made similar social justice claims to end mandatory conscription. Ultimately, the Nixon administration ended the draft, not because the anti-war movement’s ethical arguments successfully persuaded Nixon, but rather out of a neoliberal interest to “liberate citizens from big government” (Cohen 2006).

The policing of intimate partner violence represents the paradox of competing ideologies concerning the role of the state in responding to crime. Domestic violence activists struggled for many years to convince law enforcement officers to arrest offenders of intimate partner violence. Operating within a liberal framework, activists structured their argument on claims of equal rights, individual autonomy and the state’s obligation to protect its female citizens. Yet through the mid 1980s, domestic violence activists and their demands were met with resistance. Tracey Thurman’s successful lawsuit offers an alternative explanation for the successful shift to preferred arrest policies. Although the court’s ruling confirmed that the Torrington City police failed to equally protect women in intimate relationships – substantiating the activists’ claims - the $2.3 million dollar settlement to Thurman also made visible the economic liability for police departments.

The shift to preferred arrest policies in the 1980s epitomizes how local state agencies began applying neoliberal ideology, rooted in economic rational, to social problems. In this case, police departments applied a simple cost-benefit analysis to intimate partner violence policing; the benefits of arrest in intimate partner violence cases outweighed the costs of facing liability lawsuits. Such a framework is not to argue that the fear of liability is the driving force behind arrest for every police officer in every community. Many officers believe intimate partner violence is a crime and that the state should hold perpetrators of intimate partner violence accountable and protect victims. However, Tracey Thurman’s successful lawsuit exposes how the neoliberalization of social policy works as a highly successful motivating factor in the state response to intimate partner violence.
1.7 Setting up the Tension in Centre County, Pennsylvania

In the 1970s, feminists united under the radical notion that the state should criminalize violence in the home. The contemporary set of laws that are the focus of this dissertation owe to the domestic violence movement and second wave feminism’s insistence that women had rights within the family unit, and that violence long deemed private and intimate belonged in the public’s jurisdiction. These feminists argued that a woman did not forego her rights when she entered into a relationship with a man or crossed the threshold of her home. The conceptualization of rights as inherent and fundamental for all citizens occurs within a particular historic moment; a moment when marginalized people throughout the U.S. called on rights discourse to challenge the status quo. The feminist assertion that the state must recognize intimate partner violence, fund shelters, support battered women and provide accountability for batterers through the criminal justice system represented a direct challenge to the long standing system of patriarchy and the public/private binary on which liberal democracy rests. After intense struggles and years of organizing, these feminist demands were met with success; the criminalization of intimate partner violence became consistent practice throughout much of the U.S. by the late 1980s.

Yet, feminists within the domestic violence movement were not alone in advocating for criminalization as a means to address social problems. Operating within a conservative ideology with more political sway and resources, the victims’ rights movement and politicians who supported the shift to neoliberalize criminalization began to chip away at the radical elements of the domestic violence movement’s activism. In order to remain relevant, the domestic violence movement began conceding certain elements of its feminist ideology to fit within the preexisting model of the criminal justice system. Rather than reasserting feminist claims to empowerment, autonomy and self-determination, the domestic violence movement contributed to positioning battered women as innocent victims as a means to secure battered women’s rights within the criminal justice system. Once established as helpless, the state had reason to reassert control over the battered woman and the decisions that pertained to her safety and security.

The shift to criminalize intimate partner violence did not dismantle the system of patriarchy or guarantee more rights for women who experienced intimate partner violence. To be truly free of patriarchal control, battered women also required a social welfare state and a restructuring of the existing capitalist system; instead, the state dismantled the welfare state and turned to a militarized criminal justice system to solve social problems. Paradoxically, the shift to criminalize intimate partner violence, rooted in the radical feminist idea that women had rights within the family unit, resulted in a (re)entrenchment of the female victim subjectivity within a patriarchal state.

The three social and political movements that I outlined in the preceding pages largely mirror the historic context for the response to intimate partner violence in Centre County, Pennsylvania. The Centre County Women’s Resource Center (CCWRC) began as a grassroots organization in 1975 through the efforts of a small group of local women.
Through private donations, the CCWRC established a 24-hour hotline in 1978, an emergency shelter in 1982, formal administrative offices in 1987 and a satellite office specializing in legal advocacy in 1997. Stakeholders in Centre County, representing local law enforcement, the District Attorney’s Office and the Centre County Women’s Resource Center began organizing as early as 1985 to establish a collaborative partnership to better address the problem of intimate partner violence.

The Centre County Domestic and Sexual Violence Task Force has been meeting monthly since its official formation in 1993. From the beginning, the response to intimate partner violence in Centre County largely centered on the criminal justice system. Centre County is a long-time recipient of federal STOP grants and Grants to Encourage Arrest Policies. As I detailed in the previous section, both of these federal grants require recipients to comply with guidelines that prioritize a proactive law enforcement response to intimate partner violence. Centre County formally implemented a preferred arrest protocol as a condition of federal funding in 1997, although three of the six municipal police departments prioritized arrest prior to 1997 under the leadership of police chiefs committed to a progressive response to intimate partner violence.

A result of the established collaborative history between system agencies, Centre County applied for and successfully received federal funding to create the Victim Centered Intensive Case Management (VCICM) Unit in 2006. At the time of its inception, the VCICM Unit represented the only collaborative, co-located unit in Pennsylvania that houses a victim advocate in a local police department. The three member unit – a specialized domestic violence detective, a victim advocate and a unit coordinator – work daily to triage high priority intimate partner violence cases, respond immediately in the aftermath of an intimate partner violence incident and provide advocacy and support to victims throughout the criminal justice process. The VCICM Unit operates within a philosophy that victims of intimate partner violence benefit from a collaborative response that includes law enforcement and advocacy. This philosophy is one that I know well and helped to establish when I worked as the VCICM Unit Advocate from 2008-2010. I address my relationship to this work and my former colleagues in the final section of this chapter. I introduce the VCICM Unit here because it embodies Centre County’s strong reliance on the criminal justice system to address the problem of intimate partner violence and as the centralized location for the county response to intimate partner violence, the VCICM Unit represents a primary emphasis of my dissertation research.

Before transitioning to discuss my research methodology and methods, I provide a framework for how I conceptualize intimate partner violence in relation to other forms of violences that motivate an intervention by the state. Intimate partner violence represents

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9 The VCICM Unit is funded by a Department of Justice Office Against the Violence of Women (OVW), Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. The original grant provided $300,000 over a two-year period. Following bi-annual grant reports and the VCICM Unit’s success, OVW renewed the grant an additional four times to fund the VCICM Unit through 2016.
only one of many crimes that offers the state an opportunity to intervene in an individual’s private life. However, the intimate relationship between the victim and perpetrator distinguish how and in what capacity the state intervenes when compared to other crimes. Unlike other infractions against the law, the state has significantly limited police officer discretion in cases of intimate partner violence. Individual officer discretion is a hallmark of policing (Herbert 1997). Officers exercise an inordinate amount of autonomy while in the field and frequently respond independently to calls without direct supervision (ibid). Consequently, police officers routinely make decisions regarding when to enforce the law and when to take alternative action, such as issuing a warning rather than a ticket (Sherman et al 1992).

In an effort to redress for the failure of police to respond to intimate partner violence in the past, the law has significantly reduced police officer discretion in cases of misdemeanor level intimate partner violence.10 However, in Pennsylvania, limiting officer discretion applies only to assault between intimate partners; police officers may continue to employ discretion in non-intimate partner assault. For example, if the victim of a bar fight involving a stranger requests that the police officer verbally reprimand the perpetrator, rather than effectuate an arrest, the police officer may consider that crime victim’s request. Preferred arrest policies in cases of intimate partner violence limit police officers from considering external requests for alternative intervention. Moreover, unlike other crimes in which an officer must justify his decision to effectuate an arrest, in cases of intimate partner violence an officer must justify his decision not to arrest. Following an arrest, district attorneys may pursue prosecution of crimes with or without the explicit support of the crime victim; this reflects the social contract that I outlined in the previous section and is true for crimes other than intimate partner violence. However, police officers and how they employ discretion largely determine the crimes that reach court for the district attorney to prosecute.

Pennsylvania law distinguishes between three gradients of physical assault; harassment, simple assault and aggravated assault. Harassment includes “striking, shoving, kicking or other physical contact” and results in a summary level citation (i.e. a ticket). A person commits simple assault when “he intentionally, knowingly or recklessly causes bodily injury.” An example of misdemeanor level simple assault includes a closed fist punch to the face resulting in a black eye. A person commits felony level aggravated assault when “he intentionally, knowingly or recklessly causes serious bodily injury.” Serious bodily injury is injury that involves a substantial risk of death or the impairment or loss of a bodily function. An example of aggravated assault includes a closed fist punch to the face resulting in the fracturing of the orbital socket that causes permanent blurry vision. For more information see Commonwealth of Pennsylvania Code § 27.18. In Pennsylvania, an officer may arrest an offender of felony level aggravated assault without securing a warrant from a judge. In Pennsylvania, an officer must first secure a warrant from a judge before arresting in cases of misdemeanor level assault, unless the incident involves intimate partners. Preferred arrest policies initiated the intimate partner violence exception, because historically, police officers rarely made the effort to secure a warrant for misdemeanor level simple assault in cases of intimate partner violence (Dobash and Dobash 1979).
Notably, while preferred arrest policies that limit officer discretion distinguish intimate partner violence from other crimes, multiple factors influence a district attorney’s decision to actively fulfill the social contract and pursue punitive accountability for offenders. Criminology scholars note that public priorities strongly motivate the decisions of law enforcement and district attorneys to arrest and prosecute (Sherman 1992). For example, the permanent residents of a university town may prioritize punishment for relatively minor infractions related to college student behavior, such as public drunkenness. Consequently, a university town district attorney, intent on sending a strong message to the public, may actively pursue punitive measures for behavior that might be overlooked in a community without a large college student population. Although the victim of such crimes may not consent to the district attorney’s proposed punishment, the costs for that crime victim are short lived. For intimate partner violence victims, the state’s pursuit of punitive accountability without the consent of the victim results in a fundamentally different effect on the private life of the victim. I take up and elaborate more fully on how the social contract affects experiences of citizenship and security for intimate partner violence victims in Chapters 3 and 4.

1.8 Research Methodology

My dissertation research explores the state response to intimate partner violence by way of an institutional ethnography of the criminal justice system in Centre County, Pennsylvania. With attention to scalar relationships, institutional ethnography begins in people’s everyday lives to discover how processes beyond our direct knowledge shape local experience (Smith 1999). This methodology makes visible how we are ruled and also the ways we participate in our own ruling by connecting the local and everyday with translocal processes of governance (Smith 2006). “Institutions” in this context are not a particular type of organization or an independent unit, but rather a concept that captures the coordinating and intersecting processes taking place in multiple spaces and across multiple scales (ibid). The work of feminist sociologist Dorothy Smith (1987; 1990; 1996; 2001; 2005), along with other feminist ethnographers who conduct research in organizations and institutions (Gibson 2011; Wright 2006; DeVault and McCoy 2006; Pence 1996; DeVault 1991) influenced my research design, implementation and analysis.

Over the course of two years of fieldwork, I incorporated a range of ethnographic methods for gathering data to answer my research questions. I began by examining the texts and policies guiding the local response to intimate partner violence, specifically the Centre County Domestic Violence Protocol. I dug through filing cabinets in the basement of the Centre County Women’s Resource Center to retrieve the hand-written Task Force meeting notes from the late 1980s to situate the contemporary local police response within its historic context. I then became an active observer, watching how the protocol and other texts dictated the actions of individual system professionals.

The VCICM Unit of the State College Police Department became my research hub where I observed the daily law enforcement response to intimate partner violence, listened to 911 recordings and jail calls, accompanied the specialized domestic violence detective
into the field, assisted in the installation of surveillance equipment at the homes of stalking victims and read hundreds of intimate partner violence police reports and Protection from Abuse Order petitions. I also spent hundreds of hours observing criminal and civil court proceedings at the Centre County courthouse, documenting the language district attorneys and judges used to shape their arguments and make rulings in intimate partner violence cases. I attended the monthly Centre County Domestic and Sexual Violence Task Force meetings and I participated in the formal fatality review of a Centre County intimate partner violence homicide.

I then conducted interviews to trace points of connection among the texts guiding the response to intimate partner violence and the individuals working in different parts of the criminal justice system. I interviewed seventy-four system professionals including judges, district attorneys, chiefs of police, law enforcement officers, probation and parole officers, prison staff, 911 dispatch operators, mental health professionals and victim advocates. With attention to the lived experiences of those subject to the laws and practices under my investigation, I also interviewed six survivors of intimate partner violence. By starting with the everyday lives of my research participants - women whose abusive partners were arrested or police officers who respond to 911 calls for assistance - I began to connect the institutional structures and processes that shaped the experiences and activities of my research participants. I then shifted focus from the frontline work to “track the macro-institutional policies and practices that organize the local setting” (Smith 2006, p. 29). When I looked beyond the locally observable fact that the criminal justice system often revictimizes women who experience intimate partner violence, I could see the workings of neoliberal ideology, patriarchy, state power, the public/private binary and gendered hierarchies of citizenship in shaping the rights-based intimate partner violence laws and the recreation of the feminized subject.

1.9 Constructing Boundaries from the Inside Out

My former professional experiences as a victim advocate in the VCICM Unit of the State College Police Department and working with over 500 survivors of intimate partner violence shaped my research questions and project design. My trusted status within the police department and the Centre County Women’s Resource Center afforded me unique access in regards to their buildings, staff, and documents. Conducting research in the community in which I live and work presented both advantages and complications. Upon approval of my IRB, the community of my home, university, and former workplace became my “field”. I had immediate access to people, information, and places to interview, observe, and record notes. I relied on the work of geographers who have complicated notions of “the field” to conceptualize the boundaries of my new “field” site (Sharp and Dowler 2011; Hyndman 2001a; Sparke 1996; Katz 1994; Nast 1994). My research participants were former colleagues, some who were close friends, while others, like judges and prosecutors, were professional acquaintances. I considered feminist

Parts of this section also appear in an article that I co-authored with a colleague in Gender, Place and Culture, titled “Boundary-Making in Feminist Research: New Methodologies for ‘Intimate Insiders’”
scholarship that has problematized power relations between researcher and participants (Oberhauser 1997; Gilbert 1994; Staeheli and Lawson 1994) and disrupted notions of the objective outsider in the research process (Cupjes 2002; Dowler 1998; Driver 2000; Kobayashi 1994) to understand my new role as “researcher” in what otherwise felt like a homecoming to my former job.

I turned to literature addressing insider positionality and the benefits and drawbacks of being situated intimately with one’s research (Shaw 2013; Ergun and Erdemir 2010; Gardner 2004; Kusow 2003; Gilbert 1994) to navigate conducting research in a community and with people I shared intimate connections. Building on the work of queer theorist Jodie Taylor (2011) and her concept of the “intimate insider”, I incorporated my own boundary-making practices (Cuomo and Massaro 2014) to manage the pre-existing relationships that I shared with my research participants. The methodology of boundary-making also offered me some relief from the secondary trauma associated with engaging in domestic violence work over a long period of time.

Despite my attempts to separate my identity as a researcher from my personal and professional life, the nature of a small town and my intertwined positionality made that task nearly impossible; for example, the judge who married my partner and I in a small courthouse ceremony during the first year of my fieldwork had two weeks prior to the ceremony provided me a very candid interview on the limitations of the criminal justice system response to intimate partner violence. I entertained quizzical stares when during interviews I asked my research participants to explain – in their own words – processes and policies that they knew I understood or had helped to write. I can only hope that my fluid identity as a scholar, activist, friend and colleague did not cause too much confusion among my research participants.

I also acknowledge my biased motivations in conducting this research. I empathize with women who have experienced gender-based violence and for years I witnessed the criminal justice system woefully mishandle many of their cases as a professional working within the very system I chose to study. When the opportunity arose during my research to assist in a successful outcome for a survivor I gladly provided my expertise. For example, during the course of my fieldwork, I spent two days at the courthouse observing a rape trial. Midway through the first day of the trial, the arresting officer and Assistant District Attorney noticed me in the courtroom taking (field) notes, and began consulting me on the effectiveness of the prosecution strategy. My intimate knowledge of the local criminal justice system, but unfamiliarity with the specific case, positioned me as an ideal resource for the prosecution. I offered input on the line of questioning, details that I – and presumably the jury – found confusing, and contributed suggestions for the prosecutor’s closing arguments. I committed to actively aiding in the prosecution of the rapist only after receiving confirmation that the survivor fully supported the criminal justice system holding her offender accountable. Opportunities such as this arose more than once and my politics supporting the empowerment and self-determination of survivors drove my decisions to actively engage (or not) in individual cases, diplomatically educate misinformed police officers on the dynamics of intimate partner violence during interviews, and return to work as a paid consultant for the Centre County Women’s
Resource Center – while conducting my research – to fulfill training gaps among the victim advocates to better serve survivors.

I also believe that a proactive and progressive policing response has potential to positively serve women who experience intimate partner violence. In other words, despite all the concerns that I raise throughout this dissertation, I continue to support the criminalization of intimate partner violence. I recognize that the inherent racism and sexism of the criminal justice system disproportionately and negatively affects women of color, lesbian women, transgender, poor and undocumented victims. However, during my employment as a victim advocate and while conducting this research, I listened to many survivors – including marginalized women – who firmly held that the arrest and incarceration of their batterer represented their only opportunity to leave the abusive relationship. This is not to suggest that that current state response to intimate partner violence is without problems, or that it is the best option for all victims. I engage in these tensions throughout the dissertation and I conclude in Chapter 5 with thoughts on an alternative state response that better reflects the everyday rights and security needs of women who experience intimate partner violence.
Chapter 2

“Cover Your Ass”: Policing Intimate Partner Violence in a Neoliberal Era

The catering staff enters the training hall with lunch and the morning presenter quickly wraps up his training session on strategies for effectively interviewing victims of trauma. Even the most attentive police officers become distracted by the smell of lasagna wafting through the air. Alice Rogers¹², the county training coordinator, thanks the presenter and announces that the afternoon sessions will begin following the lunch break. The forty police officers quickly file into line and scan the spread of food. The victim advocates and a few members from the medical community less assertively find a place in the back of the lunch line and await their turn. With full plates, the training attendees return to their respective seats; police officers, clustered by department, occupy the round tables in the back of the training hall; the victim advocates sit grouped together at a table near the presenter’s podium; medical staff, a 911 dispatcher, and a few system professionals from out of county occupy the remaining empty spaces. A low hum of chatter fills the room as everyone settles into lunch.

Forty-five minutes later, Alice announces the start of the afternoon training session. Detective Mariska Novak, lead detective in the Victim Intensive Case Management Unit at the State College Police Department, and a local colleague to most of the training attendees, introduces herself and the purpose of the afternoon session:

“We understand that a lot of people in the room are young officers, the next generation. We want to make sure that as you enter the police family in Centre County you have a solid foundation and then you can start getting creative and improve it after us.”

Today’s intimate partner violence training is intended for junior officers who have been on the job for fewer than five years. For the next three hours, Detective Novak walks through basic procedures for responding to intimate partner violence calls including what information to gather from the 911 dispatcher before entering a domestic scene. She reminds officers that incidents of intimate partner violence pose high safety risks for officers and presents tactical strategies for safely interviewing within a home:

“When you get there the first thing you want to do is identify all the parties and separate them. Separating them from sight and sound, but obviously keeping your backup within your sight. So if I’m in a house – maybe I have the victim in the hallway, bad guy in the bedroom and I can see my partner. I might not be able to see bad guy, but I can see my partner so if this suddenly goes ugly, my partner has me.”

¹² All names throughout the dissertation are pseudonyms.
Although a serious topic, Detective Novak maintains a light tone throughout the training. Her twenty years of experience, coupled with an audience of junior police officers, establishes a hierarchy that allows Detective Novak to assert her knowledge while performing the role of likeable mentor. However, the tone of the training changes when Detective Novak begins discussing local arrest procedures. She reviews the county’s domestic violence protocol, and considers scenarios in which Pennsylvania law requires police officers to arrest perpetrators of intimate partner violence. Detective Novak emphasizes the obligation to arrest by highlighting law enforcement’s responsibility to enforce the law:

“The duty to make an arrest exists whether or not a warrant has been issued for the suspect’s arrest and whether or not the victim is the one desiring arrest or charges. Keeping in mind that you are the police officer, it’s not like you suddenly walk in and you’re like, ‘I have the certification and I took an oath and everything, but today I’m going to give you the authority to decide whether or not this is a crime.’ No. You’re the cop. You’re the trained professional. It’s your job to uphold the law. If you see something, act on it. That’s your job.”

Detective Novak also preempts the predictable questions concerning the value of police involvement in cases of intimate partner violence; why intervene and arrest the batterer when most women return to the abusive relationship? For this, she reframes intimate partner violence as a threat to public security in order to dissuade officers from deviating from the county protocol. By drawing on a recent Centre County intimate partner violence homicide that occurred within a crowded, local grocery store, Detective Novak suggests that benefits of law enforcement intervention in cases of intimate partner violence outweigh possible costs, thereby minimizing such violence and its potential to spill out onto public space:

“I hope that everyone in this room has the motive that they care about victims and they care about the safety of their community – because does domestic violence only happen inside the house? Sure absolutely. No one ever gets killed in public, right? Sure it never spreads out into the workplace or the Wal-Mart or any other public place? Wrong. Everyone in the community is at risk when domestic violence perpetrators are escalating and escalating without being stopped. Traci Miscavish? Grocery store in Philipsburg? Did that put anyone else in the grocery store or that parking lot at risk? Was anyone else at risk that day? Everyone in that entire community was at risk.”

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13 The detective is referencing the 29 March 2013 homicide of Traci Miscavish; a Centre County resident who was shot and killed by her husband at her workplace in the flower department of the Philipsburg country-market. After killing his wife, Mark Miscavish, a retired trooper with the Pennsylvania State Police, committed suicide (Carroll 2013).
Detective Novak closes her speech with a second argument. She appreciates that many—though not all—of the young officers comprise a generation who believe in the criminality of intimate partner violence. Yet, as this is a countywide training, she also recognizes that a portion of these officers will police under a supervisor or chief who preserves the ideology of the old guard; law enforcement who do not prioritize intimate partner violence as a crime. Although she knows the unlikely odds of upsetting the chain of command within individual departments, Detective Novak hopes to plant a seed among young officers who one day may doubt law enforcement’s obligation to intervene in private relationships. She stands authoritatively, as though to reprimand, and focuses her attention on the two tables of officers who work at municipal departments with chiefs known for minimizing intimate partner violence:

“When domestic violence goes unchecked, it will continue to escalate. You have to make up your mind that the buck stops here, so to speak. You’re going to take that stance. Because it’s the right thing to do. If you can’t, if you’re just like, ‘This is an unlovable victim and I don’t care. I don’t care. It’s an unlovable victim and I’m not invested in this at all, and I’ve been here too long, and my shift has been too long and I just want to go home. I’m not invested in it because I don’t care.’ Then do the right thing because otherwise it’s going to bust you in the ass. Because if you’re not making an arrest, you might as well just give me the keys to your house right now. Because when he goes back and kills her, and her family sues you, you’re losing it all. If you can’t care about a victim of domestic violence because it’s the right thing to do, then care about a victim of domestic violence because otherwise I’m going to take your house, I’m going to take your car and I’m going to take your dog. I don’t care what motivation you use from day to day, just make sure you’re doing the right thing. Because as soon as you stop doing the right thing that’s when everyone else is going to start questioning what you did.”

She scans the audience, makes eye contact with each police officer and then her expression returns to her familiar demeanor:

“That’s my scare tactic and now I’m done” (Field Notes, 8 October 2013).

