

Betrayed by the Blue*: Intimate Partner Violence and Institutional Betrayal by the Criminal Legal System

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Abstract

Survivors of intimate partner violence engage in a multitude of help-seeking behaviors; most commonly they engage in the criminal legal system (CLS). Thus, when this institution betrays the trust of those dependent on them by being negligent or prosecutory, this is called *institutional betrayal*. We strive to elucidate and describe the types of institutional betrayal that victims/survivors of IPV experience when they report their abuse to the CLS. The analysis is based on in-depth interviews with 11 women impacted by intimate partner violence who sought help from the CLS. Four themes emerged: 1) indifference by criminal legal system actors; 2) being criminalized by criminal legal system actors; 3) The benefits of “insider status”; 4) Having to be “in the system” to use the system. It is crucial that we recognize the inconsistencies and mistreatment within our current criminal legal system in order to better protect and support victims and survivors of IPV equally and effectively.

Keywords

Intimate Partner Violence, Institutional Betrayal, Criminal Legal System

1. Introduction

Stories of domestic violence among celebrities abound. Those who have been arrested, charged, or found guilty in criminal or responsible in civil court include Chris Brown, Nicolas Cage, Charlie Sheen, Mel Gibson, and most recently Johnny Depp. Tragically on December 1, 2012, US professional football player Jevon Belcher shot and killed his fiance and mother of their 9-month old child, ‘In the United States’ context, the “Blue” is a euphemism for police officers because historically, police officers wore blue uniforms.

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Kassandra Perkins before killing himself in the parking lot of the Kansas Chiefs football stadium where he played. A key to preventing these kinds of tragedies is intervention by criminal legal system actors, especially the police. Thus, understanding the impact of institutional betrayal by the police and the larger criminal legal system is the first step in reducing incidents of gender-based violence.

Millions more people whose names we never know experience various forms of gender-based violence (including sexual and intimate partner violence, sexual harassment, and stalking) each year (Black et al., 2011). Though the #MeToo movement encouraged women (and men) to speak up about their experiences with violence, reporting rates remain extremely low, consistently around 10%. There are many reasons why people don't report gender-based violence (Gurm, Salgado, Marchbank, & Early, 2020). This paper investigates the impact that institutional betrayal has on those who do report, or have the abuse reported by a third party, specifically the criminal legal system. We argue that in order to prevent gender-based violence and intervene in ways that support victims/survivors, the barriers to reporting must be removed, and addressing institutional betrayal is an important place to start.

2. Literature Review

Gender-based violence takes many forms, and includes sexual and intimate partner violence, sexual harassment, stalking (Hattery, 2022; Smith et al., 2017) and street harassment (Kearl, 2010). In this paper, I focus on the experiences of women who experienced intimate partner violence.

Intimate Partner Violence. Though most people focus on physical intimate partner violence, in fact, it also includes many other forms of abuse, such as emotional, financial and sexual (Patra, Prakash, Patra, & Khanna, 2018) as well as a matrix of controlling behaviors and coercive violence (Monterrosa & Hattery, 2022). The Center for Disease Control (CDC) reports that 1 in 3 women and 1 in 4 men report having experienced severe physical violence from an intimate partner in their lifetime, and 1 in 5 women and 1 in 13 men have experienced sexual violence by an intimate partner, intimate partner violence is now the leading cause of femicide. Approximately two-thirds (67%) of all women (1500) who are murdered each year are murdered by their current or ex-intimate partners (Leemis et al., 2022).

Institutional Betrayal can be defined as “wrongdoings committed or perpetrated by an institution upon individuals who are dependent on that institution” (Smith & Freyd, 2013). Institutional betrayal stemmed from the work of Dr. Jennifer Freyd as it relates to her theory of *betrayal trauma theory* (Freyd & Birrell, 2013) which posits that children who are mistreated by a caretaker are more prone to amnesia related to their harmful experiences (Freyd, 1996).

Scholars have applied Freyd's concept of institutional betrayal to the experiences of victim/survivors of gender-based violence, most often their experiences with sexual violence. Specifically, scholars have documented the experiences of victim/survivors when they disclose an incident of sexual violence as

part of a process of accountability inside of an institution in which they study or work. Examples of institutional betrayal are plentiful, including but not limited to in the military, religious institutions, higher education institutions, and medical institutions