2.1 Introduction

The above excerpt introduces tensions that permeate the contemporary police response to intimate partner violence. My field notes from the police training indicate that although Pennsylvania law and local protocol require law enforcement to intervene in incidents of intimate partner violence, the everyday police response to this crime remains uneven. At the heart of this lies the tension between long-standing notions regarding the public/private divide rooted in liberal political theory, and contemporary intimate partner violence policing that challenges the privacy afforded traditionally by law to the patriarchal head of household within the private space of his home. Protocols for
contemporary intimate partner violence policing challenge and reshape these spatial relationships, and buttress the workings of a neoliberal state, which operates as both a system of economic management and a regulatory framework disciplining subjects and spaces (Peck and Tickell 2002). In this chapter, I examine how neoliberal ideology drives contemporary intimate partner violence policing and reconfigures notions of public and private, and how gender is central to the restructuring of the state’s patriarchal role in private space and intimate relationships.

As I highlighted in Chapter 1, the tradition of liberal political theory situates state power and politics within the public sphere, and the family and domestic issues within the private sphere. Challenging this public/private divide, the domestic violence movement’s activism in the 1970s centered on the feminist declaration that what happened within the family unit and to the individual body was inherently political. By arguing that the state had an obligation to protect women from male violence, the movement’s activism disrupted the long-standing boundary that protected the private home from state intervention. Moreover, by exposing the extent of battering in the home, the domestic violence movement unmasked the shortcomings of the public/private divide for liberal democracy, particularly when unchecked patriarchy becomes violent.

Once the domestic violence movement illustrated the workings of patriarchy in legitimating intimate partner violence, the state could no longer ignore the problem. However, solutions to the problem of intimate partner violence have not rooted out patriarchy, but instead demonstrate how patriarchy’s reach extends beyond the home. Feminist scholars have illustrated how patriarchy, as a system of political and social structures, widely permeates the public sphere, ranging from the formulation of laws and policies, to the functioning of government institutions, including the military and law enforcement (Waller and Rycenga 2001; Dowler 2002; Enloe 2007). As I illustrate throughout this dissertation, the state’s decision to intervene in private violence denotes the state’s interest in reregulating patriarchy; to root out the “bad” patriarchs who fail to keep order and peace within the home, and who - through their “bad” patriarchy - undermine the “good” patriarchy that the state embodies as protector of the nation.

By focusing on the institution of law enforcement and the policing of intimate partner violence, this chapter illustrates the ways policing in a neoliberal era reconfigures notions of public and private. I examine how the police officer – as the public figure who intervenes in the private – embodies the porosity of the public/private realm. By emphasizing the porosity of the public and private, I make visible the spatial extent of neoliberal policing. The policing of intimate partner violence represents one case in a larger trend where the state polices behavior that had previously not been criminalized or policed. More specifically, through the example of intimate partner violence, this chapter illustrates how the state is increasingly concerned with policing private space and intimate relationships. Notably, while the state has always policed the private lives of some marginalized people, I show how neoliberal ideology broadens the scope of who is subject to state regulation.
Further, despite laws requiring police intervention, the policing of intimate partner violence remains uneven. The chapter shows how traditional policing philosophies, reinforced through the chain of command structure, influence the inconsistent police response. Subsequently, I examine the neoliberal logic that police departments employ to reinforce to police officers their role of intervening in intimate partner violence; the state frames intimate partner violence as a personal liability threat to individual officers who fail to perform their public duty. By applying an economic rationale to a social issue, the state privatizes the lives of police officers and relies on the tactic of fear to better ensure officer compliance. Through a focus on the reconfiguration of the public and private, this chapter contributes to feminist geography by showing how gender and neoliberal ideology work in tandem to restructure the state’s role in regulating private space and intimate relationships.

2.2 Section One: The Spatial Reach of Neoliberal Policing

The consistent policing of intimate partner violence began with the rise of the neoliberal state in the 1980s and the corresponding disinvestment from the state’s social welfare system, which justified a turn toward punitive measures to address social and economic problems. Private sector organizations, now responsible for providing the majority of social services to the public, have become increasingly incapable of managing the public’s need for such services. Police officers often fill the void by responding to “private” incidents that are largely the purview of social workers, such as mental health crises, child custody exchanges and “domestic” incidents. This section examines the spatial reach of state regulation in private space and intimate relationships in a context of shifting law enforcement responsibilities in a neoliberal era. The extension of the spatial reach of state regulation results from both formal changes to the law that began in the 1980s with neoliberal policing, and informal changes in policing that correspond to the disinvestment of social welfare services.

2.2.2 Policing as Porosity

“Law enforcement has more power than anyone. I have more power than the President of the United States. The President of the United States cannot walk out onto the sidewalk, throw someone in handcuffs and put them in jail. A judge can’t. No one can but law enforcement. I have the ability to immediately remove every right of freedom you have and take you into my custody and that is amazing power – amazing. I mean that’s just extraordinary power. And I can lawfully do that. I can lawfully take your life, I can lawfully take your freedoms.”

I begin this section of the chapter with a quote from one of my research participants, a detective reflecting on my question concerning the relationship between policing and power, to illustrate how policing embodies the porosity of the public and private. As the detective asserts, police officers hold the ultimate power over an individual body; the power to legally take life. The state authorizes the police officer – as a public figure – to place a person in custody, thereby taking away that individual’s freedom and removing
him from public life. Policing demonstrates clearly the feminist argument concerning the fluidity of the public/private binary (see Landes 1998). Yet the scenario that the detective offered in our interview – an arrest on a public sidewalk – fails to fully capture the spatial extent of police power in a neoliberal era. Policing today reaches further into private space and regulates an increasing array of behaviors and individuals.

The shift to preferred arrest policies in intimate partner violence policing in the late 1980s and early 1990s represents the formal changes that not only officially extended, but also legally mandated, police intervention into the private. Preferred arrest policies require police officers to make an arrest in cases of intimate partner violence when the responding officer observes injuries that corroborate the events reported to the police. My interviews with police officers who have policed before and after the shift best express how the mandate to arrest has transformed police practice in cases of intimate partner violence:

“What really changed the way we looked at DV was the domestic violence law. When it comes to assaults, it was mandated, when you see an injury you’re mandated to act. Before that, we weren’t mandated to act. So before, if it was the fifth time he beat the shit out of her, we did something. Now, if it happens once you have to [arrest]. And if you don’t, you better be able to explain why.”

“I was on the tail end of an era where it was like, ‘You and your husband are going to have to work this out.’ I’ll tell you what. Number one it was a good thing that the shift came about and the changes were made. I think that has ended up bringing domestic violence into the limelight, that it really is a problem. I can also – I’m old enough that I can remember how things that happened in the family, they were just supposed to stay there. It didn’t matter if it was physical abuse, incest, any type of sexual abuse, I can still remember everybody just said, ‘We’ll just work this out among us and what happens in our family stays in our family.’ I’m glad to see the change come. We had to put something into place in our society that you can’t treat people like this, regardless of who they are.”

As the excerpts from the officers indicate, intimate partner violence persisted as a predominately private issue until revisions to the law redefined such violence as a public crime and mandated law enforcement action following a domestic assault. Critical geographers, including those who study policing, have examined the mutually constituted relationship between law and space (Delaney 2010; Blomley et al 2001; Herbert 1995; Blomley 1994). In the context of policing, geographer Steve Herbert (1997) notes that, “[n]ot only does law help produce space by defining it and stipulating what can and cannot occur within it, but its enforcement and interpretation are influenced by socially held ideas about space and by material spatial contexts” (p. 36).

The legal distinction between public and private space represents one such socially held idea concerning the parameters and limits of police intervention. Albeit a nominal body
of literature, the current geographies of policing scholarship reinforces the traditional understanding of a distinct public/private binary by focusing almost exclusively on the policing of public space and urban landscapes (Yarwood 2007; Herbert and Brown 2006; Young 2002; Herbert 1996; Fyfe 1991). With some exception (Valentine 1989; Davies 1994; Websdale 1997), the policing of crimes occurring in private space remains unexplored within the discipline of geography. The case of intimate partner violence policing offers not only an opportunity to examine policing across the public/private divide, but to also fulfill geographer Richard Yarwood’s call (2007) to better understand how the policing of particular spaces in a neoliberal era contributes to wider processes of neoliberal regulation.

The shift to preferred arrest policies in cases of intimate partner violence redefines who has legal rights within the home, thus reconfiguring the spatial boundaries of where police officers may legally exert state power. A police officer explained how the law, over time, has redefined the relationship between privacy and rights:

“There’s still a huge, huge very tight stringent strong protection around the home in Pennsylvania. It’s astronomical the case law that comes down with opinion about the king in his castle mentality, about the close privilege of that home. Which is as it should be. You have the right to live freely and not be concerned about search and seizure. I get that. But I think that the legislation has also identified in the past twenty years, progressively more in the last ten, that you can’t hide behind that right to privacy in order to commit atrocious acts in your home. Because as much as you have a right to live freely and privately, so does your spouse or girlfriend or child or whoever you’re committing these atrocities against.”

While the home, especially in Pennsylvania, persists as protected space from most police intrusion, intimate partner violence is the only misdemeanor level crime that the law authorizes police officers to make an arrest without first securing a warrant. Due to the “private” nature of the crime, police officers responding to a scene may request to enter a home to check on the welfare of the individuals inside, or insist that all of the individuals within the home present themselves before the officers at the doorstep. If officers observe physical injuries caused by an intimate partner, the officers may legally effectuate an arrest on scene, without obtaining a warrant from a judge.

Thus, intimate partner violence represents one of the few exceptions to what otherwise remains a strong legal boundary preventing the police from intervening in the private. As the police officer in the above excerpt indicates, the rationale behind the policy shift concerns the state’s obligation to enforce the law regardless of where, or against whom, the crime occurs. By consistently and uniformly criminalizing intimate partner violence, the law reconfigures intimate partner violence as a public crime. In the U.S., when an individual breaks the law, the individual commits a public crime against the state for which the state is mandated to resolve. The Center County Domestic Violence Protocol (hereafter “protocol”) emphasizes that such is also the case for intimate partner violence
and that police action, following an intimate partner violence assault, occurs regardless of victim consent:

The responding officer should arrest the assailant whenever arrest is authorized. The officer, therefore, should not consider the victim’s opposition to arrest and should emphasize to the victim, and to the accused as well, that the criminal action thus initiated is the Commonwealth’s action, not the victim’s action (2007, p.4 - underline emphasis in original).

Through arrest the police officer most visibly embodies the porosity of the public/private realm by representing the public figure who intervenes in intimate partner violence and reregulates state involvement in private lives. The shift to preferred arrest policies reconfigures intimate partner violence into a public crime. By treating intimate partner violence as a crime against the state, the state regulates the behavior of not only the batterer through the arrest process, but also that of the victim, by moving forward with the arrest regardless of her consent.

Feminist scholars concerned with the masculinist, regulatory effects of state institutions have long cautioned against relying on the state for gender justice demands (Fraser 1989; Brown 1995; Young 2003). This concern largely centers on the politics of protection that most state-centered social policy incorporates; “Whether one is dealing with the state, the Mafia, parents, pimps, police, or husbands, the heavy price of institutionalized protection is always a measure of dependence and agreement to abide by the protector’s rules” (Brown 1995, p. 169). While I explore in-depth the politics of protection in relation to preferred arrest and evidence-based prosecution policies in the next chapter, I build upon this feminist scholarship to illustrate how formal changes to the law extend a gendered form of state regulation spatially into private space and intimate relationships.

However, less explored in critical geography and feminist studies are the informal ways that the state reregulates the private. As I illustrate in the next section, the formal changes to intimate partner violence policing correspond with the informal consequences of the neoliberal state’s disinvestment from social welfare services. As private sector organizations become increasingly overwhelmed with managing the public’s need for such services, law enforcement often fills the void. I show how preferred arrest policies, by requiring police officers to respond to every call for assistance related to “domestic” issues – both criminal and noncriminal – create new, informal opportunities for the state to intervene in and reregulate private space and intimate relationships.

2.2.3 Criminalizing the “Domestic”

During the course of my fieldwork, I interviewed twenty-eight police officers across rank within all six of the Centre County municipal police departments and the two Pennsylvania State Police barracks. I also attended numerous countywide police trainings, read hundreds of intimate partner violence police reports, and observed and participated in the daily activities within the Victim Centered Intensive Case Management (VCICM) Unit of the State College Police Department. Almost universally,
law enforcement officers identified intimate partner violence incidents as the most dangerous, frustrating and time consuming of all the incidents to which they respond. Yet within these conversations, I realized that what constitutes a “domestic” incident for law enforcement is broad in scope, and includes both criminal and noncriminal behavior. During our interview, a Chief of Police addressed why the local protocol incorporates a comprehensive array of “domestic” related incidents to which officers must respond:

“We haven’t done a good job of it here, explaining the difference between ‘domestics’ and ‘domestic violence.’ The officers’ complaint is that every freakin’ call is a domestic violence incident, and they’re right, it’s not. It’s difficult, without excluding some calls, that you don’t want to get lost in the shuffle, so in order not to miss any, we made this huge umbrella and that’s caused us a little friction at the field end.”

Following the policy shift to preferred arrest, police officers in Centre County are obligated to respond to every potential domestic violence incident. However, as the Chief acknowledged in the above excerpt, the decision to broadly define intimate partner violence to include “domestic” incidents has caused tension within the police response. In part, the tension arises from the county protocol requiring police officers to respond to noncriminal civil complaints, related to the home or family, in which law enforcement has no authority to act. While a wide array of abusive behaviors - rooted in the abuser’s goal of maintaining power and control over the victim - encompasses the dynamics of intimate partner violence, the law only criminalizes physical violence; verbal, emotional and financial abuses do not typically constitute crimes. Yet individuals involved in noncriminal “domestic” incidents routinely call the police for assistance. The same Chief explains how the 24/7 nature of law enforcement encourages this pattern:

“You’d be surprised about how many calls we get about it [custody]. We don’t really want to be involved with custody cases or many civil cases, but we get called anyway. They call at 6pm on a Friday night. Their attorney isn’t answering the phone, the judge isn’t answering the phone, CYS isn’t answering the phone. The only people there are us. If it’s not at a crisis point, most of them we can mitigate. But they are time consuming trying to figure out what happened.”

From a young age, parents teach children to call the police for help. Likewise, as the quote above illustrates, adults often turn to the police when they have exhausted all other options in a situation. While reliance on the police may deviate between individuals or cultural groups (i.e. undocumented immigrants may avoid calling the police out of fear of deportation, or African Americans may avoid calling the police in response to a history of racist policing), the Chief’s account that police receive calls concerning custody should not elicit as much surprise as the Chief suggests. Rather, the more telling element of the Chief’s statement is why parents embroiled in custody disputes turn to the police; the individuals and agencies responsible for managing noncriminal issues are often unavailable.
While not explicit, the Chief’s reflections allude to the limitations of the social service agencies dedicated to the management of civil “domestic” incidents such as custody. In this case, the business hours of Children and Youth Services (CYS) fail to capture the timeframe in which custody related problems generally occur. Another Chief of Police echoed the same sentiments when discussing law enforcement’s increased role in responding to mental health issues:

“We’re also supposed to be the problem solver. And our role now is certainly bigger than criminal law enforcement. It’s good in a way, but we’re not really geared up for all that. The agencies who are responsible, they’re 24/7, but they’re still only on call out.”

Akin to CYS, the county’s mental health crisis agency, Centre County Can Help, staffs one on-call social worker during the night shift and on weekends; shrinking budgets prevent more comprehensive staffing. When a competing emergency call or situation occupies the attention of either the CYS or Can Help social worker, law enforcement become the primary first responder to custody and mental health crises. This trend extends beyond Centre County as communities across the U.S. track the regular presence of militarized law enforcement SWAT teams responding to mentally ill individuals barricaded within their homes (Gilmore 2007; Alexander 2012).

Scholars critical of the state’s disinvestment from social welfare services note how responsibility for providing such services increasingly falls on private individuals and communities (Staeheli 2013; Cowen 2005; Jessop 2002; Rose 2000). In relation to policing, this literature usually emphasizes private security firms or neighborhood watch programs assuming responsibility for community policing from public law enforcement agencies (Yarwood 2007). What the case of intimate partner violence policing illustrates, however, is that while the neoliberal state has shirked in its responsibilities to provide social welfare services, these same neoliberal policies have created informal opportunities for the state to reregulate private issues by positioning law enforcement as first responders to noncriminal, “domestic” matters.

To be clear, the state continues to manage many social service agencies despite disinvesting from these agencies. Such is the case in Centre County: CYS and Can Help both receive public funding with accompanying government oversight, and when a CYS caseworker removes a child from the home, the caseworker does so under the auspices of the state. However, a police response to a noncriminal incident allows the state to intervene in the private in a fundamentally distinct way; the police response to noncriminal incidents subjects the private to a militarized form of state intervention. The detective, whose reflections on policing and power introduced this chapter, describes below how law enforcement’s training creates a militaristic, command-oriented response:

“Law enforcement is designed to direct people. I mean, people call police when they want to know what they should be doing. So then police tell them what to do. People go into law enforcement because they like to tell people what to do. I mean, it sort of feeds itself. It’s a self-serving rotation.
I want to be a cop because I want to tell people what to do. People call cops because they want to be told what to do. And cops are normally dealing with perpetrators. You cannot let a perpetrator tell you what to do. Period. So you are actually trained purposefully – it’s like the Marine Corps trains killers, and then it has bunch of killers. Well, law enforcement creates bossy, directive people and then it has a bunch of bossy, directive people. And you wonder why. Because you’re telling me make defendants do this, make defendants stand that way, make them walk this way, make them sit here, stand up, turn around, sit down. And then a victim walks in and police are like, ‘Well, I’ll solve this, I’ll just tell her what to do.’”

As the detective indicates, the training that police officers receive serves to primarily prepare officers for controlling, ordering and disciplining perpetrators of crime, and police officers apply that form of training to a variety of incidents to which they respond. However, the detective’s suggestion that individuals call the police “to be told what to do” fails to fully capture the myriad of reasons that individuals seek police assistance; a point that I return to at the end of this section. Along with offering an incomplete explanation for why individuals contact the police, the detective also minimizes the power of the police by referring to officers simply as “bossy, directive people.” As the same detective indicated in this section’s opening excerpt, police officers embody the ultimate power - the power to take life. Police officers represent a fundamentally different form of state power than social workers, and disobeying a police directive regarding how to solve a problem carries distinct ramifications. In the case of intimate partner violence, the role of gender becomes visible in this militaristic, command-oriented response. A former police officer, who remains actively involved in the community, reflects on the gendering of the police response to intimate partner violence:

“I think some of its just outright sexism. Its male officers responding about females, and I’m the man and I know better. This is how I can help you, you need to do this. I think that’s a lot of it. And I think some of it’s also the authority thing. That they know what’s best and you need to listen to me. The officer’s the one with authority and you need to follow what I say.”

Police officers embody a masculinist form of state authority rooted in a sense of expert knowledge, protectionism and a “militaristic mindset” that constrains notions of security to physical and militaristic interventions (Enloe 2007; Cuomo 2013). While the gender dynamics that the former police officer notes in the above excerpt – a male officer responding to a female victim – represents the typical intimate partner violence policing scenario, female police officers receive the same militaristic training as their male colleagues. Although female officers represent a minority of the overall law enforcement population, they too exert authority by directing the behavior and decisions of victims, pointing to the masculinist, rather than masculine, nature of policing. The above excerpt also shows how the extension of state regulation into private space and intimate relationships mirrors the gender dynamics characteristic of abusive relationships;
masculinist authority figures exerting authority to coercively control female victims. These gender dynamics are especially visible in cases of noncriminal “domestic” incidents.

In noncriminal “domestic” incidents, police officers increasingly fill the role of social worker and counselor; roles that police officers lack training to perform. These counseling moments further demonstrate the spatial reach of neoliberal policing as the police officer – a representative of the state – offers advice regarding intimate relationships. Notably, the counseling advice that police officers extend to victims and batterers falls along a range of well-intentioned support, such as the suggestion to file an Order of Protection, to implicit threats, such as the common, “If I have to come back here again, I’m arresting both of you.” The latter threat also signals the common frustration among police officers who recognize the likelihood of returning for a future incident. Thus, as authority figures, police officers become aggravated when subjects do not follow their command or advice. In interviews, police officers expressed this frustration when describing repeat intimate partner violence calls involving the same couple:

“I know personally it gets frustrating. Because you’ve tried to give people advice, or different avenues to approach their problems, and then we end up getting called back over and over again, you know, you’re sitting there asking yourself and them too, did you try this, this and this? When we do make an arrest, I’m trying to turn a light on in your head that you can’t keep doing the same thing and expect different results.”

“What we see is this middle of the road pattern of activity that doesn’t rise to the level of where we’re ready to arrest somebody. But you’re there time and time again, it’s, that’s where I think our battle is. I don’t know how you combat that. That’s our biggest frustration. Not that you want it to escalate, so that you can make an arrest, but when you make an arrest that’s really when you cut into the problem.”

The majority of police officers I interviewed expressed similar frustrations, especially when returning to the same home over and over again. Moreover, both officers from the above excerpts signal the common belief among law enforcement that arrest represents the most effective tool in combating intimate partner violence. Officers become especially frustrated when they believe that the victim is withholding information that could assist the officer in making an arrest:

“I think we handle things very well, I just don’t know how you get that pattern to change. Depending on who you talk to, you can only ask the right questions, “he only pushed you today? Did he every hit you in the past?” A lot of times, you can’t get an honest, I’m not going to say you can’t get an honest answer. But then, you’re back two weeks later because they’re arguing again. So how do you get that victim to call? Because you know there’s been physical abuse that rises to the level where you can
make an arrest between the last time you were there and this time, but they didn’t call that time.”

My interviews with victim advocates and survivors reinforce the officer’s intuition from the above excerpt; victims who have regular police contact following non-violent incidents will forsake calling the police during or after an incident involving a physical assault. Victim advocates and survivors cite a myriad of calculated reasons for this decision. During an interview, a survivor indicated that she once called the police when she sensed her batterer becoming angry as a tactic to stop the impending assault; she used the power of the state for protection. However, a victim advocate described working with numerous survivors who chose not to call the police after violent assaults that caused injuries because they did not want the police to arrest their batterer; these women were aware of preferred arrest policies. These examples contradict the detective’s earlier premise that people call the police “to be told what to do” and instead suggest that victims make deliberate decisions regarding when to call on the state for assistance.

Regardless of the victim’s intent, police officers find incidents in which the victim chooses to withhold information that could lead to an arrest especially frustrating. In these incidents, police frequently turn to coercive tactics to elicit information from victims. In cases that involve victims with children, officers acknowledge that they threaten to call CYS to have the children removed from the home as a means to coerce victims into sharing information:

“I don’t like going this route, but sometimes, especially when there’s young kids involved, you know, we say, CYS might get involved, and when, especially the mother, when she’s afraid that CYS might take her kids away, then she’s more willing to cooperate. I don’t threaten them with that or anything, but we do explain to them, because of these living conditions and what we’ve seen and so forth, we’ll probably have to contact CYS. And they never want us to contact CYS. I look at it as another tool to help solve the problem.”

The officer explained that in this particular case, the woman called 911 to ask the police to intervene in a verbal argument that her batterer initiated. When the police arrived, the officers observed furniture overturned and suspected that the abuser assaulted the victim. Yet, the victim maintained her statement that the argument did not escalate to physical violence. In an attempt to elicit additional information from the victim that might lead to an arrest, the officer threatened to call CYS to remove the children from her custody. As the officer indicates, threatening to call CYS is both effective and unevenly effects poor women living in unstable housing conditions.

However, the above excerpt also reinforces the ways preferred arrest policies, by requiring police officers to respond to noncriminal “domestic” incidents, create new, informal opportunities for the state to intervene in and reregulate private space and intimate relationships. In this case, one state agency – the police – recommended calling another state agency – CYS – to intervene in and supervise the victim’s home and
children. Whether a disagreement concerning a custody exchange, a noncriminal “domestic” incident, or a brutal assault, the intervening role taken by the public figure of the police officer in this era of neoliberal policing increasingly represents the porosity of the public and private.

In this section, I have examined how the spatial extent of state regulation results from both formal changes to the law that began in the 1980s with the shift to neoliberal policing, along with informal changes to policing that correspond with the disinvestment of the state from social welfare services. Departing from existing geographic literature that focuses on ways that private sector organizations have had to fill the void for the public sector, this section has illustrated how neoliberalism creates new opportunities for the state to intervene in and reregulate private space and intimate relationships. This state intervention and reregulation falls on a continuum from well-intentioned paternal protection to explicit coercive threats and militaristic intimidation. Rooted within the state intervention concerns are gender dynamics that make visible the relationship between intimate partner violence policing and neoliberal ideology. In the next section, I continue establishing the ways gender and neoliberal ideology work in tandem to restructure the state’s role in regulating private space and intimate relationships.

2.3 Section Two – The Subjects of Neoliberal Logic

As the previous section illustrates, formal and informal changes to intimate partner violence policing have expanded the spaces to which the state extends its regulatory reach. However, as I illustrate in this section of the chapter, significant variations persist in the everyday police response to intimate partner violence. Some police officers consistently enforce preferred arrest policies, while others resist the obligation to take action in intimate partner violence assaults. Changes to the law mandate police intervention into intimate partner violence and provide greater flexibility to transgress the public/private boundary to intervene in private space. However, additional social and cultural factors within police departments shape the decisions of individual officers in the policing response to intimate partner violence.

The first part of this section introduces the bureaucratic organization of police departments, specifically the chain of command, as a significant factor that shapes the uneven police response to intimate partner violence. I show the influence of a police department’s chain of command structure and a chief’s policing philosophy on how an individual officer prioritizes the issue of intimate partner violence. I then transition in the second part of this section to examine how the state utilizes a neoliberal logic to address the uneven police response to intimate partner violence; the state frames intimate partner violence as a personal liability threat to individual officers who fail to perform their public duty. By applying an economic rationale to a social issue, I demonstrate how the state privatizes the personal lives of police officers and relies on the tactic of fear to better ensure officer compliance. While the state has always policed the private lives of some marginalized people, this section of the chapter illustrates the ways neoliberal policing broadens the scope of who is subject to neoliberal logic.
2.3.2 The Power of Policing Philosophies

To show the uneven policing of intimate partner violence that persists in Centre County among the six municipal police departments and two Pennsylvania State Police barracks, I examine the bureaucratic organization of police departments, specifically the chain of command structure. The chain of command and the personal policing philosophy of the chief in large part determines the extent to which officers transgress the public/private boundary to police intimate partner violence. Almost universally, my research participants identified the chain of command as the most critical factor determining an officer’s response to intimate partner violence, indicating that it served a more significant role in shaping police practice than the law. Akin to the military, local police departments rely on the chain of command to formally disseminate information through the ranks. A police officer explained:

“The purpose of the chain of command is to have rapid following of orders. If there’s a new legal mandate that takes effect today, then the Chief puts it out and we’re then mandated to follow our chain of command and get it done.”

Following a top-down structure, chiefs rely on the chain of command to convey information that spans the essential, including amendments to a law, to the mundane, such as a change to clothing policy. Beyond formal memos, the chain of command structure also disseminates information through unofficial signs, including a chief’s silence on a particular issue. My respondents indicated that a chief’s personal attitude concerning intimate partner violence directly shapes how patrol officers respond to such incidents in the field:

“Without a doubt in my mind, the departments whose leaders are on board with the DV protocol are more aware of what needs to be done in these cases and they’re the ones who are handling them much better. And the ones who aren’t, I don’t know if there’s a lack of interest or if they have, just the, the way the departments handle the incidents are definitely a reflection of the attitude the leaders have. Definitely.”

One of the municipal chiefs “on board with the DV protocol” expressed frustration with a fellow chief during a meeting where discussion centered on a new procedure to respond to intimate partner violence:

“A couple months ago, at a Centre County Chiefs Meeting, we were going over the Lethality Assessment Program paperwork. There was actually a chief who said, ‘You know, uh, this is one more form our guys have to fill out.’ And that’s discouraging, because first of all, they’re on the clock and we’ll pay them, we’re not asking them to do this at home. Second, is it is one of the most violent crimes we deal with and its fairly prevalent, domestic violence, and we’re trying to figure out with this lethality assessment, if there could be some early intervention that could keep a
person safe. And ultimately one of our main goals is to keep the community safe, it directly relates to our main mission. So you still get that from other chiefs and I think, and when you get that, the [patrol] officers aren’t dumb, I mean, they pick that up.”

In part, the Chief’s disappointment relates to his colleague’s disinterest in implementing new lethality assessment paperwork that could improve the community response to intimate partner violence. Yet he is also concerned by his colleague’s lack of strong leadership on the issue of intimate partner violence. He notes that when a chief disparages a countywide intervention protocol, those under his command “pick that up.”

The variation among leadership in Centre County law enforcement concerning the prioritization of intimate partner violence as a crime align with two philosophies of policing: community-oriented policing (COP) and traditional policing. Chiefs who prioritize intimate partner violence identify as COP officers, while those who minimize intimate partner violence practice a traditional policing philosophy. An officer, who polices under a chief who prioritizes intimate partner violence, explained the difference:

“There’s two sides to the coin. A traditional police officer only responds to handle what happened now and a community-oriented police officer will look for the root cause. The Chief is a COP guy. So [Chief] mandates that you look at the root cause if you’re capable, but some people just can’t. I’ll tell you right now, [a former Captain] used to tell me, I’m not into that COP shit. I want arrests. I want slashes on the dailies. I don’t want people doing follow ups on this shit. That crap is for the Women’s Resource Center. Well, that’s the way it is in traditional policing. They want five citations on Interstate 80. They want to break up fights, they want to spray people. That’s what they do. Domestic violence is just a call. They’re too busy for that shit.”

Although personal background and training influence the policing philosophy a chief adopts, trends in the two types of philosophies frequently correspond with the geography of their jurisdiction. In the context of intimate partner violence, chiefs policing in urban and rural jurisdictions tend to practice traditional policing philosophies. For example, chiefs in urban centers with high crime rates prioritize “serious” crimes, such as homicide, grand theft auto and felony drug offenses, whereas misdemeanor-level intimate partner violence incidents represent “just a call.” Although they police in radically different landscapes than their urban counterparts, chiefs in rural jurisdictions also tend to adopt traditional policing philosophies. The policing practices of rural chiefs tend to mirror rural communities in which private individuals often handle issues without public assistance; such is also the case for crimes other than intimate partner violence. Contrary, chiefs practicing community-oriented policing in the context of intimate partner violence often police in jurisdictions that are neither urban nor rural, have a strong resource base with community support and where intimate partner violence represents a priority crime.
Within Centre County, three of the six municipal police chiefs identify as COP officers and prioritize the response to intimate partner violence within their agencies. Each of these chiefs also relies on the chain of command to function as a checks and balances system, especially in intimate partner violence cases. A sergeant at a department with a COP chief explained how the chain of command translates to a method of oversight:

“It’s a checks and balances system. The officer’s report of what they do is a draft—it’s unapproved and in draft form. When they submit the report it goes to their sergeant for approval. The sergeant is responsible for making sure the reports are okay. And then a lieutenant reviews all reports that come in for accuracy. If you’re the officer and you go out and you have a domestic incident and someone gets punched and there’s a minor injury that doesn’t require medical attention, and the officer cites the perpetrator for harassment. Me, as the Sergeant, I have to decide if the citation is enough or if it should be something higher. And we also have to review, did they give the victim’s rights and provide the packet for compensation, because that’s required to. If you say it’s not good, you reject the report and you make the officer do something different.”

A checks and balance system maintained by the chain of command serves as administrative oversight to better ensure officer compliance with the law. In police departments that emphasize intimate partner violence, this system regulates the behavior of officers in the field. For example, patrol officers explained during interviews how they internalize this oversight when responding to intimate partner violence incidents:

“Yea the Chief is really big on, that’s one of [Chief’s] ‘red flag areas’ for lack of a better term. The guys know, you dot your I’s and cross your T’s on everything. It’s not so much that [Chief’s] second guessing, or playing Monday morning quarterback, but [Chief] just pays really particular, close attention to DV. So you’re almost, it puts you in a situation where you’re trying to, you’re playing devil’s advocate in the field and when you do make a decision you’re thinking, am I going to be questioned. Yea, it’s not your typical report, you need to be very detailed and make sure everything is documented.”

Police officers working for COP chiefs more consistently follow the protocol, distribute safety information to victims in the field and effectuate arrests when the incident warrants such action. However, the chain of command operates differently in jurisdictions with chiefs who minimize intimate partner violence. In traditional policing, intimate partner violence incidents are effectively concealed by the chain of command structure. A police officer describes the patrol response of officers who police under chiefs who abide by a traditional policing philosophy:

“So one of the things we find is that an agency, if they don’t have a Chief that cares about domestic violence, you don’t have any domestic violence. It’s really great. It just doesn’t exist. You have a lot of ‘requests for
assistance.’ You have a lot of ‘suspicious activities.’ A couple of ‘health
and safeties.’ But no DV. Or they write it off as ‘DC [Disorderly
Conduct], Exceptionally Cleared’. Both of them were warned and that was
the end of it. They won’t even write that it would have been an arrest.
They write, ‘We went out, couple were fighting, separated them for the
night’ and closed it out.”

Police officers, who work in departments led by chiefs practicing a traditional policing
philosophy, routinely categorize intimate partner violence incidents incorrectly and as
less serious offenses that require minimal or no police action. Within these police
departments, the chain of command conceals intimate partner violence by tolerating the
incorrect categorization of incidents as non-intimate partner violence-related. Once
officers erroneously code an incident, they may ignore the domestic violence protocol
and its corresponding response. In an interview, a police officer in a supervisory position
reinforced the differences between the response to intimate partner violence among patrol
officers who work at departments with COP chiefs and traditional chiefs:

“If you check, the departments that don’t have domestic violence as a
priority or it’s not a top-down mentality, then they’ll have more dual
arrests, they’ll have more non-arrests for behaviors that should be arrested,
they’ll have more reoccurring events. You can pretty much guess that [a
traditional chief’s] going to say, ‘Knock that shit off, if I have to come
back, somebody’s getting arrested’ that’s their type of deal. If you were to
go and poll a [Department with a COP chief] officer, they’re gonna say
‘Oh yea, don’t fuck up a DV case cause you’re going to hear it from
[Chief] about it.’ And that’s the truth. They want to ditch them, but they
won’t because they know [Chief] reads every DV case.”

This officer’s reflections reinforce the inadequate response to intimate partner violence at
agencies led by chiefs following a traditional policing philosophy, as well as the
influence of oversight within COP agencies. As the officer also indicates, variation
persists due to personal beliefs of officers regarding law enforcement’s role in responding
to intimate partner violence. Within departments led by COP chiefs, many patrol officers
retain traditional attitudes that devalue the police response to intimate partner violence;
they might “want to ditch” such cases, yet choose not to because of the chain of
command and oversight.

Thus, the importance of the chief’s position on intimate partner violence proves
paramount for how the agency as a whole responds. Within Centre County, the challenge
for stakeholders who prioritize a strong police response to intimate partner violence
becomes altering the behavior of individual officers within traditional policing agencies.
For while police departments within Centre County collaborate on many issues,
individual chiefs retain a strong degree of autonomy in shaping the culture of their
department. As one officer, in support of a strong response to intimate partner violence
explained:
“Until something happens out there, they’re going to continue being the same way that they are.”

The officer’s statement alludes to the continuation of traditional policing that minimizes intimate partner violence, at least until a homicide occurs, at which time a chief might reevaluate intimate partner violence as a priority issue. The statement also captures the development of a distinct binary within local policing; officers who prioritize intimate partner violence and those who do not. Within that binary emerges a “good” police officer who fulfills his obligation and follows the law, in contrast to the ‘bad’ police officer who shirks his duties, placing the public at risk. Those “good” officers working on the frontlines within law enforcement to improve the police response to intimate partner violence fail to see the utility in waiting for another homicide as a catalyst to change the policing practices of “bad” officers. Consequently, leaders within the Centre County criminal justice system have turned to neoliberal logic as a method to persuade police officers to enforce the intimate partner violence protocol. In the next section I examine the ways leadership reconfigures the failure to respond to intimate partner violence as a liability threat with personal repercussions for individual officers and the efficacy of this tactic in regulating officer behavior.

2.3.3 Liability and Fear as Neoliberal Logic

Although much has changed in the legal response to intimate partner violence, the preceding section illustrates how the chain of command structure and the power that chiefs wield within police agencies influence the unevenness of the officer response to intimate partner violence. Notably, a tension has emerged between traditional officers, intent on maintaining a strong public/private divide that excuses police inaction in cases of intimate partner violence, and COP officers seeking to extend the regulatory reach of the state into private space and intimate relationships.

This section illustrates the neoliberal logic that COP officers, working to improve the policing response to intimate partner violence within Centre County, employ to try to convince traditional police officers their role to intervene in such violence. The neoliberal logic relies on a reframing of intimate partner violence as a personal liability threat to individual officers who fail to perform their public duty. As I show, the state privatizes the lives of police officers and relies on the tactic of fear to better ensure that officers fulfill the role of “good” patriarchal protector. In this case, the good patriarchal protector is the neoliberal subject who fulfills his obligation to police private space and intimate relationships. This section illustrates that neoliberal policing broadens the scope of who is subject to neoliberal logic, and how gender and neoliberal ideology work in tandem to reregulate the state’s role in private space and intimate relationships.

I began this chapter with an excerpt from my field notes detailing a countywide intimate partner violence training in which a detective specializing in intimate partner violence utilizes a neoliberal logic to incite police officers to adhere to the domestic violence protocol. As the detective asserts in the final moments of the training, if an officer finds that he cannot “do the right thing” because he is tired or not invested in the victim, then
he should use the motivation of liability to “do the right thing, because otherwise it’s going to bust you in the ass.” During county-wide police trainings, the detective routinely emphasizes the phrase “cover your ass” or the acronym “CYA”, to signal the language of liability. To underscore the significance of “doing the right thing” in intimate partner violence cases, the detective often introduces the language of liability and CYA in the context of a police response gone horribly wrong. For example, at a Pennsylvania State Police training, the detective describes the details of a recent murder-suicide in Pittsburgh through the lens of CYA:

“January of this year, New Year’s Eve, a woman calls 911. There’s some problem, the police need to come, the dispatcher hears commotion and then the call is disconnected. So the officers get dispatched out within minutes. The officers roll up and talk to a male at the house who says, ‘Everything’s fine, we’re all good here.’ So the officers leave. The next day between 7 and 8 o’clock at night, the mother calls in to the dispatching center and says ‘I can’t find my daughter, I can’t reach my daughter, she’s not calling me, I can’t reach her and I have her son. Someone needs to check on her.’ The officers go back out to her residence and find the daughter dead in the home. She’s dead at the address they had gone to the night before when they responded to the 911 call. They go looking for him and they get into a five-hour standoff with him, and during the standoff he passes a note out to the police where he tells them, ‘You could have saved her.’ And then he shoots himself in the head and he kills himself” (Field Notes, 9 October 2013).

The detective finishes telling the story and everyone in the lunchroom sits hushed in silence. Even the traditional troopers, who had been spitting tobacco chew juice into white Styrofoam cups and snickering through the earlier portions of the training lower their eyes and sit quietly. The detective describes a familiar scenario to which many of the troopers could relate; responding to a “domestic” call, confirming with the man of the house that nothing was amiss and leaving without further thought. After capturing the troopers’ attention, she concludes the training by stressing to the troopers their obligation to proactively respond to intimate partner violence incidents, even those that appear to present only a negligible risk:

“So when you roll out there and someone refuses you entry, or someone doesn’t let you come in and talk to somebody, you need to take that stance of, at this point, I’ve got to CYA. I’ve got to talk to somebody. I’ve got to make a phone call to her. I’ve got to make a phone call to her mother. I’ve got to get somebody else who can reach her. I’ve got to check her welfare. Whatever efforts you need to take, because you don’t know which one of these is going to be the deadly one. You seriously don’t know. If you presume this is a low risk case, and you’re wrong, you’re going to get jammed up. If you presume this is a high risk case, and you’re wrong, you’re going to be covered because you did more, not less. Does that make sense?”
Using liability as motivation, the detective implores the troopers to take the additional step and cross the public/private boundary to engage in the private. By taking that step, the trooper metaphorically crosses a threshold from the “bad” to the “good” police office. The detective insinuates that engaging in the private proves that the trooper “did more.” Regardless of the outcome, the state will protect the trooper, because the trooper performed the role of “good” patriarchal protector. The trooper who fails to perform his public duty by not intervening creates the potential for personal liability.

In this scenario, the state distances itself from the “bad” trooper who fails to protect a vulnerable individual and whose “bad” qualities reflect poorly on the “good” patriarchal state. The trooper in this scenario will “get jammed up” as an individual, rather than as a public servant affiliated with a state institution. Liability privatizes the lives of police officers by reinforcing that the police officer who performs the role of “good” officer receives protection from the state, while the “bad” officer faces the repercussions ostracized and alone. In our interview, the detective explained the rationale for introducing liability as a motivation “to do the right thing” in intimate partner violence cases:

“It’s a way to remind officers, ‘Whether you believe this or not, whether or not you think this [intimate partner violence] is important, I don’t care whether you think this is important. You need to do it not only because it’s the right thing to do, but it protects you. It [making an arrest] protects your supervisor, it protects your department, it protects your agency, and oh by the way, it also protects this poor victim who’s at risk of being killed and harmed, but it also protects you.’ So it was giving officers another thing to hold on to if, for whatever reason, they didn’t necessarily buy in to the idea that violence in any relationship is not okay.”

The detective finds that the language of liability provides a more powerful mechanism of influence than the law or the officers’ personal attitudes toward policing intimate partner violence. The efficacy of liability owes in part to the fear that the method elicits; fear that the officer will no longer receive the protection that the state affords to him as a public servant if he fails to perform his public duty. The neoliberal tactic of fear is especially useful to challenge officers’ ongoing resistance to intervene in private relationships. Rooted within officers’ resistance to police domestic violence are long standing perceptions regarding traditional gender roles. The detective reasons:

“I think that we still have officers, generationally, who do believe that the woman should be at home, and raising the kids, and if she would just listen then these things wouldn’t happen. And she should dress like a Barbie doll, and you know make my dinner, and have it on the table. And those are gender roles that are pretty engrained in our society. So I think saying, ‘I don’t care if you think she should have been home or she shouldn’t be texting someone else, that’s not our business. What she is doing is not our business. She is not committing a crime. He is. And if you
don’t address it, I’m going to take your house, I’m going to take your job, the department is going to be owned by her, go ahead. Let it go.’ And make it very personal, sort of as a way to overcome whatever remaining misconceptions or myths the law enforcement population is still bringing in [about gender].”

Although not universally effective, liability resonates strongly with many of the officers I interviewed. For example, an officer who polices at a department for a chief steadfast to a traditional policing philosophy shared a story about a intimate partner violence incident in which he refused to drop the charges against a batterer:

“The woman I was telling you about, she asked if there was any way for me to drop the charges. I refused to drop the charges, you put me through all this work and I have to, I have to protect myself because you guys have called me in the past. Because what happens if he beats her up for real now, well I don’t want to be held liable for that. Look what Officer [XX] did, he did nothing.”

During our interview, this officer was neither sympathetic nor particularly pleased to follow through with the arrest in this case. He also acknowledged the likelihood that his traditional supervisor would have supported him had he dropped the charges. However, as the officer alludes, he follows through with the arrest because he has responded to the same home in the past for violent assaults, and he does not want to be held liable if something more serious were to happen in the future. The officer also perceives that he will individually face the repercussions of not making an arrest. In other words, although he works for a police department, he believes any wrong decision that he makes in the field will become his personal responsibility. Other officers were similarly motivated by a fear of personal liability. In these cases, an officer’s motivation to act often rested on a concern that a less serious incident might lead to future violence or homicide. This fear motivated the officer to take action in the present:

“These family ones (PFAs), they need so much more attention. They’re the ones where we’re going to get the call. And we all know we’ve had serious incidents and homicides on domestic violence here in Centre County, and Clinton County involving people in Centre County, so nobody wants to be the one who says, ‘Let’s brush this under the rug, we don’t want to do anything about it.’

“There’s such a liability issue because everyone is afraid to not do it right. You don’t want to be the guy who didn’t arrest, and he goes back and kills her.”

Akin to many rural communities, homicides are rare in Centre County; only one or two occur per year. As rare events, the context surrounding a homicide lingers in the community’s memory. The officers’ fear of being “the guy who didn't arrest” signals both the tragedy that results from the oversight of not acting, along with the stigma of
being linked to a homicide, however slight the causal connection of responsibility. Neoliberal logic plays an important role in motivating officers to “do the right thing” and enforce the law in cases of intimate partner violence; many officers internalize the threat of liability and note its influence in their decision-making as more critical than their duty to serve. Notably, the reframing of intimate partner violence as a personal liability threat does not universally motivate all police officers to respond, and some continue to resist the obligation to take action in cases of intimate partner violence. However, in an era of neoliberal policing, police officers find it increasingly difficult to evade state oversight and regulation.

2.4 Conclusion

This chapter explores the ways policing in a neoliberal era reconfigures notions of public and private. By focusing on how the police officer embodies the porosity of the public/private realm, this chapter makes visible the ways policing spatially extends and broadens the scope of who becomes subject to state regulation. While the use of neoliberal logic as a fear tactic proves relatively effective in regards to officer compliance, the policing of intimate partner violence across Centre County remains inconsistent and uneven. In the next chapter, I continue to illustrate how gender is central to the restructuring of the state’s role in private space and intimate lives, but I turn to examine the events following intimate partner violence arrests. Here I conceptualize the relationship between the state and victims as a social contract to show how the state response to intimate partner violence affects the practice of citizenship for women who experience such violence.
Chapter 3

Calling 911: Citizenship and the Social Contract

Normally Mia’s boyfriend would join her to pick up their son from daycare, but on this day he had left their apartment with the shared car following a verbal argument, and now he would not answer Mia’s phone calls. With closing hours near, Mia recruits her friend, Cassie, to drive her to the daycare center. The daycare staff reports to Mia that her boyfriend had only moments prior left the parking lot; he had sat in the car for 15 minutes, while the curious daycare staff looked on, and then left without taking the child. A rush of anxiety sweeps over Mia. She quickly loads her baby into Cassie’s car, securing him into an extra car seat.

As they leave together, Mia proposes going to Cassie’s apartment rather than directly home. Mia makes a calculated choice; based on the report from the daycare staff, she suspects that anger from the earlier argument still consumes her boyfriend. She fears returning home, and hopes to diffuse the situation with a measured phone call to her boyfriend from Cassie’s apartment. With numerous scenarios running through her head, her safety plan ultimately proves futile. Mia and her son never arrive at Cassie’s apartment. Minutes after leaving the daycare center and while riding in the passenger seat of Cassie’s car down a busy street in State College, Mia spots her boyfriend driving in the opposite direction. The situation quickly escalates and Mia calls 911 for help:

911, where is your emergency?\(^{14}\)

With the babbling of her baby audible in the background, Mia explains to the 911 dispatch operator:

“Hi. Right now, um, I’m in a car with my friend, and um, my, my son’s father right now is chasin’ us. And is about to, like we was going down through Blue Course and he was coming up and almost hit our car and right now he is still chasin’ us and…”

Recognizing that the car is moving, the dispatcher interrupts Mia to ask:

Where are you at now?

With Mia’s boyfriend actively pursuing them, Cassie had already turned left off of Blue Course Drive onto College Avenue. Speeding back into town, Cassie misses the sharp left turn onto Beaver Avenue and continues straight up the short hill into the Holmes-Foster neighborhood. Mia is unsure of their current location:

I don’t even know, I don’t know this street.

\(^{14}\) What follows is a transcript of the recording that captures “Mia’s” 911 call requesting assistance.
The dispatcher continues to focus Mia on her location and instructs Mia to consult Cassie for more detail:

*Ask her what the street is. I need to know what street you’re on.*

Stopped at an intersection, Mia strains to read the names on the street signs.

*It says, it says Buckhout, um, West Foster and Buckhout.*

Those are the last words that Mia directs to the 911 dispatcher. A large blue water tower on the dead end street at the intersection of West Foster and Buckhout looms before the stopped car. Cassie made a wrong turn. In an instant, the tone of Mia’s voice changes. Something other than the 911 dispatcher now commands her attention:

*I’m not gettin’ out of this car. I am not gettin’ out of this car.*

The dispatcher, not sensing the urgency or the shift in Mia’s focus, begins to ask again about her location:

*Are you...*

Before the dispatcher can finish the question, Mia’s panicked voice quickly orders:

*Pull up the windows, pull up the windows! Lock the doors!*

The 911 recording captures an inaudible male voice in the background. The dispatcher asks:

*You guys are stopped?*

Mia is unable to lock the car door in time. The 911 recording captures her screams. The dispatcher says:

*Hey, talk to me. Are you stopped?*

No reply.

*Hello?*

The dispatcher’s question is met with eerie silence as the call ends.

*Shit.*
By the time the forty-seven second 911 call ended, the operator had dispatched two State College Police Department patrol cars to the intersection of West Foster Avenue and Buckhout Street. Minutes later, when the officers arrived, Cassie frantically explained that Mia’s boyfriend ripped her out of the car, dragged her 100 pound petite frame across the ground and threw her body like a ragdoll into his car. He then returned for the child, put the baby in the back seat of his car and drove off. While one police officer radioed the dispatching center for additional backup to begin a search for Mia and the baby, the other police officer took Cassie’s statement.

Less than ten minutes later, a motorist placed a call to 911 reporting a woman lying on the side of the road with serious injuries. Located in a neighboring jurisdiction, the second 911 call dispatched police officers from the Ferguson Township Police Department. Mia suffered head trauma and a badly broken arm. Her unconscious body was flown to the regional medical center 90 minutes away. With the assistance of the State College Police Department’s VCICM Unit, the local law enforcement agencies linked the two 911 calls and arrested Mia’s boyfriend for felony-level aggravated assault.

3.1 Introduction

I begin this chapter with the transcript of a 911 call to signal the moment that intimate partner violence becomes public; the moment when the spatial reach of neoliberal policing begins to reregulate private space and intimate relationships. While most intimate partner violence calls end with less peril than the 911 call that I detail above, Mia’s instinct to call the police for assistance reflects the choice of many women who experience intimate partner violence. However, calling 911 signals more than the moment that private violence becomes public. Calling 911 also signals the transfer of agency from women who experience intimate partner violence to the state; the moment when the state declares that a woman’s will is no longer relevant and proceeds irrespective of her expressed wishes.

In this chapter, I illustrate how the policing and prosecution response to intimate partner violence reflects a social contract of rights and responsibilities through which the relationship between the state and women who experience intimate partner violence is mediated. By conceptualizing the state response to intimate partner violence as a social contract, I show how the state normalizes the neoliberalization of the rights and responsibilities of citizenship. As I detail in Chapter 1, within liberal democratic theory the notion of the social contract forms the basis of the state’s authority over members of society; individuals consent - either willingly or implicitly - to surrender some of their rights to the state in exchange for the protection of the remainder of their rights. The idea of the social contract rests on the notion that individuals who abide by the laws of society maintain their inalienable rights. However, in exchange for inalienable rights, individuals surrender to the state the authority to enforce their rights (Boucher and Kelly 2003). In other words, when someone becomes a victim of crime, the terms of the social contract compel the crime victim to concede to the state the right to pursue justice; the crime victim may not vindicate their own crime.
In the context of intimate partner violence, calling 911 symbolizes the materialization of the social contract; a batterer violates the law by assaulting his partner, the victim actively appeals to the state for assistance - thereby surrendering to the state the authority to enforce her legal rights - and the state fulfills its responsibilities to the victim through the arrest, prosecution and incarceration of the batterer. However, as social contracts go, victims also have to fulfill responsibilities in return for political recognition; the state makes these distinctions, and reregulates the “uncooperative” victim, thereby reproducing women who experience intimate partner violence as irrational subjects incapable of making reasonable decisions. By illustrating how the state discursively constructs uncooperative victims as irrational, this chapter employs a feminist geographic analytic to examine the everyday discursive and material technologies that the neoliberal state employs to reregulate responsible citizenship.

3.2 Section One: Rights and Responsibilities
The consistent recognition of women who experience intimate partner violence as political subjects began with the advocacy efforts of the domestic violence movement in the 1970s and the shift to preferred arrest policies denoting the criminalization of intimate partner violence. As I detailed in the Chapter 1, these changes occurred in tandem with the rise of the neoliberal state and the corresponding dual process in which the state disinvested from the social welfare system and turned to punitive measures to address social and economic problems. However, neoliberal policing not only extends the spatial reach of state regulation into private space and intimate relationships, but also represents the inclusion of intimate partner violence victims as active members of the social contract. In the first section of this chapter, I show how the policing and prosecution response to intimate partner violence creates a contract of rights and responsibilities that mediates the relationship between the state and women who experience intimate partner violence. Specifically, I examine events that occur after police officers arrest intimate partner violence batterers. By fulfilling their responsibilities to victims, the first part of this chapter illustrates how state actors distinguish between cooperative and uncooperative victims.

3.3.2 Constructing Cooperation

“I can make my answers real simple for you. You want to ask me what the biggest problem is? You go to a domestic and you’ve got a job to do. You’re paying me to do a job and at times I realize it’s going to be dangerous. Well, I have a family too. I have a little girl that wants to see me come home. Now I’m putting my life on the line for you, which is my job, and meanwhile you’re going to jump on my back. Or I have to fight your husband because we arrested him. In the moment you’re okay with it but in the long run, now you don’t want to testify, now you want to file a complaint with my chief because we were too mean, or too rough. Inside it starts to wear you down. I did this to protect you. You acted like you were all scared. I try to have sympathy, but I put my life on the line and I risk my job and my career, and now you won’t even cooperate. I have a problem with that.”

I begin this section of the chapter with a quote from a police officer reflecting on my question about the challenges law enforcement encounter when responding to intimate partner violence calls. The officer’s response captures several of the frustrations police officers consistently express with intimate partner violence cases. They are unpredictable and dangerous, particularly when a batterer owns a firearm (Meyer and Carroll 2011). I accompanied an officer on a ride-along in her patrol car and she spoke openly about feeling increased anxiety when responding to intimate partner violence calls explaining, “You go into the call knowing that the potential for danger is higher.” Intimate partner violence incidents are also complicated; by nature they include people involved in an intimate relationship who often live together and who share children. During interviews, multiple officers addressed the challenges associated with intimate partner violence incidents:
“I think it’s much more difficult in a domestic violence situation, because you’ve got a person in most cases is, it’s someone they love, it’s someone they cohabitate with, it’s someone they oftentimes rely on financially, emotionally, they often have children with (him) and in other crimes, like burglary or robbery or you know, you don’t have the relationship or dependence on the person.”

A sizeable international population affiliated with The Pennsylvania State University lives in State College. Law enforcement officers find intimate partner violence incidents involving international populations particularly complicated:

“What we find is that they are so reluctant because there are underlining issues. Perhaps the only reason they are in the country is because of their spouse. He’s here on a visa and they’re dependent on that visa. So that’s a complicated issue where we want to protect her and make her safe, but he’s her resource. There’s extra barriers when dealing with the international population.”

“One of the biggest problems I had in [X township] was responding to international students, especially the Asians. No one from the house called. It was always a neighbor. There’s always a spokesperson for the family and it’s usually a pastor. And that’s their custom. The woman won’t talk to you. The cultural differences were really difficult. The language barriers….”

Intimate partner violence cases also require extra staffing and time; for safety, the Centre County protocol requires that two officers respond together to all intimate partner violence incidents. Intimate partner violence calls pose a particular challenge for the smaller departments in the county who only staff two officers to work the night shift. Once on scene, officers spend considerable time determining what transpired; effectuating an arrest only increases the amount of time an officer commits to the case:

“They’re pretty complicated, there’s a lot of different dynamics frequently and they take a lot of time. So when you’re 15 minutes before your shift ends and that’s when you get that call, no one wants to take that call.”

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15 Individual police departments standardize the patrol response to intimate partner violence incidents. At a national scale, while staffing and budget cuts might restrain the number of officers a department can allocate to an intimate partner violence incident, a U.S. Department of Justice survey of 14,000 police departments indicated that 90% of police departments require police officers to separate the victim and suspect when responding to an intimate partner violence call and interview victims separately from the suspect (Townsend et al. 2006). In Centre County, if a police department is understaffed, a neighboring jurisdiction will assist in the police response to intimate partner violence incidents to ensure that at least two officers respond together.
“I had a couple this year...they got into an argument and he punched her two front teeth out. And he ran. So, by the time you get there, you talk to her, she goes to the hospital. You go up to the hospital, now you have to juggle her medical needs while trying to get a statement from her. In the meantime, all the officers are looking for him. We already know that we’re charging him, you come back [to station], its after 5 o’clock. There’s no DJ [Magisterial District Judge] 24 hours, so you have to get ahold of the on-call DJ, you fax the stuff, you have to get a warrant, then once you have the warrant, it has to be distributed to everyone, they all try to find him. Couple days later, we get a couple leads on him because we’re still looking for him every day. We go to the preliminary hearing. It was continued, the next time we show up it was continued again, the next time we show up it was continued again. I think it was the fourth try and it was waived. I’d say it was up to 40 hours just for that one call.”

Despite all of these challenges, most of the officers I interviewed indicated that they fulfill the responsibilities their job entails. While the motivation driving individual officer’s to fulfill their responsibilities varies, these officers described responding to calls for assistance, arresting when they observed injuries and appearing in court prepared to testify. For law enforcement, who routinely arrest in cases of intimate partner violence, the officers’ principle frustration lies not with the danger, difficulty, and time commitment of intimate partner violence cases. Rather, their chief grievance rests with the victim and her failure to fulfill what law enforcement believe are her responsibilities to the state; to support the arrest of the abuser, to assist in the state’s case by testifying against the abuser, to gratefully accept the state’s protection, and ultimately, to leave the abusive relationship.

“I think the big issue, what I see time and time again, when you have clear signs of violence, you go ahead and make an arrest, but then you have an uncooperative victim.”

“The one thing is the cooperation of the victim. There was one I had recently, in the last year or two. The woman was beat up by her ex-husband and had teeth knocked out and she only let the officers take one quick picture. She wouldn’t write a statement or let the officer take more pictures of her. And then just completely uncooperative.”

“I’ve learned, partially from training, but a lot from just experience that people are a lot more willing to talk to you and figure things out and get things done when they’re pissed with the person. So six hours later, they’ve already made up and don’t want anything done. But you have the obligation and the law.”

“Cooperation” signals the extent to which a woman who experiences intimate partner violence fulfills her end of the social contract. From law enforcement’s perspective, cooperation entails a variety of acts; a victim is cooperative when she calls the police
after experiencing a physical assault, when she provides a written statement and permits police officers to photograph her injuries, when she vocally endorses the arrest of her abuser, when she files for a court-issued Protection from Abuse (PFA) Order, and when she calls the police to report any violations of the PFA Order. A victim is cooperative when she turns over additional evidence that strengthens the criminal case, when she voluntarily appears in court, and she is especially cooperative when she leaves the abusive relationship, thus ensuring that law enforcement never need respond to her house again.

Law enforcement officers are not the only state actors who use the language of cooperation. From the prosecutor’s perspective, a victim is cooperative when she does not reconcile with the abuser after the arrest, when she calls the District Attorney’s Office to report intimidation perpetrated by the abuser or his family, when she willingly appears in court to testify for the state and when she supports holding the offender accountable for his violence through incarceration. A victim who (permanently) ends the abusive relationship performs the ultimate act of cooperation.

Cooperative behavior signals responsible citizenship. The “cooperative victim” is synonymous for the “good victim” or the “good citizen” who successfully fulfills her end of the social contract by satisfying her responsibilities to the state. State actors determine the behavior linked to cooperation, and unsurprisingly, cooperative behavior includes actions that assist state actors in successfully completing their own jobs. However, cooperative behavior also functions discursively. Cooperative behavior is rational behavior; it is what the state believes any sensible, logical, reasonable person who is the victim of a crime would do.

Consequently, the “uncooperative” victim is the “bad” victim/citizen who fails to fulfill her end of the social contract by acting in ways that impede the state in fulfilling its responsibilities to the victim. The uncooperative victim is also the “irrational” victim; the victim who refuses state protection, aligns herself with her abuser and who deliberately returns to a dangerous situation; the irresponsible citizen. The discursive function of “cooperation” serves not only to distinguish between the rational/responsible victim and the irrational/irresponsible victim, it also effectively justifies the state’s regulation and management of the irrational/irresponsible victim.

The officers quoted in this section describe how they routinely fulfill their responsibilities to victims by arresting batterers, despite the challenges and difficulties that intimate partner violence cases present. However, law enforcement represents only one entity of the state response to intimate partner violence. In the next section, I examine the coordinated set of procedures and technologies that the Centre County District Attorney’s Office employs to fulfill its responsibilities to women who experience intimate partner violence.

3.2.3 The Purple Packet
To illustrate how the District Attorney’s Office fulfills its responsibilities to women who experience intimate partner violence, I begin by concluding the story of the 911 call that introduces this chapter. After a week spent recovering, Mia’s doctors discharged her from the hospital with a dark blue cast that extended well above her elbow. Unable to post bail, Mia’s boyfriend remained incarcerated. The judge who arraigned Mia’s boyfriend issued a no contact provision barring him from calling her from jail. Mia’s son spent two days in foster care before her closest relative, an older sister living in Texas, arrived in State College to assume temporary custody of the baby. When Mia returned home, she walked into an apartment full of boxes. Unable to afford her own rent, it had been decided that Mia would move back to Texas with her sister. Mia also arrived home to a subpoena requiring her presence in court for her boyfriend’s preliminary hearing; the mandatory court appearance for anyone arrested for a misdemeanor or felony level crime within the previous seven to ten days.

The following day, physically exhausted and emotionally confused, Mia sat small and quiet on a wooden courtroom bench while her sister, a detective, and a prosecutor stood huddled together, considering various outcomes for the case. Tears ran down Mia’s face when the sheriff escorted her boyfriend into the courtroom and she saw him for the first time, handcuffed and dressed in an orange prison jumpsuit. She hoped that he might receive a plea bargain and counseling, but soon realized that her opinion would carry little weight; the recording of the 911 call, coupled with photographs of her injuries and statements from witnesses provided more than enough evidence for the prosecutor to move the case forward into the criminal justice system. Although she sat in the courtroom for over three hours, Mia never spoke. After her boyfriend waived his right to a hearing and the sheriff escorted him back to jail, the prosecutor dismissed Mia from court with orders to report any violations of the no contact provision that remained a condition of her boyfriend’s arraignment. Mia slipped into the passenger seat of her sister’s rental car, and stared out the window as they began the long drive to Texas.

While never referenced in court that day, a coordinated set of procedures managed Mia’s case from the moment she dialed 911 to the sentencing and incarceration of her batterer. As I detailed in the previous chapter, Pennsylvania law requires police officers to arrest in cases of intimate partner violence when physical evidence exists to corroborate that a crime occurred; the arrest ensues regardless of victim consent. Centre County pairs preferred arrest with evidence-based prosecution. Evidence-based prosecution - also called “victim-less prosecution” - relies on evidence collected at the time of the arrest to proceed with an intimate partner violence case regardless of the victim’s interest in pursuing prosecution. Although the police response to intimate partner violence remains inconsistent throughout the county, improved training and the threat of liability has resulted in law enforcement more routinely fulfilling its responsibilities to arrest in intimate partner violence cases.

However, the District Attorney’s ability to fulfill its own responsibilities to women who experience intimate partner violence requires more than simply the arrest of a batterer. In order for the District Attorney to effectively enforce a victim’s legal rights and pursue justice, police officers must conduct thorough and comprehensive investigations; the
evidence that police officers collect at the time of the arrest determines the District Attorney’s ability to practice evidence-based prosecution. Despite the increase in intimate partner violence arrests, police officers regularly deliver incomplete intimate partner violence case files to the Centre County District Attorney’s Office. To remedy the problem of incomplete case files and to better ensure the success of evidence-based prosecution, the District Attorney’s Office introduced the “purple packet” to all Centre County law enforcement agencies in the summer of 2012. The packet includes all the forms and materials necessary to fully investigate an intimate partner violence case.

Nicknamed for the purple paper it is printed on, a checklist of twenty-three items functions as the cover page to the packet. Divided into two parts, the checklist indicates the types of evidence officers should collect during the initial response, and additional actions officers should complete following the arrest and before the preliminary hearing. The purple packet reminds officers to obtain written statements from the victim, defendant, and any witnesses to the incident, to take photographs of all injuries, and to fill out a variety of forms pertinent to conducting a thorough investigation, including the “bail recommendation form,” the “medical release form,” the “victim notification form” and the “subpoena notification form.” Between the arrest and preliminary hearing, the checklist prompts officers to obtain follow up photographs of injuries, to deliver subpoenas requiring the victim to appear in court for the preliminary hearing, to secure the digital recordings of the 911 call and any calls the abuser made from jail. The District Attorney’s Office requires officers to complete all of the items on the checklist during their investigation, and following an arrest the officer faxes the packet to the Assistant District Attorney prosecuting the case.

The purple packet has become a key tool in the success of evidenced-based prosecution. The prosecutor’s ability to move the case against Mia’s boyfriend into the criminal justice system without her testimony at the preliminary hearing confirms the method’s efficacy. The prosecutor relied on the photographs that the detective took of Mia’s injuries, along with the written statements from Cassie – her friend driving the day of the car chase – and the witness who called 911 to report Mia’s body lying on the side of the road. After the arrest, the detective retrieved a recording of the 911 call from the 911 Dispatch Center and served Mia with a subpoena requiring her to appear in court. While her being in court that day might seem irrelevant – as the state pressed forward without her testimony or input – her physical presence sitting quietly in the courtroom signaled to her boyfriend’s public defender that Mia would not directly challenge the state’s case.

Through proactive policing and prosecution practices, and material technologies such as the purple packet, the state fulfilled its responsibilities to Mia with the successful arrest, prosecution and incarceration of her batterer. However, Mia’s story also illustrates the limited notion of rights and the retrenchment of state responsibilities within the neoliberal social contract. After the state incarcerated her boyfriend - the family’s primary provider - Mia could no longer afford her rent, utility bills, food, gas, childcare and car payment alone; she became dependent upon her sister and extended family for support. Although eligible for a state subsidized housing voucher and food stamps, the state assistance fell short of supplementing her boyfriend’s income. Moreover, the housing voucher required
Mia to move from her current apartment to a housing complex on the edge of town, further isolating her from resources and assistance. In the end, the support Mia’s family proposed better fulfilled her social welfare needs, despite her preference to continue living in State College.

Mia’s story also buttresses Hirschman’s (1996) critique that the social contract assumes conditions of consent under which individuals actively give up some rights in exchange for others. By appearing in court – under the duress of a subpoena – the state assumed Mia’s consent in seeking justice. Yet, Mia never actively consented to any part of the social contract; she called 911 to request help, without knowing that Centre County practices preferred arrest and evidence-based prosecution in cases of intimate partner violence. Mia’s silence in court illustrates how the assumption of tacit consent operates as a tool to normalize compliance. While the state interpreted her silence as cooperation, Mia observed the process occurring around her and sensed a dynamic familiar to her abusive relationship; other people in positions of power making decisions on her behalf, without consulting her wishes or desires. None of this excuses or absolves the abusive actions of her boyfriend, nor do I suggest that state coercion directly mirrors a violent relationship. However, at no point did the state encourage Mia to communicate her thoughts on the process that would ultimately have life-long consequences for her and her child.

Mia’s case illustrates how the state’s practice of speaking for victims (re)inscribes a political system that positions women who experience intimate partner violence as dependent, helpless subjects. Mia’s exclusion from the criminal justice system began when the judge, who arraigned her boyfriend, included no contact conditions within his bail. Intended as a form of protection to prevent abusers from threatening or manipulating victims after an arrest, these standard conditions effectively establish a state-issued de facto divorce without consulting the victim (Bailey 2012). Akin to Spivak’s (1988) critique of postcolonial studies and the establishment of a collective subaltern identity in which academics “speak for” all postcolonial subjects, the policing and prosecution response to intimate partner violence assumes a collective victim identity in which the state “speaks for” all intimate partner violence victims. The silencing of individual victim voices creates an essentialized victim identity that repositions victims as subordinate subjects, and justifies the subsequent state intervention into the private lives of victims. The silencing of individual victim voices also normalizes the neoliberalization of state responsibilities within the social contract; evidence-based prosecution, with the assistance of the purple packet, both silences victims into compliance and reregulates the criminal justice system as the principal method in which the state fulfills its responsibilities to women who experience intimate partner violence.

In this section, I have examined how preferred arrest, evidence-based prosecution and the purple packet assist the state in fulfilling its responsibilities to women who experience intimate partner violence. Feminists leading the domestic violence movement in the 1970s turned to the state to demand the recognition of intimate partner violence victims as political subjects deserving of equal protection under the law. These feminist advocates share responsibility for altering the conditions of the social contract that now
mediates the relationship between the state and women who experience intimate partner violence. However, in their advocacy, the leaders of the domestic violence movement did not anticipate that the state would dismantle the welfare system or rely on gendered tropes of rationality to distinguish between cooperative and uncooperative victims. In the next section, I show how state actors rely on these same material technologies to reregulate the behavior of women who fail to fulfill their responsibilities within the social contract.

3.3 Section Two: The Neoliberalization of Citizenship

I turn my attention to the “uncooperative” victim to show how the state relies on gendered tropes of rationality to reregulate victims who not only fail to fulfill their responsibilities within the contractual bargain, but who challenge the logic of the social contract through their irrational behavior. The first part of this section introduces the reliance of the state on the purple packet to move cases forward regardless of the victim’s interest in pursuing prosecution. I show how the state relies on gendered tropes of rationality to construct the uncooperative victim as incapable of knowing her best interests and requiring a rational actor to step in on her behalf. In the second part of this section, I introduce the perspectives of “uncooperative” victims to complicate the logic of the neoliberal social contract.

3.3.2 Reregulating the Uncooperative Victim

I began full-time dissertation fieldwork in the VCICM Unit of the State College Police Department in the summer of 2012, just as the District Attorney’s Office mandated that police officers use the purple packets in every intimate partner violence case that culminated with an arrest. During July and August, I joined the VCICM Unit Detective to assist with the distribution of the purple packets to the six municipal police departments around the county. As I interviewed law enforcement officers and prosecutors over the course of the following year, I inquired about the purple packets. Officers generally griped that the packet created more work, and expressed resentment toward the District Attorney’s Office for dictating their investigative practice. However, a recurring theme concerning the value of the purple packets also emerged; the packets were extraordinarily helpful in reregulating the “uncooperative” victim.

The notion of the “uncooperative” victim materialized in the 1990s with the nation-wide trend to begin consistently arresting perpetrators of intimate partner violence. Although Centre County always relied on evidence to prosecute intimate partner violence cases, the philosophy regarding evidence-based prosecution evolved when the current District Attorney entered office in 2010. Prior to 2010, when a victim became “uncooperative” the District Attorney’s predecessor often dropped the charges or accepted a defense attorney’s request for a plea bargain. An Assistant District Attorney (ADA) explains:

“In years past, charges were filed willy nilly. Sometimes it was for the sole purpose of getting the offender away from the victim, and the way to do it was to throw handcuffs on him and throw him in jail. At least he’ll sit
for a little while and cool off. And what happened was, in those cases, you’d get to the preliminary hearing and the victim wouldn’t want to prosecute. You get down the road and even if the victim wanted to prosecute at the time of the prelim, she doesn’t now. And you realize either at the prelim or down the road that the facts that you have don’t substantiate the case. You can’t prosecute a case that you don’t have, the prosecutors can’t ethically do that. So you either have to null-cross all the charges or you have to offer a plea to something much less.”

As the ADA indicates, in the past, officers may have arrested an intimate partner violence offender without gathering additional evidence. At the time of arrest the officer observed injuries and acted in good faith by making the arrest. The ADA also alludes to occasions when officers used arrest as a tool to provide protection. Officers are trained to recognize signs of escalation and lethality, and if evidence exists to authorize an arrest, an officer might use the power of arrest to separate the abuser from the victim because the officer fears for the victim’s safety. Regardless of the officer’s intent, if the victim became “uncooperative” and if the officer failed to gather additional evidence at the time of the arrest, the ADA lost the ability to prosecute the case. From the prosecutor’s perspective, dropping charges in a case of intimate partner violence or accepting a plea bargain to a lesser crime sends the wrong message to the victim, the abuser and the broader community:

“I think that’s why it’s really important to follow through with these cases. And as a general principle you have to take them seriously because it’s not only for this individual who is going through it, but it’s the system collectively. Victims need to know that law enforcement and prosecutors are willing to step up and go to bat for them. You’re showing people, hey, we’re going to be here, the system is going to change, and the culture is going to change and we’re not going to put up with this abuse anymore.”

With preferred arrest and evidence-based prosecution now standard practice, from the state’s perspective, the “uncooperative” victim is the enduring barrier preventing state actors from consistently holding offenders accountable and seeking justice. The purple packet offers a new method to circumvent the problem of the “uncooperative” victim. In a public forum during an October 2012 Domestic Violence Awareness Month event, the Centre County District Attorney described her philosophy on evidence-based prosecution in cases of intimate partner violence. Speaking in front of a large audience of community members that included other system professionals, university students, State College residents, and survivors of intimate partner violence, the District Attorney explains:

“Sometimes between the arrest and the first hearing, the victim withdraws her support for the prosecution and will not take the stand and testify to what she told the police the night they came. And we need a live witness to tell the judge what happened. And if the witness won’t testify or says, ‘I lied to the police, he didn’t do what I said,’ we can’t proceed any further. My office has started a new protocol where we try to combat that, but it
puts us in an adversarial position to our domestic violence victims, but
we’ve pursued it anyway.”

The District Attorney begins her narrative by conceding two critical details. First, in all
criminal cases other than homicide, her office needs a “live” victim to testify. I return to
the significance of this admission at the end of this section. Second, the District Attorney
acknowledges that the practice of evidence-based prosecution creates contentious
relationships with intimate partner violence victims. In order to justify the pursuit of the
practice, she relies on the discursive logic of “cooperation.” As the District Attorney
continues her narrative, the temporal component to “cooperation” also becomes apparent:

“Here’s what happens now. The police go out to the scene, a woman’s
been hurt – choked - they see bruises. We have them now take pictures of
those bruises, take a written statement from the woman at the time she’s
willing to cooperate, because she’s frightened and she realizes how serious
it is. She writes the statement. ‘He choked me, I couldn’t breathe.’ We go
to the first hearing, which is a week later and in the meantime, he’s done
the honeymoon thing. She comes to the hearing, ‘I don’t want him to get
in trouble. He’s sorry. He won’t do it again. I’m not going to testify for
you. You’re the enemy.’ We start the hearing, she gets up there, we put the
statement in front of her and she says, ‘I said that, but I lied. I was the one
who started the fight, it’s my fault.’”

Multiple components of evidence-based prosecution operate simultaneously in this
scenario as the police use the purple packet to build a case by collecting photographs and
written statements. The District Attorney also notes the victim’s initial cooperation with
state actors and she does so by highlighting the victim’s fear. As feminist scholars have
shown, uncontrolled emotion usually operates as a tool to construct women as irrational,
hysterical and crazy (Spelman 1988; Yuval-Davis and Werbner 1999; Beauvoir 2012).
Yet paradoxically, the victim’s fear immediately following the violent assault is used to
indicate rational behavior; any reasonable person would be terrified and realize the
danger of an assault involving strangulation.

The state considers women who experience intimate partner violence their most rational
immediately following a traumatic, stressful, near death experience; her fear and
instinctual choice to call the police for assistance are constructed as sensible and
indicative of her “real” emotional and physical needs. According to the state, it is once
her initial fear subsides and she has time to weigh the situation that she becomes
irrational (again). Importantly, the District Attorney recognizes that the abuser can
manipulate the victim, such that she shifts from cooperative to uncooperative victim. This
recognition, however, is predicated on categorizing the victim as irrational and
emotional; the District Attorney implies that the abuser’s affection, apologies and
sweetness wooed the victim and she is further recast as a senseless, gullible victim. The
District Attorney continues the narrative by explaining the central reason for why her
office moves forward with these cases despite the victim’s willingness to commit perjury
by lying on the witness stand:
“In the past, if she came to the hearing and said, ‘I’m going to say that I lied,’ we wouldn’t have even tried to move forward with the case. But now we have the pictures and now we have a written statement. We just did this two weeks ago. We said this is a strange approach but she doesn’t know what’s good for her and we do. I don’t want a call that he’s killed her. So we’re going to proceed with her being against us and I’m going to look the judge in the face and say, ‘She’s a victim of domestic violence and the abuser’s manipulating her.’ Now will we win beyond a reasonable doubt, I don’t know. But you know what, I know what the truth is, the truth is that he choked her. And if she doesn’t know what’s good for her in that scenario, we’re going to try to protect her if she can’t protect herself. And who knows, between now and the trial, she may have worked up enough courage to come back and say, ‘You know what, it is true’” (Field Notes, 25 October 2012).

The District Attorney concludes by appealing to a search for truth and justice. Not only does the woman in her narrative refuse to fulfill her end of the social contract and help the state hold the perpetrator of the crime accountable, but she also refuses to take responsibility for protecting herself. The state positions itself as both a moral authority and an arbitrator of protection. This (paternalistic) position justifies the state’s intrusion into the private lives of women, because as the District Attorney explains, the state will not be culpable for a woman’s murder. Once a victim becomes “uncooperative,” state actors rely on the evidence gathered through the police investigation to proceed with the case against the abuser without the victim’s assistance. The state overcomes the challenges of the “uncooperative victim” by effectively negating the need for a “live” victim. A Centre County police chief explains the District Attorney’s position on this issue:

“[The District Attorney] likes to say that it’s the same kind of strategy or approach as homicide. You know, when I used to hear her talk about this, she would say, ‘when’s the last time we had a homicide victim testify.’”

Although the comparison represents an extreme analogy, the District Attorney’s reliance on evidence-based prosecution signifies that the state can successfully prosecute a misdemeanor level incident – an assault resulting in a bruised eye - by proceeding as though the woman had died. While not to diminish the significance of any violent assault, the state’s choice to employ the same methods that it uses to prosecute a homicide case - in a case with a live person - points to the way the state perceives and ultimately silences women who experience intimate partner violence. Preferred arrest, evidence-based prosecution, the purple packet as a tool and the “uncooperative” victim discourse collectively function to reduce the value of individual victims. Through this lens, she is immaterial as the state compares her body to that of a corpse.

I observed the effectiveness and consequences of the District Attorney’s prosecution method during numerous preliminary hearings over the course of my two years of
fieldwork. I draw on my field notes to detail one case among many that capture the efficacy of constructing the uncooperative victim as irrational:

From my seat on a wooden bench in the back of the courtroom I watch as the woman walks to the witness stand. She raises her right hand, the judge swears her in and she takes a seat. Before the prosecutor has a chance to ask her to identify herself for the record the woman states, “I refuse to testify against my husband.” The prosecutor looks up quickly, clearly surprised, but does not miss a beat. The prosecutor confirms, “You’re saying to the court that you won’t testify today?” The woman repeats, “I refuse to testify against my husband.” Her husband nods in approval. The woman’s refusal to testify is a rare show of public defiance, but as it had happened before, the prosecutor quickly alters her strategy; “Your Honor, I don’t have any more questions for this witness. I call Trooper Michaels to the stand.”

In that moment, the woman shifts in status from a “cooperative” to an “uncooperative” victim. The judge excuses the woman from the witness stand and she walks through the gallery, projecting an unaffected attitude despite the long stares. In the meantime, the judge swears in Trooper Michaels and he testifies to what he encountered the night that he responded to the 911 call at the couple’s rural home. The trooper explains that the woman was cooperative the night of the arrest; she had provided a statement detailing how her husband assaulted her, she showed the trooper her injuries and reported fear that her husband had multiple weapons stowed in his truck. The public defender asks Trooper Michaels a few clarifying questions, and the hearing ends. The prosecutor asks that the judge bind over the assault charge into the court system. The judge agrees that the trooper’s testimony is enough evidence at the preliminary hearing stage to move the case forward. With the criminal case settled for the moment, the prosecutor proceeds with a second argument:

Prosecutor: “The Commonwealth respectfully requests that Your Honor order that the defendant, Steve Yeager, turn over his weapons to the Sheriff until the case is fully resolved.”

Judge: “Does the opposing counsel agree to the Commonwealth’s request?”

Public Defender: “Your honor, absolutely not. Mr. Yeager is an avid hunter and he will use the rifle this fall during hunting season. Also, my client’s wife, Rhonda, is not afraid of her husband and she wants him to keep his weapons.”

Judge: “Commonwealth?”

Prosecutor: “Your Honor, the Commonwealth objects. This is a huge safety issue and if the victim in this case refuses to protect herself, it is the Commonwealth’s obligation to protect people even if they don’t want to protect themselves.”
Judge: “Mr. Yeager, you have 24 hours to turn your weapons over to the Centre County Sheriff’s Office. Failure to comply with this order will place you in contempt of this court.” (Field Notes, 10 April 2013).

As this scene indicates, victims who become uncooperative maintain their victim status; they do not suddenly become enemies of the state. Rather, victimization and its feminized association with weakness, vulnerability and dependence are crucial to how state actors justify their regulation of uncooperative victims. By constructing uncooperative victims as irrational, state actors claim authority to determine the best interests of the uncooperative victim while appearing both sensible and benevolent in the process; Rhonda Yeager’s public display of irrationality on the witness stand only bolsters the state’s legitimacy to act on her behalf. Notably, the state never ascertains why Rhonda Yeager shifts in status from a cooperative victim the night of the arrest to an uncooperative victim in court a week later; the state would deem any reason that Rhonda might offer – her husband threatened her, she still loved him, she relied on him financially - irrational.

This part of the chapter makes visible how state actors circumvent the problem of the “uncooperative” victim by employing prosecution methods identical to those the state uses in homicide cases. In the next part of this section, I explore the voices absent from the state narrative; women who experience intimate partner violence and who become subjects of the state response. In an effort to complicate the narrative of the “uncooperative” victim, I introduce the perspectives of a woman I call Beth. Beth’s perspectives challenge not only the construction of “uncooperative” victims as irrational, but also expose the limitations of the neoliberalization of citizenship.

3.3.3 Reregulating Rights

We had a really good relationship and then things fell apart, Beth explains during our two-hour interview. She was six months pregnant with their second child when she discovered Josh’s extramarital affairs, hidden from her for over two years. As she confronted him about his infidelities, his responses became more physical and controlling. The first physical incident began as a verbal argument and escalated until Josh “choked” Beth. A few months later another verbal argument turned physical when Josh kicked Beth in the face and chest. Within three weeks of that incident, Josh pinned Beth to the floor with his knee to her throat. She recognized the escalation and met with a counselor to discuss a safety plan. Beth decided to leave the home she shared with Josh and move into an apartment with their two children. She also filed for divorce, child support and sought a custody order.

One Saturday evening a few months after Beth had moved into her own apartment, Josh dropped the children off after spending the day with them. He lingered at the door and then confronted her over socializing too much with friends; he quickly became verbally abusive and violent:
“He starts calling me a whore and he throws glasses and breaks them. I sit on the couch and he comes over and grabs me. He strangled me three separate times, bad enough that I had petechiae16, he ripped out hair, he slammed my head on the ground.”

During a pause in his violence, Beth pushed Josh out of the apartment. She quickly locked the door and called a friend for help when she realized Josh would not leave; he stood outside the door threatening to kill himself. Her friend advised her to call the police. She hesitated, concerned that the police would make the situation worse. Her friend told her to call anyway.

“The cops arrive and I have never been so pissed off in my life. The cop is talking to me like I’m a fucking idiot. I’m crying and I said, ‘Look, I don’t want him to get into more trouble because this is going to negatively affect me.’”

Beth had learned the previous day that after months of phone calls and hearings, the Domestic Relations Office finally approved her request for child support. If Josh lost his job as a result of an arrest, he would lose his ability to pay child support. Beth explained that she called the police “because I wanted him to go away. That’s it. That’s what I needed.” Despite her appeals, the police arrested Josh. The police reports documenting the incident detail how the officers relied on Beth’s willingness to disclose information immediately after the assault to build a strong case; Beth provided a taped statement and permitted the officer to take photographs of her injuries. The officer noted in his report that he observed a bruise mark on Beth’s right bicep, marks on her neck and obvious petechiae on her eye lids, nose and cheeks.

A week later, the police subpoenaed Beth to appear in court for the preliminary hearing. Beth recalls speaking with a detective at the courthouse:

“I’m talking to the detective and saying, I’m so scared because if he goes to jail and he gets a felony, that’s a life-long thing – he’s an engineer, it’s going to be really hard for him to provide for the children for the rest of their lives. This means bankruptcy for me. This means everything, you don’t understand how bad this is revictimizing me.”

Beth asked the prosecutor to offer Josh a plea bargain that included mandatory counseling and a lengthy supervised probation period, but no incarceration; she could not afford for him to lose his job. She left court feeling optimistic, but for months after the hearing heard nothing from the District Attorney’s Office. Beth placed multiple phone calls to the prosecutor that went unreturned. Unbeknownst to her, Beth had become “uncooperative” the moment that she asked the prosecutor to resolve the case with a plea

16 Petechiae are pinpoint, round spots that appear on the skin as a result of bleeding under the skin. In cases of strangulation, petechiae can appear on the face, eyes, eyelids, scalp or earlobes as blood vessels burst from external pressure on the neck (Strack et al 2001).
bargain. Beth was also persistent and her own advocate, qualities that prosecutors find irritating in victims. Beth continued to call the District Attorney’s until the prosecutor finally agreed to schedule an in-person meeting. At the meeting, Beth proposed an outcome that she believed fair:

“I’m talking to the ADA and I explain to her what I want to see happen – the longest term of probation, lots of counseling and make sure he has to do this and this and this. I’m crying and trying to explain how huge this impacts me and my children and that I do want him to be held accountable because what he did was wrong, but I don’t want to lose my entire life because of it.”

Beth felt as though she presented a reasonable compromise to the ADA. Beth then explained the ADA’s response to her request:

“And she says, ‘You people always do this. You come in here and you say you want to get him off the hook. So what? So he can do it again and then you’re back here in a couple months? So now you’re not going to cooperate with me?’”

Beth was exasperated as she explained to me her response to the prosecutor:

“I was like wait, I never said I wasn’t going to cooperate, I didn’t even think that was an option. That’s not it. I want him to be held accountable. I’m on your side, this is supposed to be a team here to make sure he’s held accountable and to make sure we’re safe. I’m not stupid, I understand the abuse cycle. I’ve done what I needed to do, I’ve gotten the PFA for three years, I’ve got my kids protected. I’m doing what I need to do.”

During our interview, Beth sympathized with the prosecutor and acknowledged the challenges that the prosecutor must encounter in intimate partner violence cases. Beth also challenged the essentialized notion of women who experience intimate partner violence as weak, helpless victims:

“And I get the idea that people turn around and say, “Oh I love him and it was my fault.” No, I’m not telling you that’s what’s happening. I’m telling you that this has real, significant life-long consequences for me and my children. So, how can we hold him accountable, how can we make sure the kids are protected without taking my life away? Don’t assume that I’m a stupid little girl who doesn’t know what’s best for me.”

Beth’s story complicates the state’s construction of “uncooperative” victims as irrational women who require rational state actors to make reasonable decisions on their behalf. While Beth did not publicly defy state actors – like Rhonda Yeager in the previous section – she vocalized her self-identified interests as principal to those of the state. Beth
determined the resources that she needed to survive independently of her abuser and concluded that punitive accountability conflicted with her needs.

However, in the end the state pressed forward against her will and sentenced Josh to serve ten-weeks in county jail; he lost his job. Beth’s story demonstrates the efficacy of the material technologies, such as the purple packet, that the state implements to act against the will of women who experience intimate partner violence. Beth’s story also provides an opportunity to examine how the transfer of agency from a woman who experiences intimate partner violence to the state operates to normalize the neoliberalization of citizenship rights.

From the state’s perspective, the “uncooperative” victim fails to fulfill her end of the social contract by actively working against the state’s attempt to enforce her citizenship rights. Beth’s story reveals how the neoliberal state limits notions of citizenship rights to political recognition and physical security. While women who experience intimate partner violence identify physical protection as one component of their safety needs, they also identify emotional and financial security as competing or principal factors; a topic I address in more detail in the next chapter. For the purpose of my engagement with the social contract, tension emerges when women who experience intimate partner violence prioritize their other security needs over the state’s focus on offender accountability. The state relies on discourses of protection to distinguish rational state actors who provide protection, from irrational victims who refuse to accept protection. However, the binary fails to capture the complexity of factors that women who experience intimate partner violence consider. A shelter advocate for the local domestic violence agency explained the competing factors that women balance when making everyday security decisions:

“Well, you know, especially in this town there’s just not housing. Over and over again, this is what women want. We’ve got people in shelter right now who don’t have a place to go to. So when you don’t have a place to go to and you don’t have economic means to take care of yourself and your family, then it’s a logical choice to go back to someone who is going to hurt you, because that’s how you get support financially and economically.”

Although irrational to the state, the shelter advocate in the above statement draws attention to just one of the many reasons a woman might choose to return to an abusive partner. While the state maintains a narrow focus on offender accountability, state actors also operate within a limited understanding of who is best suited to provide protection. State actors insist that they know the security needs of women who experience intimate partner violence better than the subjects of the violence. State actors effectively rationalize their authority to make security decisions by narrowly defining protection to physical security and reposition women who vocalize other security needs as irrational. Such a framing normalizes state actors as rational agents prepared to make responsible security decisions. This logic undermines the woman who experiences intimate partner violence and her ability to act as an independent actor.
3.4 Conclusion

This chapter conceptualizes the state response to intimate partner violence as a social contract to examine how the state normalizes the neoliberalization of citizenship. Departing from previous feminist literature that shows how the state traditionally precluded women from enjoying citizenship rights, this chapter illustrates how the state deliberately includes and publicly recognizes women who experience intimate partner violence as political subjects. However, as I show, the state relies on gendered tropes of rationality to distinguish good “cooperative” victims who fulfill their responsibilities within the social contract from bad “uncooperative” victims who challenge state notions of protection.

While the contemporary state response to intimate partner violence recognizes women who experience such violence as political subjects, this chapter illustrates that political recognition does not equate to political participation. By focusing on the coordinated set of procedures that guide the police and prosecution response to intimate partner violence, I illustrate how the state moves forward with criminal cases against uncooperative victims by constructing women who fail to fulfill their responsibilities to the state as incapable of knowing their best interests. In the next chapter, I demonstrate how state practices to address intimate partner violence not only normalize limited notions of citizenship rights, but also paradoxically increase fear and decrease security for women who experience such violence. To develop this argument, I utilize the methodological tools of emotional geopolitics to illustrate how state practices to address intimate partner violence normalize the neoliberalization of fear.
Chapter 4

“When he gets out, he’s going to kill her”: The Neoliberalization of Fear

Glancing down at her preschool-aged daughter, a young woman rings the doorbell to the Child Access Center (CAC), a safe-exchange center that provides monitored custody exchanges and supervised visitation services for parents and children of family violence. Before their arrival, the CAC staff briefed me on this family’s history. The woman had endured years of financial, emotional and physical abuse from her husband before calling the police after a particularly violent assault. Two officers responded to the home, and seeing her bruised neck and bloodied face, immediately slapped handcuffs onto her husband’s wrists. A week after the arrest she willingly appeared in court for the preliminary hearing.

Although fearful of the repercussions, she “cooperated” with the prosecutor and testified against her husband. Following his preliminary hearing and pre-trial conference, the abuser pled guilty and the judge sentenced him to serve six-months in county jail. The woman had decided that she wanted a divorce the night she called the police, and her husband’s incarceration gave her the opportunity to formally end the relationship and establish an independent life with their daughter. She filed for divorce and obtained a PFA, moved into a new apartment with an undisclosed address, traded in her car for one that neither the abuser nor his family would recognize, and erased her online presence to the extent possible.

Upon his release, the abuser immediately petitioned the court for partial custody of the child. In all of her planning, the woman had never considered that the state would mandate that she relinquish their child to a violent man after his release from jail. Against the woman’s desperate appeals, the court placed the family on a monitored reunification program; after six months of successful supervised visitations at the CAC, the abuser graduated to eight hours of unsupervised custody with the child every Saturday. If unsupervised custody continued without incident for the next six months, overnight visits represented the next stage in the reunification. The palpable fear that consumed the woman’s body the moment the judge issued the custody order outlining the reunification schedule has haunted her everyday since; not only does she fear for her own safety, she also fears that her ex-husband will one day hurt their daughter as way of retribution for her ending the relationship.

A CAC staff person unlocked the secure door and welcomed the woman and child inside. I glanced at the small television monitor displaying the live surveillance footage as reassurance that the abuser remained unaware of his ex-wife’s presence in the building; he continued talking with another staff person in a separate waiting room under the eyes of a security camera. As per the CAC protocol, he arrived first, entering through a door on the other side of the building. Once he settled into the waiting room, a staff person called the woman on her cell phone to let her know it safe to drop off the child. Less than five minutes later we watched through partially closed blinds as the woman and child walked down the sidewalk and toward the building. The woman barely crossed the
threshold of the door before she quickly kissed her daughter goodbye, turned on her heels and left. The child walked unprompted to the play area and found a familiar toy.

My eyes followed the woman as she hurried back up the street. Everything about her body language signaled fear; the brisk walk, the car keys clutched in her hand as she checked over her shoulder one final time before rounding the street corner and out of sight. The child played contently with a CAC staff person for about ten minutes; the allotted time to allow the non-abusive parent an opportunity to leave town. The staff person then escorted the child through an interior set of secure doors to greet her father in the waiting room. She appeared happy to see him. Eight hours later, he would bring her back and they would repeat the same safe exchange process all over again.

4.1 Introduction\(^{17}\)

This chapter begins with an account from my field notes of a custody exchange to introduce the central focus of the final empirical chapter of this dissertation; the neoliberalization of fear. By utilizing the methodological tools of emotional geopolitics, I illustrate how state interventions to address intimate partner violence paradoxically decrease security and increase fear. Building upon arguments developed in the previous two chapters, I show how neoliberal policing and the reregulation of the state’s role in private space and intimate relationships, along with the neoliberalization of rights and responsibilities within the social contract normalizes fear as an everyday emotional experience. To develop this argument, I draw on my field notes and interviews with intimate partner violence survivors and system professionals to examine how feelings of fear move, evolve, intensify and subside. With attention to the lived experiences of multiple actors - from judges to intimate partner violence survivors - this chapter illustrates how the neoliberalization of state-security reregulates and normalizes fear across place, time and for an increasing array of individuals.

The study of fear has occupied geographers for the last thirty years. Geographic analysis of fear has shifted in scale during this period from an emphasis on examining fear within the neighborhood unit, to understanding the social and political structures that contribute to feelings of fear, including the governance of fear at the national scale (see Pain 2009 for a review). Methodological approaches to studying fear have also shifted. Feminists contributed some of the earliest scholarship to the geographies of fear literature with empirical accounts of fear in subjects’ everyday lives and women’s lived experiences of crime (Valentine 1989; Stanko 1990; Pain 1997). Through the 1990s and 2000s, Pain (2009) notes that discursive analyses of state-conditioned fear became more prominent than empirical accounts, as geographers examined the role of governments in producing a “culture of fear” (Isin 2004 in Pain 2009).

Recent geographic analysis of fear has shifted in scale again and today focuses on a range of contemporary global events, such as the “war on terror”, and represents what Pain

\(^{17}\) Sections of this chapter also appear in an article that I authored in *Geopolitics*, titled “Security and Fear: The Geopolitics of Intimate Partner Violence Policing”
Susan calls the “new geopolitics of fear” (p. 470). While Pain concedes that contemporary scholarship on the geopolitics of fear (Megoran 2005; Katz 2007; Sparke 2007) contributes to important analyses of geopolitical relations, she also notes the unintended consequences of discursive theories of fear that take fear for granted, and universalize fear as experienced by everyone and in the same way. She argues that this scholarship fails to connect global analyses of fear with everyday geographies of fear. The work of feminist geopolitics, particularly feminist geopolitical analyses of security, influences Pain’s critique.

Feminist geopolitics often begins by asking the question “whose security” when examining vulnerable populations experiences of state-centric protection (Koopman 2011; Fluri 2011; Staeheli and Nagel 2008; Kennedy-Pipe 2004). This feminist scholarship builds upon the tradition of critical geopolitics, which examines the ways militaristic interventions render some populations insecure (Dalby 1990). Critical geopolitics has broadened understandings of security from the predominately state-based focus of classical geopolitics (Flint 2012). This intervention includes examining the politics of security provision and how geopolitical discourses function politically (Dalby 1990). Further, feminist geopolitics analyzes security discourses of war and militarization through an explicit focus on the relationship between security and the body (Mountz 2004; Hyndman 2004). The turn to the scale of the body evolves from a critique of the inherent masculinism of existing critical geopolitical literature that privileges the global scale and the disembodied nature of this analysis (Dowler and Sharp 2001; Secor 2001).

As a corrective, feminist geopolitics interrogates scale through empirical accounts that emphasize how localized, embodied security discourses link to transnational discourses (Koch 2011). Feminist geographer Jennifer Hyndman (2001b) argues that shifting the scale of what “counts” (traditionally that which is visible in public space) to what does not count (that which is private) allows for a recognition of how “the safety of the body at the finest scale of geopolitical space is politicized” (p. 216). By grounding geopolitical analyses in the embodied experiences of those receiving protection, feminist interventions challenge state-centric definitions of security, and the ways security provided by state agencies may result in decreased security for those it intends to protect. Feminist geopolitical analyses of security point to the multiple and varied security needs of vulnerable populations, thereby highlighting how some forms of security are prioritized over others (Alexander and Pain 2012).

Akin to feminist and critical geographers who have questioned “whose security” when drawing attention to the limitations of state-based security, Pain (2009) asks “whose fear” in response to scholarship that analyzes fear without referencing “the feelings, perceptions, views, subjectivities or bodies of those who are supposed to be fearful” (p. 471). Pain calls for an “emotional geopolitics of fear”, one that draws from feminist and critical geographic scholarship to work towards “dismantling scale and analyzing how emotions move” and to contribute to ways of “rethinking the relation of global/geopolitical and the local/everyday/intimate” (ibid). To do so, she and geographer Susan Smith (2008) envision geopolitics and everyday life as inter-reliant, building an assemblage of fear that entwines globalized and localized fears. Tracing this assemblage
reveals how fear flows, “how it circulates from global to local, or how it moves from discourses/events to the bodies and feelings of individuals” exposing how the geopolitical and everyday are complimentary (pp. 6-7). This analytic, thereby, challenges top-down theorizations fear with grounded and embodied approaches.

In this chapter, I utilize the methodological tools of emotional geopolitics to illustrate how state practices to address intimate partner violence reregulate fear. In the first section of the chapter, I show how the policing and prosecution response to intimate partner violence routinely decreases security and increases fear for victims. A feminist geopolitical lens shows how, intimate partner violence policing practices reinforce state-based security interventions designed to reinforce physical security. This section of the dissertation builds from previous chapters to examine how neoliberal policing, with its intense focus on arrest, prosecution and incarceration, fails to meet victim’s multiple and varied security needs. More specifically, this analysis builds on Chapter 3 by illustrating how the neoliberalization of the social contract directly effects not only women’s experiences of citizenship rights, but also normalizes fear as an everyday experience. In the second section of this chapter I examine how state-security practices reregulate experiences of fear for not only intimate partner violence survivors, but also for the system professionals who provide intimate partner violence services within the community. I trace the fears of state actors who provide security to illustrate how neoliberal security interventions normalize fear as an everyday emotion for an increasing array of individuals.

4.2 Section One: Nuancing Fear and Security

The consistent policing of intimate partner violence began with the rise of the neoliberal state in the 1980s and the corresponding disinvestment from the state’s social welfare system, which justified a turn toward punitive measures to address social and economic problems. This section’s emotional geopolitical analysis reveals the complexity and nuance of security experiences such that even when women who experience intimate partner violence desire arrest, the outcome can create a space of unexpected fear that further threatens long-term securities. In what follows, I draw on interviews that I conducted with survivors of intimate partner violence to illustrate how state practices to address intimate partner violence paradoxically decrease security and increase fear. I return to Beth’s experiences with the criminal justice system that I introduced in the final section of Chapter 3; the state moved forward with the incarceration of her batterer despite her appeals. Beth’s story shows the fears that often develop for “uncooperative” victims who oppose state strategies to hold intimate partner violence offenders accountable through punitive measures.

4.2.2 Complicating Security: Beth’s Story

The police charged Beth’s husband, Josh, with felony-level aggravated assault after he strangled her during an incident at her apartment. During our interview, Beth firmly condemned her husband’s abusive behavior. However, Beth did not support the state’s punitive measures as the solution to his abuse or her holistic security needs. At the
preliminary hearing, Beth described how she implored the Assistant District Attorney (ADA) prosecuting her case to consider a plea bargain that did not involve incarceration:

“I’m talking to the ADA and I explain to her what I want to see happen – the longest term of probation, lots of counseling and make sure he has to do this, and this, and this. I’m crying and trying to explain how huge this impacts me and my children, and that I do want him to be held accountable, because what he did was wrong, but I don’t want to lose my entire life because of it.”

Beth explains that the state’s interest in pursuing a lengthy incarceration sentence jeopardized her family’s financial security. Beth shared her fears with the prosecutor, suggested outcomes that she believed fair and then waited. Months passed without an update. She initially assumed the lack of communication a product of the slow-moving criminal justice system, with its many checks and balances to ensure that defendants receive their afforded rights. Unbeknownst to Beth, the state viewed her an “uncooperative” victim because she requested that Josh receive probation rather than incarceration. Although Beth expressed anxiety in regards to her long-term financial security, to the state, Beth’s opposition to the prosecution of her batterer was emotional and irrational. Hence, the prosecutor stopped updating her on the progress of the case. Beth realized the extent of the prosecutor’s disregard for her multiple security needs when the District Attorney’s Office began offering Josh plea bargains to resolve the case without informing her:

“I have no idea what’s going on with the case. I can’t figure out if I need to be there. I get a phone call from [Josh’s] mom freaking out that he got his first plea bargain and it was 11 ½ months in jail. Right? That’s huge. I’m full-blown anxiety attack. No one even told me that this is starting.”

While Beth finds the prosecutor’s dismissal of her self-identified needs condescending, fear for her own physical safety quickly supplants Beth’s frustrations with the criminal justice system:

“You need to be telling me that you’re going to present him with this so I can make sure I’m fucking safe. He could fly off the handle at this moment. He’s already emotionally unstable, we know that. He already blames me for this, and now you’re going to put me in a situation where you tell him he’s going to jail for a year for almost killing me and you don’t think I need to know this is happening?”

The state’s method of distinguishing between cooperative and uncooperative victims creates new and different fears for women who experience intimate partner violence. Disregarded for her uncooperative behavior, the state stopped apprising Beth on the status of her husband’s case. The absence of communication caused Beth’s fear to intensify, as she remained unaware of her husband’s reaction to the plea bargain. Without updates from the District Attorney’s Office, Beth sought alternative means to gather
information in order to protect herself; she began communicating with Josh’s mother. Although Beth found engaging in conversation with her abuser’s mother upsetting, Josh’s mother became the best source of information. Beth explains developing increased fear and anxiety once she began losing decision-making control over her life:

“And just knowing, you sit there and play out every possible scenario in your head, so you can make plans. It’s a constant worry. If this happens, or this happens, or this happens. But if you’re not telling me the possibilities, then how am I supposed to plan for me and my kids? Fine, you give him whatever you want and don’t take my word about what I need, but at least give me enough information so I can plan for my safety.”

Beth’s story reveals how neoliberal policing practices are not designed to take into consideration victims’ multiple security needs; for example, how a batterer’s incarceration may also financially burden the victim in the long term. As Kennedy-Pipe (2004) argues, this hegemonic security discourse silences alternative visions of security by assuming the best interest of the subject – in Beth’s case, incarceration over a probation sentence or mandatory counseling. Moreover, Koch (2011) suggests this “imagined moral geography” – or the already defined security needs of women – in fact discursively silences the multiple threats to women’s security. Beth’s story is an example in which the neoliberal state’s intense focus on arrest and incarceration works to undermine victims’ multiple and varying security needs. By using the tools of emotional geopolitics and tracing her fear throughout the arresting process, Beth’s story also demonstrates how state intervention to address intimate partner violence increases fear. Beth was fearful the night she called the police, but she was overcome with a different fear following her husband’s entry into the criminal justice system. Notably, Beth’s fear intensified when the prosecutor removed her from the decision-making process, a common feeling for many women who experience intimate partner violence. Beth’s story reinforces how removing victims from the decision-making process creates new and different embodied fears, particularly in regards to receiving information necessary for safety planning.

I transition now to introduce Ann’s story. Unlike Beth, Ann cooperated with the police the night they arrested her abusive boyfriend and she supported the state’s punitive goals. Ann’s story illustrates how, even for women who cooperate with the state in the arrest of the batterer, unanticipated fears can result when the state removes victims from decision-making processes.

4.2.3 Dangerous Security: Ann’s Story

Ann’s encounters with law enforcement occurred over the span of a year. During our interview she recounted the approximately ten times police responded to her home following a neighbor’s report of loud arguing and the patterned behavior that ensued. Typically, her abuser fled out the back door while she spoke with officers at the front door, telling them everything was fine and no, she did not know where he went. She does not remember having any visible injuries during those interactions with law enforcement.
Ann then told me about the one time that was different. She cannot recall what initiated her abuser’s anger, only that he responded by attacking her. He punched her in the mouth, splitting her lip and then he placed his hands around her throat, strangling her until the blood vessels burst in both of her eyes. He left her barely conscious on the floor and then fled her home. Ann escaped to her neighbor’s house and her neighbor called the police.

The police arrived, and after Ann denied medical attention the officers walked Ann back to her house to document the damaged property and to confirm that her abuser had fled. While on scene and with her permission, the officers took photos of her injuries. Ann also willingly answered their questions and voluntarily completed a written statement detailing what happened. In the meantime, other officers searched for her abuser. They found him as Ann was completing her written account of what had occurred. The police arrested her abuser for felony-level aggravated assault. Ann recalled:

“I was actually relieved at the time – finally, this is what had to happen for him to get arrested. I was concerned about the next steps but I was also relieved because he was in jail and I wasn’t worried about trying to keep safe. They saw the pictures, they saw what he did to me, and so I thought he was going to be in there for a while. And he had been in trouble before, for other things, so I’m thinking to myself, he’s really going to be in there for a while. But it didn’t work out like that.”

Ann made attempts to end her abusive relationship in the past, but her abuser always refused to leave her home; her home became a space of terror. Following the arrest and believing he was on his way to jail, Ann felt a sense of security that she could not remember feeling. A few hours later, her abuser was arraigned. A judge read the charges filed against him and Ann’s abuser was released on his own recognizance, a form of bail known as ROR that does not require money put down at the time of release, a common method used to ensure perpetrators of crime appear for future court hearings. In a significant security gap, Ann was not notified of her abuser’s bail status or release from jail. Two days later, and still under the assumption that her abuser was incarcerated, Ann answered a knock at her back door and found her abuser waiting to be let in:

“I’m just like, how? He just knocked on my back door and I asked how he got out and he said on ROR and he showed me the paperwork. I was shocked that he was there.”

The paperwork her abuser showed Ann also listed the county’s standard intimate partner violence bail conditions, including the judge’s orders to have no contact with her and orders to appear for all future court hearings or he would be in contempt of court. Terrified, shocked, and confused, Ann let her abuser inside and he hid in her home for the next five months; in that period, he failed to attend his court hearings and continued to abuse her. Ann’s temporary feeling of security vanished and was supplanted by a new and intensified form of fear.
Unlike Beth, Ann supported law enforcement arresting and incarcerating her abuser, and she believed that their intervention was a decisive opportunity to escape her abusive relationship. Her story reinforces that – for some – there is a desire for neoliberal policing, and the emotional and physical security she felt immediately following the arrest buttresses the role that state security can play in providing safety. Her experience also points to a temporal element of fear. Her feelings of (in)security and fear are linked to the same space; her home. Her fear does not geographically move but changes over time based on the meaning of her home and the presence or absence of her abuser. While Ann acknowledged feeling apprehensive about future court hearings, where the state would call her to testify, for the first time in a long time, she went to sleep knowing where her abuser was and that she was physically safe while he was in jail. Emotional security is a powerful effect of arrest; for two days she relaxed, she felt safe and she had time to consider her future without the emotional terror of not knowing when she would next be assaulted. Unfortunately, her experiences of security were temporary.

By examining her fear, Ann’s experience following the arrest of her abuser calls attention to a different problematic of neoliberal policing; her batterer’s arrest offered Ann a false sense of security. Ann went to sleep that night believing she was safe. She put her emotional and physical security in the hands of policing practices that she believed would protect her. Ann desired security and she willingly cooperated in the social contract. Her story exemplifies not only the way protection can lead to insecurity and increased fear, but the longer term effect of security that does not engage with the subject of protection. As Young (2003) argues, central to the logic of masculinist protection is the subordinate status of those being protected; in return for protection the protected “concedes critical distance from decision-making autonomy” (p. 4). The danger of this logic is evident in Ann’s story; protection in the form of arrest might address some of a victim’s multiple security needs, but there is no security practice that can guarantee a victim’s safety (Koopman 2011).

Ann’s state of fear in her everyday abusive relationship required her to constantly be on alert. She described safety planning practices that she employed daily; she could sense her partner’s mood change and she placated him with whatever he asked to try to evade a fight. If her partner came home angry, she avoided the kitchen and bathroom, spaces with harder and sharper objects that could become weapons and cause more severe injury if she were pushed or shoved. Certainly no one should have to be this vigilant about their everyday security, and there was also no guarantee that her safety planning would be successful, but Ann’s awareness of the potential for abuse required her to be actively engaged in her own protection. While policing intervention - in part - is meant to disrupt the abusive behavior and terror that victims feel, the neoliberal social contract that transfers responsibility to the state to protect, has the potential to create a false sense of security that consequently may increase insecurities and fears. Ann’s story illustrates this process; neoliberal policing created a false sense of security, thereby causing new and different embodied fears for a woman who experienced intimate partner violence.

I now turn to Pamela’s story. Pamela actively assisted in the arrest and incarceration of her abusive ex-husband. At the time of our interview, he remained incarcerated, serving a
multi-year state prison sentence. Pamela’s story illustrates how feelings of security and fear evolve, intensify and subside over time.

4.2.4 Perpetual Fear: Pamela’s Story

When Pamela fled to State College from Oregon with her child after her husband’s violence began to escalate, she filed for a Protection from Abuse (PFA) Order prohibiting her husband from contacting her or their daughter. Her husband violated the PFA Order almost immediately by calling from Oregon and leaving harassing messages on her cell phone. His messages also included the details of his intended plans to travel to State College to find her. Pamela dutifully reported each message to the local police and they arrested him for the PFA violations the moment he stepped off the plane in State College.

The judge overseeing the case sentenced him to thirty days in jail, a relatively long sentence for a first-time violation of a civil order. After serving the sentence, Pamela’s husband continued to harass and threaten her. Pamela reported each subsequent violation to the police and her husband served multiple short-term incarceration sentences. Eventually, after his fifth PFA violation, the judge sentenced him to a six-month county jail sentence, the maximum allotted within the sentencing guidelines for PFA Orders. Almost immediately upon his release, he called Pamela at her workplace and left a message threatening to kill her. In response, the police filed felony-level stalking charges and at the time of our interview, Pamela’s now ex-husband was serving the final year of his multi-year state prison sentence.

Pamela represents the ultimate “cooperative” victim; she moved across the country to flee her abuser, she filed a PFA Order, she actively worked with the police to share evidence to assist in her abuser’s multiple arrests, she appeared for dozens of court hearings prepared to testify, and she urged the prosecutor to fight on her behalf for extended incarceration sentences. We discussed her experiences navigating both the civil and criminal court systems, and unlike so many of the other women who I interviewed or worked with as an advocate, Pamela voiced her satisfaction with the state response to her case, including the length of her husband’s incarceration sentence:

“I mean, I have to say for this case, they did give him the maximum and it was based on the history and everything else that was going on, and they sentenced him for as long as they could – so it was fair, they could give him no more time.”

However, Pamela’s story illustrates that even when the state response functions exactly as designed, punitive accountability does not absolve victims’ feelings of fear. While Pamela currently takes comfort in knowing her abuser’s exact location and his inability to physically harm her, she explained how the history of abuse and trauma that she experienced still occupies the mental space of her everyday life:

“There’s probably hardly a month that goes by that he doesn’t come through my brain – what’s he doing, what’s going to happen when he gets
out, it’s something that we as victims will never be done with. Sometimes there’s triggers. He’s an alcoholic and he always had one type of beer, Miller Lite was his beer of choice. I was with a friend one time, who knew him and she asked me, ‘What do you think when you see a Miller Lite sign?’ I said, ‘I cringe. I can’t walk past any display of Miller Lite without going right to his thoughts’. He always had a black jeep. Whenever I see a black jeep driving around, I almost instantly, I can feel myself tense up and I think, ‘Oh my god, is he following me?’ So, there are still certain triggers, in addition to just normal [anxiety]. I sit there sometimes and think about when do I get past this, how much longer can I have between thinking about this again?”

Pamela struggles with constant, low level anxiety that increases in intensity when a memory or symbol of her ex-husband acts as a trigger. During our interview, Pamela’s affect was flat. Occasionally her eyes lit up when she expressed a particular point, or when she talked of her daughter, but otherwise she spoke without emotion when describing her interactions with the criminal justice system. Throughout our interview, I repeatedly paused to ask if she needed a break, wanted to stop, or if our conversation triggered too many memories. She assured me that she found our conversation helpful and relevant, as she was already anticipating her ex-husband’s release from prison:

“When he gets out, based on what I’m seeing now, he’s not going to be any different. So, yea, do I wish he was in longer, absolutely. I wish they could lock him in forever because he is just one of those people, and every judge who’s seen him, they’ve said, he’s not going to ever change.”

Pamela describes how her ex-husband fired his attorney and now files his own motions from jail, challenging the legality of his prison sentence and their divorce settlement. She interprets his actions as a clear indication that his time in jail has not had a rehabilitative effect; his behavior remains unchanged and he continues to obsess over her, looking for ways to continue controlling her from prison. She suspects that he will begin harassing and threatening her as soon as the state paroles him. In preparation for his release, Pamela describes how security occupies her mind:

“We try to keep things pretty secure at the house for the most part. But we can’t live in a jail and I shouldn’t have to. Now when he comes close to getting out and I know he’s getting out, that will probably change a whole lot, where the house will become a fortress until I can figure out where he’s gone. I will go to much more heightened security than I am now. Because the last couple times that he got out, my house went into lock down. The one time he got out of jail, I sent my daughter up to my parent’s house for a month to keep her out of any altercations.”

As Pamela indicates, following her ex-husband’s release from prison, she expects to live in a heightened sense of fear, constantly looking over her shoulder, waiting for her ex-husband to begin stalking her again. Her story illustrates not only how fear and insecurity
persist for victims beyond a batterer’s arrest and incarceration, but also how victims resume responsibility for their own security once the state concludes its punitive intervention. Although Pamela experienced intense support from local law enforcement and the District Attorney’s Office in the arrest and prosecution of her batterer, she now fears that the overstretched and resource-scare probation and parole system will insufficiently supervise her ex-husband.

With its focus on punishment, the neoliberalization of crime provides inadequate resources for post-conviction supervision and long-term rehabilitative services. For example, the Centre County Domestic Violence Probation and Parole Officer single-handedly manages a caseload of 80-120 violent offenders. While Pamela acknowledges the likelihood that no accountability measure would alter her ex-husband’s choice to threaten and stalk her, Pamela’s story is also an example of how arrest and incarceration fail to absolve victim’s fears over the long-term. In the final part of this section, I introduce Hannah’s story. Hannah represents a victim for who state practices increased fear and insecurity for not only her own life, but also the life of her child.

4.2.5 Negotiating Fear: Hannah’s Story

Hannah and I exchanged a warm greeting when she arrived for our interview. Although we had spoken on the phone and exchanged emails for over a year, I felt nervous meeting Hannah; how do you interview a woman whose ex-husband murdered her child and shot her four times? We settled into opposite ends of a couch, and after reviewing the IRB form, I updated Hannah on the research project and introduced the two questions guiding my interviews with survivors; are there times in the system response that state actors make decisions that increase victim’s feelings of insecurity and fear, and are there times when the system response silences or ignores people who experience intimate partner violence? Without hesitating, she replied:

“Ok I have lots of stuff for that, we can talk for a while.”

Hannah and Keith had been married for a little over three years before Matthew’s birth in 2010. Common in abusive relationships, Keith’s violence intensified after Matthew’s birth as Hannah’s attention shifted away from Keith and toward their baby:

“[Matthew] was born, and he’s [Keith’s] punching holes in walls, he’s calling me a bitch. He’d say I was sucking [Matthew’s] dick, just absolutely crude horrible things. So when he was home, he would hold [Matthew] all day long, but I wasn’t allowed to, because I was ‘hogging’ him, or [Matthew] only needed to be held when he was being fed. And then he accused me of getting my jollies from breast feeding.”

Hannah spent the weeks following Matthew’s birth placating Keith. He insisted Hannah remain awake to provide him attention at night. He followed her around the house arguing over banal issues. When Matthew was four weeks old, Hannah offered to take the baby and the dog to her parent’s house to provide Keith a break. Keith erupted in rage,
removed the car seat from her car and told her that he did not trust that she would return. When Matthew was five weeks old, Keith told Hannah that he hoped Matthew choked to death while breastfeeding. A week later, Keith accused her of “hogging” the baby and stated, “you’re going to be the reason for the divorce and all three of us are going to be dead.”

Hannah had enough. The following morning, after Keith left for work, she packed basic necessities and fled to the local domestic violence shelter. Within hours of her fleeing, Keith began calling Hannah incessantly. She ignored his calls. The following day, Hannah received a call from a friend who relayed that Keith intended to burn down the house and kill himself if he had not heard from Hannah by 5 o’clock that evening. County crisis services intervened and committed Keith to an involuntary hospitalization. Keith’s parents unofficially assumed custody of his firearms. Hannah explained:

“I finally called him when he was in the hospital because he kept calling people, like he was calling my family and harassing them. And I called and I said, ‘Do you know why I left?’ And he said, ‘No.’ I said, ‘Because you’re an abuser. You threatened our lives, you were physically intimidating, you’re an abuser.’ And he goes, ‘I’m sick, I’m so sorry’ and goes into the typical, ‘I didn’t know I was doing it’ mode.”

After seven days of treatment and despite a doctor’s petition requesting that he remain hospitalized, a judge released Keith. Hannah filed a Protection from Abuse (PFA) Order. In response, Keith voluntarily committed himself to the hospital for another ten days. Once released from the hospital, Keith appeared in court and a judge granted Hannah’s PFA Order for three years; the PFA Order included Matthew as a protected person. About a month later, Keith called Hannah indicating that he planned to kill himself, again. Pennsylvania State Police troopers found Keith comatose from an overdose of prescription medication and alcohol. He was involuntarily committed to the hospital for another ten days. Keith violated the PFA twice while hospitalized, and upon his release from the hospital, law enforcement arrested Keith for the PFA violations. The judge sentenced him to time-served and a minimal fine.

Shortly after, Keith filed for custody and visitation of the now four-month-old Matthew. Despite his recent suicide attempt, the judge permitted Keith supervised visits with Matthew for a period of one hour every Saturday at a visitation center. For seven months, Hannah transported Matthew to the visitation center each Saturday in compliance with the court order. During this time, Keith’s behavior constantly concerned Hannah, yet she struggled with deciding when to call the for police assistance:

“What am I supposed to do? Call the police? Because he’s there, but he’s not really [threatening me], it’s really hard, I think, to figure out when you’re supposed to call the police. Because if you call the police every time, you’d be on the phone with them all the time. So am I supposed to call the police and say, ‘Yep he’s here and I have a PFA, but he’s not doing anything [threatening].’ So that is, that is the hardest thing because
you feel like you have to jump through hoops because they [the police] don’t believe you or listen.”

Although Keith’s behavior troubled Hannah, his overall progress pleased the courts. In the summer of 2011 - despite her objections - the judge significantly increased Keith’s visitation time, allowing Keith six hours of supervised custody with Matthew each Saturday. Keith requested that his parents supervise the visits at their home. The judge complied with his request even though Keith’s guns were stored at his parent’s home, Keith had been estranged from his parents for three years and Matthew had not yet met his grandparents. Hannah testified in court to her concerns, yet to no avail:

“I’m on the stand saying, ‘Let’s start out with 2 hours every Saturday and we’ll work up.’ And the judge goes, ‘Although separation anxiety is real, there’s a Penn State University researcher who has said that’s why kids can go to childcare for 10 hours a day and they’re ok’. Some stupid ass comment that made me want to smash him on the side of the head. So my attorney says to me while I’m on the stand, ‘So you’re saying that you want to ease into this?’ And I said, ‘Absolutely, maybe two weeks from now we can ease into the 6 hours that the judge was saying.’ No. The judge said, ‘6 hours, every Saturday.’”

Although some of the judge’s earlier decisions upset Hannah, she found the judge’s latest ruling to increase Keith’s custody irresponsible and unsafe; this decision represents the moment she lost trust in the court system. Without recourse, Hannah complied with the custody order and every Saturday transported Matthew to her in-laws’ house. Although Keith’s behavior during the following year continued to concern Hannah, he refrained from physical violence until Hannah filed for divorce in early October 2012. During a custody exchange one week after receiving the divorce paperwork, Keith confronted Hannah and physically restrained her from leaving. She reported the incident to the police, who arrested Keith for the PFA violation and filed a separate harassment citation. Keith’s mother bailed him out of jail immediately. The judge suspended his jail sentence for violating the PFA – even though this was Keith’s second official violation – and he paid a fine. Similarly, Keith paid a fine for the harassment citation.

Hannah, like many women who feel that the court system fails to meet their security needs and sense of justice, began negotiating with Keith outside of court, rather than returning to modify the custody order before a judge. When Keith desired more visitation time with Matthew, Hannah negotiated with him directly. She explained her rationale:

“So I never trusted the judge to go back to [decide] custody again. And I didn’t take him [Keith] for child support because I made more money than he did. So that was my leverage. You take me back for custody, because you think you need to have him more, I’m going to take you for child support. So that is the leverage I used, and I knew that at age 2, the judge would start giving [Keith] overnights [with Matthew], so I gave him 10
hours of supervised time with his parents. But I said, you take me back to court, I’m going to take you for child support.”

Dana: “So you started negotiating outside of the court system?”

Hannah: “Yes, because I knew damn well that if we went back to court that the judge would give him unsupervised time and I would have done anything to prevent that. And so yes, I did. We had negotiations and I’d say, ‘No.’ And he’d say, ‘Well I’m entitled to overnights’. And I’d say, ‘Hmnnnn, not necessarily.’ So I never kept [Matthew] from him for holidays, if he were to call or his mom were to call and ask if they could have him for Christmas, I never said no. And so it’s keeping [Matthew] safe, but also giving him [Keith] what he wants.”

Dana: “And it sounds like it was a way for you to maintain some control over the process?”

Hannah: “Exactly, because I felt like I had none with the court system.”

Despite her attempts to appease Keith, his abusive behavior persisted and escalated. In mid-March 2013, a week before the murder, Keith slammed Hannah’s car door in her face as she was leaving his mother’s house after a custody exchange. Hannah insisted that Keith’s mother meet Hannah at the end of the street to conduct future custody exchanges. Although conscious that creating a boundary that limited Keith’s access to her might trigger him, Hannah insisted Matthew not bare witness to his father’s violence.

The following week, while Keith’s mother facilitated the exchange of Matthew, Keith emerged from the house with a gun and shot Hannah four times. He then shot and killed Matthew. Keith fled in his pickup truck to a secluded area. After a multi-hour stand off with the police, Keith killed himself. Grief, rather than fear, now consumes Hannah.

This first part of the chapter draws on the experiences of intimate partner violence survivors to understand how state intervention to address intimate partner violence paradoxically increases insecurities and fears. By utilizing the methodological tools of emotional geopolitics, I trace the ways state-security is intertwined with embodied feelings of fear. Notably, the stories that I include here expose the potential for increased fear when the state removes victims from the protection process, demonstrating the ways security often devalues the knowledge that victim carry concerning their multiple and varying security needs. I transition now to the second part of this chapter to illustrate how state-security practices reregulate experiences of fear for not only intimate partner violence survivors, but also for the system professionals who provide intimate partner violence services within the community.

4.3 Section Two: Normalizing Fear and Insecurity

In this section of the chapter, by tracing the fears of system professionals I illustrate how
neoliberal security interventions normalize fear for an increasing array of individuals. I divide the chapter into three sections. The first section draws on the fears of staff at the Child Access Center, who have regular and direct contact with abusers and victims. I trace how the boundary of normalized fear extends to include increasingly intense feelings of fear for system professionals who engage with batterers and victims. In the second section, I examine how system professionals navigate the fears they feel for victims of intimate partner violence. Specifically, I examine situations in which system professionals engage with victims who deny their everyday insecurities. These cases cause particular fear for system professionals as a victim’s numbness to risk can place her security in a precarious state. In the final part of this section, I illustrate how state actors in positions of power experience privileged fear. I draw on my interviews with judges to show how their embodied experiences of fear affects how they interpret and respond to both their own fear and also the fear of victims who appear in court.

4.3.2 Testing the Boundaries of Fear

In the last three decades, intimate partner violence scholars and practitioners have developed increasingly effective research-based lethality risk assessment tools. These assessment tools provide key insight for system professionals in determining the risk of homicide in individual intimate partner violence cases. In 1986, sociologist and intimate partner violence scholar Jackie Campbell developed one of the most widely utilized assessment tools that many practitioners continue to use today. Campbell’s study analyzed hundreds of intimate partner violence homicides to identify factors that increase the risk of lethality (Campbell et al 2009). Her assessment tool incorporates a series of twenty questions that intimate partner violence practitioners pose to victims. The questions range from inquiring about the abuser’s gun ownership, to the abuser’s employment status, to the abuser’s use of strangulation as a method of violence, factors that Campbell’s study determined significant to a majority of intimate partner violence homicides. The frequency with which a victim responds “yes” to the questions increases her risk of lethality.

While no stakeholder within the intimate partner violence field implies that lethality risk assessment tools perfectly predict homicide, the assessment tools have improved how system professionals respond to high lethality cases. Although state actors have relied on a victim’s high risk for lethality to justify punitive action in cases involving “uncooperative” victims, as a whole, the assessment tools often provide credibility for high-risk victims by substantiating their fears; system professionals tend to take seriously the cases of women who score “high” on lethality assessments. However, as assessment tools substantiate the fears of high-risk victims, these tools often undermine the fear of victims who score “low” on lethality assessments; state actors tend to dismiss the fears of low-risk victims as exaggerated or unsubstantiated.

These tools illustrate not only the factors that determine credible fear, but also how state practices then normalize a certain level of fear as reasonable and expected. I examine how state practices in custody cases involving separated parents with a history of intimate partner violence normalize fear as an everyday emotional experience. Specifically, I
analyze the daily operations of the Child Access Center (CAC) and feelings of fear among CAC staff. The CAC operates as a safe location to facilitate custody exchanges between separated parents who have a history of intimate partner violence. Centre County established its CAC in 2008 following the homicide of State College resident, Jodi Barone. Jodi’s abusive ex-husband shot Jodi before killing himself during a routine, court-ordered custody exchange at a Sheetz gas station on Easter Sunday in 2007. With the goal to “promote the physical and emotional security of children and their parents” the CAC had facilitated over 4,000 safe custody exchanges between separated parents by the time I began dissertation fieldwork in 2012. I interviewed members of the CAC staff and also observed approximately forty hours of custody exchanges during a six months period; the story of the woman dropping off her daughter at the CAC that introduces this chapter represents just one of dozens of exchanges that I observed.

While the tragic homicide of Jodi Barone explains Centre County’s decision to develop a CAC, to understand why intimate partner violence perpetrators maintain custody rights at all requires an appreciation for how the political environment of the 1980s and 1990s influenced family law. Scholars have illustrated how the cultural wars of the Reagan/Bush eras, the promotion of “traditional family values”, and the rise of men’s rights groups pressured courts to standardize co-parenting among separated parents, including relationships with a history of intimate partner violence (Bancroft et al 2011; Stark 2007). To be clear, many victims of intimate partner violence – also pressured by societal norms – express a desire for the abusive parent to maintain a relationship with his children. Both the courts and intimate partner violence victims who desire co-parenting argue that the abuser never directed his physical violence toward the child, and thus remains an acceptable parent. Hannah’s story from the previous section demonstrates that this rationale is patently false. Yet, many victims and practitioners in the intimate partner violence field express strong opposition to the court’s practice of awarding custody to batterers. Victims who oppose co-parenting with their former abuser often cite fear for their own safety as well as the safety of their children.

While a feminist geographic analytic could dissect how contemporary family law manages custody cases in numerous ways, for the purposes of this chapter, I illustrate how awarding custody to intimate partner violence offenders normalizes the notion that a certain level of abuse and fear is reasonable. The state has determined that a batterer’s rights to parent his children overrides the fear that this right might elicit for the victim. The mere existence of safe custody exchange centers illustrates how abuser’s rights are prioritized over victim’s fears. However, my observations and interviews at the CAC also show how the boundary of what the state considers tolerable fear and abuse constantly shifts. During our initial interview, the Director of the CAC affirmed that most of the cases that the judges sent to the CAC during the early years of the center’s operation involved abusers who attempted to maintain control over their partner through the custody process, but to the staff’s knowledge, no longer engaged in physical violence. However, during the six months that I observed custody exchanges at the CAC, a noticeable trend emerged in which (some) judges increasingly relied on the CAC to facilitate custody exchanges with active batterers. This trend has caused CAC staff
emotional distress as they worry about the safety of the mothers who access services. As one staff person concedes:

“We have an exchange case, from the moment that we met mom I’ve been scared for her life. Everyone else right now is like a little removed from the situation. But this most recent one, I was terrified for her.”

The court’s decision to send active batterers to the CAC has also caused staff to feel fearful for their own safety as they manage batterers during custody exchanges. Notably, the CAC does not represent a “secure” space. While minimal security measures are in place, such as security cameras, panic buttons that when pressed illicit an immediate police response and locked exterior and interior doors, the facility was designed to manage low-risk custody cases. Consequently, the facility does not employ metal detectors or on-site security officers. While CAC staff explain how their roles as custody monitors always require that they mitigate minor issues, such as the disparaging language that batterers often use to describe their ex-partners while in front of the children, they also describe how they have been confronted with increasingly unnerving incidents. For example, one evening between custody exchanges, I sat around the table with the CAC staff and they told me about an abuser who they describe as “the guy who makes our hair stand up.” Recently, the staff had noticed a new pattern; as soon as the abuser entered the building, he asked to leave the waiting room to use the common restroom in the hallway. The same hallway leads to the secure doors that separate the father’s waiting room from the mother’s entrance. The staff describes how he requested to use the bathroom during each custody exchange for two weeks. The CAC Director explains the moment they figured out his intent and how she responded:

“Because he can’t control anything else right now, this is something he can control – his access to different spaces in the building. So now I leave the door propped open so I can watch him go to the bathroom and to make sure he doesn’t deviate toward the window that looks out on the mom’s parking area. I feel like its psychological warfare.”

The staff describes how their feeling of being embattled in “psychological warfare” has also turned to concern for their physical security. One of the fathers who the staff finds “creepy” and “scary” violated a PFA Order by calling his ex-wife and harassing her on the phone. In cases of non-violent PFA violations, law enforcement will corroborate the violation, and then often consult with the victim to determine the best time and place to arrest the batterer. In this case, the victim indicated to the police that she exchanges children with the batterer at the CAC. One night, without warning staff, the police arrived to arrest the batterer for the PFA violation while he sat in the waiting room of the CAC facility. Already on probation, the PFA arrest violated the abuser’s probation conditions and he served a total of three months in county jail. One of my final conversations with the CAC Director occurred weeks before the batterer’s release from prison; she describes safety planning with her staff in anticipation that the courts would order that the family resume custody exchanges at the CAC:
“He’ll have sat in jail for three months stewing, and part of the issue with the police coming to the CAC to arrest him is whether he’ll associate the arrest with us [the CAC staff], and question whether we called the police on him for [the victim]. Right now I’m going to rearrange the chairs differently in the dad’s room so that the only chair available to him is the one that is visible to the security camera. I’ll be the staff person in the room with him whenever he’s in the building, and I’ll also keep the panic button with me and have a plan with the other staff. I keep thinking to myself, this is crazy that this person is allowed to have access to his kids when everyone who interacts with him is afraid of him.”

While the CAC Director sympathizes with the challenges inherent to managing the safety concerns of families post-separation, she also reflects on a pattern she believes problematic within the system as a whole:

“This is what they always do. They start a program and it’s great, but then they start to push the limits. They send you a jerk, and when they realize you can handle it, they send you someone who is a little more of a jerk. It’s such a big change from the people who initially started. We could handle those guys in a safe way. But then they start sending us guys that scare the shit out of everyone and no one is doing anything about it.”

The CAC Director often reflects on how best to serve the families that access services at the CAC, while considering the safety of victims, as well as her staff:

“We don’t get paid hazard pay. I feel like we’re at a point where there either needs to be a back up for cases that aren’t appropriate for the Child Access Center, and I need to know what that is and feel comfortable with it. And we need to reevaluate how we do things here. Maybe we do need a metal detector and an armed guard here at all times. That’s not what we want to do, but if you’re going to be sending us these cases that have this escalated potential for serious violence, then we need to be equipped to handle them. We are allowed to turn people away, because they’re too much of a risk, but then where are they going to go? Back to exchanging the kids at Sheetz.”

As the CAC Director indicates, she accepts increasingly dangerous cases because no current alternative exists. Until the courts modify their practice, batterers will maintain custody rights regardless of the fear that this practice elicits for those who provide services to separated families. While the CAC Director has authority to terminate exchange services due to safety concerns, she rarely opts for that decision because she fears for victims’ safety; in the past, when the CAC Director terminated a family from exchange services, the courts ordered that the parents exchange the children at a gas station, without the monitoring that the CAC offers. Instead, the CAC Director indicates that she and her staff will assume the increased risk by enhancing the security provisions within the facility. In this next section, I transition to a discussion of how system
professionals navigate the fears they feel for victims of intimate partner violence who deny their everyday insecurities.

4.3.3 Instinctual Fear

Women who experience trauma, as a result of intimate partner violence, respond in multiple ways. Some women, like Hannah whose story I introduced in the first part of this chapter, immediately recognize verbal threats as abuse and take direct action to implement security measures. Other women, like Ann, endure years of abuse until an external intervention prompts a conscious reflection on how intimate terror has become part of daily life. Still other women, like Pamela, recognize the lethality risks inherent to their abuser’s behavior, access services and remain on constant alert. However, not all women recognize or acknowledge their batterer’s behavior as abusive or harmful. Many women who experience daily physical, sexual, financial and emotional abuse adamantly deny fearing their partners. While some women self-blame and believe themselves responsible for their batterer’s behavior, other women minimize the abuse and dismiss their fear as a coping mechanism. For women who must raise children, succeed in professional careers and otherwise function in the world, to consciously acknowledge the daily risk, abuse, trauma, danger and fear within their intimate relationship would prove debilitating and paralyzing.

However, a victim’s numbness to fear places her security in a precarious state. While system professionals describe feeling fearful for many intimate partner violence victims, they also indicate that their fear intensifies when working with victims who deny the lethality of their own situation. During an interview, a prosecutor explains a case that he found particularly challenging because he felt the victim minimized her risk for lethality:

“I had a man recently who is a corrections officer, a fairly high-ranking corrections officer with the Department of Corrections. And uh, you know, I looked at the nature of the allegations, I spoke with the victim. The first thing I noticed was how tired she looked. She just looked exhausted, you know. And I came to the conclusion that there was probably a pretty significant risk of homicide in these particular circumstances.”

He explains his conversation with the victim:

“So, you know. I sat down with her. And I explained to her that I had really serious concerns about her safety. She really did open up to me and she understood there was a significant concern about her safety. He ended up violating the PFA again. I knew that was going to happen. He’s in jail now for a quite a while. He’s going to lose [his job]. God help us when he gets out, because he’s just going to get angrier while he’s in there. I’m really worried about that one.”
The prosecutor’s experience working with other victims in high-risk relationships causes him to fear for this victim’s safety. The prosecutor chooses to share his concern with the victim and uses the brief conversation in court before the PFA violation hearing as an opportunity to educate the victim about risk factors. However, the neoliberalization of crime limits the prosecutor’s options both in regards to holding the offender accountable and protecting the victim over time. The prosecutor acknowledges the likelihood that incarceration will only increase the long-term risk for the victim. During interviews, system professional described managing their own sense of anxiety regarding high-risk cases, yet feeling helpless to increase the victim’s safety. A staff person at the Child Access Center describes a case in which the victim’s absence of fear causes the staff particular concern:

“Mom wasn’t worried – no cares in the world. I called to check in with her, and she has zero worries, because he’s in jail. This mom had always been disconnected. She’s always had a flat affect. There’s no emotion when she tells me anything. I understand its nice for her to relax and breathe while he’s in jail and not have to worry about it [her daily safety], but I’m scared to death for her. Sometimes we [staff at the CAC] talk about which one is going to be the next one [to end in homicide] and this could be one of them.”

While system professionals describe drawing on their training and lethality assessments tools to determine a victim’s risk for lethality, they also discuss relying on their own instincts as a reliable sign of danger. For example, during an interview, an Assistant District Attorney explains to me how an instinctual feeling of fear came over him upon seeing an abuser in court for a PFA violation. The prosecutor describes feeling an overwhelming sense of fear for the victim even though the underlying violation appeared banal; the abuser placed a phone call to the victim – a clear violation of the no contact provision within the PFA – but the abuser did not engage in verbally threatening behavior while on the phone. Yet, when the prosecutor laid eyes on the abuser for the first time, immediately before the court hearing, he instinctually felt afraid:

“I ran around the corner and I immediately saw the guy. I had never seen him before, but I knew it was him. I could tell by the look on his face. It’s amazing what your intuitions tell you. You know the law doesn’t really take heed of intuitions. It can’t, because intuitions can’t be explained. What do you say, ‘You know judge, I just have a feeling that he’s dangerous.’ The judge can’t really do anything about that, although the judges can make that independent assessment and start looking for things that they can articulate, that they can substantiate.”

As the prosecutor acknowledges in the above reflection, instincts have little place in the criminal justice system without other corroborating evidence that augments the feeling of danger. However, judges with whom I spoke indicate that they too rely on instincts, even as they work to remain unbiased and impartial in their rulings. For example, a judge
explains how instincts in regards to the lethality risk of a case influenced the final sentencing decision:

“I had a non-jury trial with a guy, and I gave him the max, like 3.5-7 [years] or whatever I could give him. I gave him the max he could get. When he gets out, he’s going to kill her. I’m positive.”

Although certain elements of this case cause deep concern, the judge struggles to identify the specific reason that the judge fears for the victim’s life. In a follow up question, I ask how the judge instinctually knew the abuser’s threat for lethal behavior. The judge replies:

“I don’t know. He just [long pause], he felt evil….”

While a paternalistic and protectionist discourse often guides the state response to intimate partner violence, every system professional that I interviewed indicated a genuine concern for the safety of victims; no one within the system response desires for women to live in fear, experience violence or die as a result of a batterer’s abuse. However, a state actor’s location within the hierarchy of the system response to intimate partner violence has a real influence on the everyday lives of victims. I transition to the final part of this section to illustrate how state actors in positions of power experience privileged fear. Specifically, I draw on my interviews with judges to show how their understanding of fear affects how they interpret and respond to the fear of others.

4.3.4 Privileged Fear

System professionals engage with victims and batterers in varying degrees and intensity depending on the specific role a system professional occupies in the response to intimate partner violence. While more removed from direct communication with victims or batterers than other system professionals, judges frequently encounter victims and batterers in the courtroom for both criminal and civil cases. As the judges indicate in the preceding section, instinctual feelings of fear for victim safety can influence how a judge might sentence an intimate partner violence offender in a criminal case. However, judges also express feeling fear for their own safety in cases that involve highly lethal intimate partner violence offenders. During an interview, a judge explains taking additional safety precautions following a hearing with a batterer:

“It was the way he looked at me. There are very few times when I look down [from the bench] and see someone staring at me that was so chilling as what I saw there. He wanted to hurt somebody. And quite frankly, he lost everything. He lost his job, I don’t know if he lost his pension. But it was his fault. If I ever turn up missing, he is one of the suspects. That’s frightening. Which is why I have a gun now.”

As the judge describes, the batterer in this case poses additional risk because he has “lost everything” and feels as though he has nothing to lose. Notably, while the judge
acknowledges that the abuser caused his own demise, the judge also recognizes that batterers almost always direct blame on someone else for their downfall. While the judge’s public presence places the judge in potential risk for the batterer’s retaliatory behavior, the position of power that the judge occupies also allows the judge to make sentencing decisions based on the judge’s own fear. In this case, the judge sentenced the abuser to the maximum time allowed for the offense and the judge also secured a firearm for the judge’s own self-protection.

The intimate partner violence cases that most often capture the attention of the judges lean toward high profile and unmistakably scary cases. Unfortunately, these cases then become the benchmark from which judges base their understandings of fear. For example, during an interview, a judge describes a custody case that initially presented as fairly routine. The father lived out of state and attended the hearing remotely while his attorney sat in the courtroom on his behalf. The mother and her attorney also attended the hearing, which resolved peacefully after the judge ordered the father to attend supervised visitations with the child at the Child Access Center. Hours after the hearing ended, a man unknown to the mother attacked her while she was exercising on a local bike trail. The presiding judge references this case while we discuss how the judge makes decisions regarding the safety of mothers and children:

“I’m actually thinking about this currently. I have the case where the woman had her throat slashed and I had the custody conference that morning. There’s no way we can tie him to it, but it’s a little too suspicious for me. How could that happen? He didn’t do it, I don’t think he did, because it seems like he was where he was supposed to be, but he’s now filed an order indicating that he wants to see the child. And we were going to do supervised visitation at the CAC. I don’t know, is he a danger? I don’t know.”

At the time of our interview, the local police department was still conducting an investigation into the attack. However, the judge decided to postpone the supervised visits as precaution because the judge felt fearful for the victim. Although women who experience intimate partner violence describe intense feelings of fear all the time, these examples illustrate how cases that capture the fear of judges result in extra safety precautions. As the above examples illustrate, a judge’s own feeling of fear influences not only how a judge might interpret the lethality of an individual case, but also how a judge’s fear affirms the fear of victims. However, a judge’s position of privilege does not always result with an increase in safety precautions for fearful victims. In some cases, judges (mis)interpret victim behavior in ways that minimize victim fear. For example, during an interview a judge explains how the judge relies on a victim’s choice of clothing for court as an indicator of whether a victim is fearful:

“Another thing I look at is manner of dress. If I believe somebody is, and maybe they don’t have many clothes and I have to keep track of that, but when it looks like these people have enough money and they looked into the closet and they had four things from which to choose, okay, if they
look like they’re going to a cocktail party, then I’m saying [to myself] are they really afraid of this person? I mean, the last thing you really want to do is look attractive to somebody you’re afraid of, and that’s not fair, because there could be a million things that go into that, but it’s one of the things I look at. If you come in with a very low cut thing, or your blouse unbuttoned four buttons, I’m like, that’s unusual behavior if the person you’re going to be in court with is someone you’re truly afraid of. And is there something else going on here.”

Although the judge acknowledges that a victim may have few items of clothing from which to choose, the judge discounts some women’s fear – even women who verbally express fear during their testimony – based on their manner of dress in court. The judge is particularly critical of women who appear to represent a higher socio-economic class, yet dress “like they’re going to a cocktail party.” Although a variety of factors contribute to this judge’s (misinformed) conclusions regarding the correlation between fear and clothing, this example demonstrates how the position of privilege that judges occupy have real material effects on the lives of women who experience intimate partner violence.

However, judges’ interpretations of fear pertain not only to victims. Judges also discuss how the court process causes fear and insecurities for abusers. During an interview, a judge explains how Protection from Abuse (PFA) Orders cause fear for abusers and how court orders that mandate abusers to utilize the Child Access Center for safe custody exchanges mitigates fear not only for mothers, but also for fathers:

“I’ve heard that some of the dad’s like it [exchanging children at the CAC] because they were afraid of getting false – in other words, a PFA is a dangerous thing. My wife gets a PFA against me, ok I’m pretty safe all week while I’m sitting in this chair, because she’s miles away from me. I’m pretty safe when I’m at the gym, because she doesn’t get up that early in the morning. I’m pretty safe when I’m on my mountain bike, because she doesn’t ride her mountain bike in the woods. So when am I at the most danger of violating the PFA? I’m at the most danger when I’m where she is. That’s going to mean custody exchanges. If she’s going to make up a lie about me, and try to get me put in jail, or if she’s going to try to egg me on, and put me in jail, I’m at the most danger where she is.”

The judge’s interpretation in the above excerpt represents a common victim-blaming belief that permeates society; women abuse the court system by pretending or exaggerating experiences of abuse to win custody battles. Moreover, in the scenario that the judge describes, the judge assumes that (some) mothers file PFA Orders hoping that the father will violate the order. The judge indicates that (some) women will even facilitate the violation by inciting the abuser’s violence, reinforcing the myths that women are arbitrarily vindictive and men are naturally violent without an ability to control themselves. In scenarios such as these, the judge indicates that fear consumes fathers, and that the Child Access Center alleviates that fear by creating a barrier between
mother and father. Notably, during our interview, the judge acknowledges the victim-blaming language from the above excerpt and offers an alternative scenario:

“Or, let’s not blame her. Say I’m a hot head. I lose my temper all the time. I lose my temper here and I yell at my secretary. I lose my temper in the woods and I’m mountain biking and I vent on a tree or a stump. But custody exchanges, when I lose my temper, I vent on the mother of my children. All of those things represent a danger to me. Either I can’t control myself, I can’t control my environment, I can’t control my ex. Whatever. So by having the Child Access Center, I’m protecting me, the father. So we’ve had some dads who have said, “I actually like the Child Access Center because it keeps me safe from false accusations or from me losing it.”’’

Although the judge attempts to reframe the scenario to include less victim-blaming language, the judge continues to propose that batterers have no control over their behavior. Paradoxically, the judge views the Child Access Center as a space to protect batterers from themselves. While the distinction may seem minimal, by continuing to focus on batterers as the subjects of fear, the judge minimizes the fear of victims. In other words, the judge privileges the abuser’s fear that a victim might make a false accusation above the victim’s fear that the abuser will become violent during a custody exchange. The privileged fear of state actors in positions of power can both bolster and minimize the fear of victims. As I show, the judge’s ability to empathize with the fears of the abuser or the victim often influences how the judge interprets the fear of the people involved in the case over which they are presiding.

4.4 Conclusion

By engaging with the methodological tools of emotional geopolitics, this chapter illustrates how state interventions to address intimate partner violence paradoxically decrease security and increase fear. I build on Chapter 3 by illustrating how the neoliberalization of rights and responsibilities within the social contract normalizes fear as an everyday emotional experience. The first section of this chapter analyzes the experiences of four survivors of intimate partner violence. Collectively, the stories of Beth, Ann, Pamela and Hannah illustrate how feelings of fear move, evolve, intensify and subside. Their stories show how state security practices reregulate fear both for “uncooperative” victims as well as women who “cooperate” with the arrest and prosecution of their batterer. Their stories also underscore the multiple and varied security needs of intimate partner violence survivors and how the neoliberalization of crime fails to meet those needs holistically.

In the second section of this chapter, I shift focus to examine how state-security practices reregulate feelings of fear for system professionals who provide intimate partner violence services within the community. By focusing on the experiences of staff at the Child Access Center and court personnel, including prosecutors and judges, I show how neoliberal security interventions normalize fear for an increasing array of individuals.
However, as this section illustrates, a system professional’s location within the hierarchy of the state response to intimate partner violence influences how much power and privilege an individual maintains in interpreting and responding to feelings of fear. Building on arguments that I develop throughout the dissertation, this chapter builds on the work of emotional geopolitics by tracing how neoliberal policing and the reregulation of the state’s role in private space and intimate relationships, along with the neoliberalization of the social contract normalize fear as an everyday emotional experience.
Chapter 5

Reimagining the State Response to Intimate Partner Violence

I began this dissertation with the story of the failed police response to Tracey Thurman’s request to the state for protection from her abusive ex-husband. Scholars and activists have retold Tracey’s story for the last thirty years to illustrate a turning point in the state response to intimate partner violence. Following Tracey’s successful lawsuit, police departments across the U.S. began implementing preferred arrest policies. Supported by many domestic violence activists at the time, the shift to preferred arrest policies represented an opportunity for the state to redress for its historic practice of protecting private violence from public accountability.

Yet as I illustrate throughout, the contemporary state response to intimate partner violence remains rooted in patriarchal understandings of protection that often reproduce the very same coercive dynamics inherent in abusive relationships. By publicizing intimate partner violence, the 1970s domestic violence movement illustrated the workings of patriarchy in legitimating such violence. Thirty years later, through the conceptual framework that triangulates the concepts of public and private, citizenship and neoliberalism, I show how patriarchal ideology remains central to the regulatory tools of neoliberal policing.

That patriarchal ideology remains rooted in the neoliberal state response to intimate partner violence should not elicit surprise. Feminist scholars have long-cautioned against turning to the state for gender justice demands. As I analyzed my data, Wendy Brown’s question concerning the quandary that arises in these exact circumstances occupied my mind: “What are the perils of pursuing emancipatory political aims within largely repressive, regulatory, and depoliticizing institutions that themselves carry elements of the regime (e.g., masculine dominance) whose subversion is being sought?” (Brown 1995, pp ix-x). As I demonstrate, the effects of intimate partner violence policing on women’s everyday experiences of (in)security and political subjectivity reinforce Brown’s apprehension. Moreover, my analysis through the conceptual framework that triangulates the concepts of public and private, citizenship and neoliberalism further buttresses Brown’s concern; the state response to intimate partner violence is emblematic of the neoliberal state’s abdication of social citizenship and its reregulation of spaces, subjects and insecurities.

Despite the limitations of the contemporary state response to intimate partner violence, I continue to support the criminalization of such violence. My support stems from a firm belief that women who call on the state for help deserve public resources and recognition. I believe that without preferred arrest policies, the police response to intimate partner violence would quickly mirror the days when law enforcement routinely overlooked such violence. My defense of the criminalization of intimate partner violence also stems from my former employment experiences as a victim advocate in the Victim Centered Intensive Case Management (VCICM) Unit of the State College Police Department. I worked with women who expressed real appreciation for the strong arm of law
enforcement. For many of these women, the arrest of their batterer validated for the first time that the abuse that they had endured was real and wrong. The arrest, prosecution and incarceration of a batterer does not represent the best outcome for all women who experience intimate partner violence, but it does present an indispensable option for some. For these reasons, I continue to support the criminalization of intimate partner violence while fully appreciating the myriad of concerns from those critical of how a patriarchal, violent state reproduces a patriarchal, violent response to a social problem.

A tension exists between the theoretical arguments of scholars who caution against relying on the state for social justice demands, and the reality of a problem like intimate partner violence that continues to have real material effects on the lives of women everyday, worldwide. I believe this tension to be especially apparent in an era of neoliberal policing. In the next section, I briefly summarize my dissertation findings and this dissertation’s contributions to the field of geography and feminist studies. I then return to this quandary in the final section of this chapter, as I conclude with a feminist reimagining of the state response to intimate partner violence that I hope can begin to bridge this tension.

5.1 Scholarly Findings and Broader Implications

Through a feminist analysis of intimate partner violence policing, this dissertation contributes to three areas in the field of geography. First, although a growing field, the current geographies of policing literature focuses almost exclusively on the policing of public and urban space. My analysis of the state response to intimate partner violence contributes to the geographies of policing literature by offering insight into the spatial dynamics of policing, and how the figure of the police officer embodies the porosity of the public/private realm. While the current geographies of policing literature examines the spatial strategies of policing the public, absent from this literature is a feminist analysis of policing that shows the workings of patriarchy in policing across the public/private divide. I show how gender is central to the restructuring of the state’s patriarchal role in private space and intimate relationships. While feminist scholars have debunked the liberal notion that a strict boundary prevents government intrusion from entering into the private sphere, this dissertation shows how neoliberal policing extends the spatial reach of the state further into private space and intimate relationships.

In addition to contributing a feminist geographic analysis of the spatial dynamics of policing in a neoliberal era, this dissertation also contributes to the work of geographers examining the neoliberalization of citizenship. Within the dissertation, I conceptualize the state response to intimate partner violence as a social contract of rights and responsibilities that mediates the relationship between women who experience intimate partner violence and the state. While feminist geographic literature shows how the state precludes historically marginalized groups, including women, from enjoying full citizenship rights, this work tends to focus on how women are excluded from public life. My analysis of the state response to intimate partner violence departs from previous scholarship on gender and citizenship by examining how the state deliberately includes and publicly recognizes the citizenship rights of intimate partner violence victims.
However, analyzed through the conceptual framework that triangulates the concepts of public and private, citizenship and neoliberalism, this dissertation demonstrates how the neoliberalization of the social contract normalizes political recognition as the primary citizenship right through a reliance on gendered tropes of rationality. While feminist scholars have shown how gendered tropes of rationality have historically been used to justify women’s subordinate position within the public/private divide, I build on this work to demonstrate how gender and emotion remain central factors in the regulation of women’s everyday lives. Although the state now publicly recognizes the political rights of women who experience intimate partner violence, the state deems women who “cooperate” with the criminalization of intimate partner violence as rational, and women who fail to cooperate as irrational. By discursively constructing “uncooperative” victims as irrational, the neoliberal state repositions women who place their individual economic, social or personal needs above the social contract as incapable of making reasonable decisions; a rational state actor must step in on her behalf. By examining the material and discursive technologies that the neoliberal state employs to reregulate responsible citizenship through a feminist analytic, I show how the state response to intimate partner violence reproduces the very same coercive dynamics inherent in abusive relationships. While geographers have demonstrated how neoliberal ideology shifts responsibility for social citizenship from the state to private agencies, communities and individuals, this dissertation demonstrates how patriarchal ideology remains central to neoliberal citizenship.

Finally, through a feminist attention to emotion, this dissertation contributes to the field of feminist geopolitics by showing how state-centric security practices paradoxically increase feelings of security and fear. As my analysis of preferred arrest policing practices illustrates, the neoliberalization of crime has reregulated physical security as the primary form of state-centric security. No longer responsible for providing holistic security and protection, the neoliberal state’s reliance on punitive accountability as the primary form of protection normalizes feelings of fear and insecurity. However, this dissertation demonstrates that increased feelings of fear materialize not only for women who experience intimate partner violence, but also for the state actors who provide services within the community. In particular, I examine how the state frames intimate partner violence as a personal liability threat to individual officers who fail to perform their public duty. By applying an economic rationale to a social issue, I show how the state privates the personal lives of police officers and relies on the tactic of fear to better ensure officer compliance. Not only do I show how neoliberal policing broadens the scope of who is subject to neoliberal logic, but I also demonstrate how the neoliberalization of the social contract normalizes fear as an everyday emotional experience for an increasing array of individuals.

Beyond the field of geography, this dissertation offers important contributions to the study of intimate partner violence for the field of feminist studies. While intimate partner violence as an explicit research subject is recently capturing the attention of geographers (see for example Pain 2015; Tyner 2012), multidisciplinary feminist scholarship has examined this topic for decades. I build on the work of feminist scholar activists,
particularly those who have employed an institutional ethnographic methodology, to understand the state response to intimate partner violence and the ways this response effects the safety of battered women (Pence 1996). Absent from this literature, however, is a spatial analysis of policing that situates intimate partner violence policing within the contemporary neoliberal era.

Notably, while my research makes visible how the state response to intimate partner violence is emblematic of the neoliberal state’s abdication of social citizenship and its reregulation of spaces, subjects and insecurities, lacking from my analysis is a more comprehensive understanding of how this response disproportionately or similarly effects the everyday lives of marginalized women. Centre County’s demographic composition as a predominately white, middle-class community limited my ability to thoroughly analyze how preferred arrest practices affect women of color and poor women. Consistent with those advocating for the abolition of prisons and mass incarceration (see Loyd et al 2012), feminist scholars and activists most critical of preferred arrest policies lament the racism and classism inherent within the criminal justice system and the state response to intimate partner violence (INCITE! Women of Color Against Violence 2006). This scholarship and activism draws connections between interpersonal violence, state violence, the proliferation of prisons, economic injustice and violence from the medical industry to understand violence against women of color in all its forms.

Although women of color who experienced intimate partner violence were represented in my interview sample, and I explicitly inquired about issues pertaining to race, these survivors did not attribute the response that they received from the police a reflection of their race. While victim advocates raised concerns regarding the way racism and classism permeated social service agencies, including the local housing authority and the assistance office, my interview questions did not elicit a rigorous discussion of race within the policing or prosecution response to intimate partner violence. As I look forward to developing future research projects, a key component of my future research will engage a stronger intersectional feminist analysis to focus on the effects of the state response to intimate partner violence on diverse populations.

Finally, I conducted research, analyzed my data and wrote this dissertation during a multi-year period in which critiques of neoliberal policing and state violence exploded in the United States. While advocates and citizens within communities of color have long-lamented and expressed anger over police violence and the killing with impunity of men and women of color, the murders of Eric Garner, Tamir Rice, Michael Brown, Rekia Boyd, and Freddie Gray moved this conversation to national attention. The policing of communities of color and intimate partner violence are not identical matters. However, as I reflect on the current calls to reform, abolish, restructure, or transform the institution of law enforcement in response to the over-policing of brown and black bodies, the analogous calls from the domestic violence movement in the 1980s to transform the state response to intimate partner violence occupies my mind. I raised questions throughout this dissertation regarding how the state response to intimate partner violence affects the practice of citizenship and security for women who experience such violence. These
same questions permeate the contemporary discussion concerning the over-policing of communities of color.

I do not profess solutions to what are very deep-rooted problems. However, analyzing the over-policing of brown and black bodies through my theoretical framework that triangulates the concepts of public and private, citizenship and neoliberalism may offer avenues for discussion that centers on reform. For example, my research illustrates how limiting police officer discretion through preferred arrest policies results in more consistent intervention into intimate partner violence as the law prescribes the police response. Recent calls to decriminalize certain drugs, end the “three strikes law” and reduce mandatory minimum sentences for non-violent crime share similar philosophies regarding how changes to racist or sexist laws may alter police intervention. However, my research also shows how individual officer discretion persists in cases of intimate partner violence despite the shift to preferred arrest policies. Here, the influence of the police chief becomes imperative.

As my research illustrated, the figure of the police chief and his policing philosophy more strongly influence individual officer action than the law. While calls to require body cameras among law enforcement officers in the field inundate national discussion, my research suggests a critical assessment of the leadership within a police department may result in more pronounced changes to individual officer behavior. As I show, the chain of command directly shapes daily policing culture and works as a checks and balance system. This perspective shifts focus from the few “bad apples” to a discussion of institutional racism and sexism that leadership within a police department actively condones and supports.

Finally, although I critique neoliberal policing practices for extending the spatial reach of the state into the private lives and intimate relationships of women who experience intimate partner violence, my research shows how neoliberal policing also privatizes the lives of police officers. The privatization of police officers’ lives influences the decisions they make to enforce the law. Currently the state protects police officers through sexist and racist laws that allow police officers to wield an inordinate amount of power, including the power to take life. My research shows that police officers who fear liability and the loss of state protection more consistently enforce the law. Much within the transferability of my theoretical framework to neoliberal policing more broadly hinges on rooting out the racism and sexism inherent within the U.S. legal code. With recognition that such an epic reform to the law and policing may be impossible, I believe focusing on the broader structural issues, rather than individual officer behavior, has potential for greater impact. As way of offering a path to address broader structural issues within neoliberal policing, I conclude with reflections on the value of privacy and a feminist reimagining of the state response to intimate partner violence.

5.2 The Value of Privacy

Everyday, in homes around the world, women experience intimate partner violence. What role the state should play in addressing this violence shares no common answer among
scholars, activists, advocates, politicians, state actors, religious leaders, or any other community stakeholder. A feminist intersectional analysis attentive to differences across race, ethnicity, class, and sexuality only complicates the solutions offered to this problem. My training as a feminist scholar and domestic violence advocate reinforces for me that any answer to a problem as pervasive and complicated as intimate partner violence must begin by listening to the needs of the women most directly affected, and recognizing that those needs will often conflict with one another and the goals of the state. What I propose in the final pages of this dissertation is a feminist reimagining of the state response to intimate partner violence that is attentive to the limitations of the neoliberal state for women’s experiences of security and political subjectivity. I do so by considering the value of privacy for women who experience intimate partner violence, particularly in an era of neoliberal policing.

A commitment to bringing private violence out of the home and into the public represented the heart of the 1970s domestic violence movement’s efforts to address intimate partner violence. Domestic violence activists argued the age-old saying that “what happens in the home, stays in the home” had disproportionate effects on the lives of women. Yet despite changes to the law that firmly repositioned private violence as a public concern, elements of that old saying continue to hold relevance, including for women who experience intimate partner violence. While my dissertation examined how the state response affects the practice of citizenship for women who experience intimate partner violence, there are an untold number of women who never call on the state for assistance. I worked with hundreds of these women during my job as a victim advocate. Although the rationale varies, women routinely cite a reluctance to call the police to avoid involving the state in what they consider a private issue (Bailey 2012).

Women who desire to resolve intimate partner violence without the assistance of the state are not alone in their use of claims to privacy for determining family affairs. Feminist movements addressing other women’s issues have also rooted arguments for gender justice within claims to privacy. Feminist activism for reproductive rights, including contraceptive use and legal access to abortion, represent the most familiar feminist privacy argument. In regards to reproductive rights, feminists often draw on the liberal argument that an individual’s ability to make private decisions regarding personal and family issues facilitates happiness, personhood and self-determination (Correa and Petchesky 2003). Yet gender justice demands rooted in claims to privacy have also had unintentional consequences. For example, although claims to privacy served to facilitate women’s reproductive rights, these very same claims have provided justification for stripping reproductive health from public funding (Bailey 2012). Consequently, the cost of reproductive rights falls to the individual with particularly critical consequences for poor women.

Gender justice claims rooted only in privacy are as inadequate as gender justice claims rooted only in public responsibility. For these reasons, I argue that the state must continue to criminalize intimate partner violence and shoulder responsibility for funding social services. However, I believe a feminist reimagining of the state response to intimate partner violence must take into account a woman’s right to determine outcomes that best
address her holistic security needs, particularly in an era of neoliberal policing. While I acknowledge that the neoliberal state has little to offer women who experience intimate partner violence, there is a competing need and desire for state-security in cases of intimate partner violence. This dissertation neither dismisses nor wishes to undermine the importance of the state in recognizing intimate partner violence as a crime. Rather, I call attention to the limitations of neoliberal policing interventions, and I do so through a feminist geographic analytic.

Everything about intimate partner violence is maddening. Although I support the ongoing criminalization of such violence, I do not suggest that any stakeholder involved feels satisfied with the current response. Women who oppose the arrest of their batterer feel anger and distrust toward the state for making decisions without their consultation. Women who support the arrest of their batterer find the slow-moving criminal justice system exasperating, limited in its rehabilitative effects and inept in providing holistic security. Police officers routinely fear for their own safety when responding to intimate partner violence calls. Their frustration is real, as officers recognize that their policing intervention is only a temporary resolution. Prosecutors feel intense pressure to protect women who experience intimate partner violence, hold offenders accountable and prevent future homicides. The neoliberalization of the criminal justice system results in overextended prosecutors who often only spend minutes with a victim before making decisions that have real material consequences for her life. Sentencing guidelines and lenient firearm laws bound judges to decisions that satisfy no one. Add children to the equation and the complications magnify.

A feminist reimagining of the state response to intimate partner violence is not dismissing state intervention as an option, but it is recognizing that state intervention must be coupled with a holistic understanding of the ways that state intervention may increase other insecurities and fears. A feminist reimagining of the state response to intimate partner violence recognizes that state protection cannot address all security needs and that other securities are happening (Koopman 2011). It is recognizing that intimate partner violence victims actively safety plan and consider their security every day, and that the knowledge they carry about their lives is relevant. It is recognizing that intimate partner violence victims make deliberate decisions to remain in an abusive relationship because they believe, and have been threatened, that the consequences of leaving may result in their own death or the death of their children. Consequently, a feminist reimagining of the state response to intimate partner violence means that by design this process will be collaborative between the state and victims, and that the resulting intervention will minimize fear to the greatest extent possible. Finally, a feminist reimaging of the state response to intimate partner violence recognizes that no security intervention will guarantee safety; it might make a victim safer, but never completely safe.

Everyday women continue to die at the hands of their batterers. Much is at stake in how scholars, activists and stakeholders understand, theorize and address intimate partner violence. While the domestic violence movement succeeded in bringing private violence out of the home and into the public, we must acknowledge that the state response to intimate partner violence reproduces the very same coercive dynamics inherent in
abusive relationships. As this dissertation has illustrated, the state response to intimate partner violence has material consequences for women’s everyday experiences of security and political subjectivity. This is especially true in an era of neoliberal policing. However, this dissertation has also illustrated that women who experience intimate partner violence are not helpless victims. As we look forward to alternative means to address the issue, we must involve women who experience intimate partner violence in the conversation. These women have thoughtful input for how the state can better address their security needs. But, it means that we must be prepared to listen.
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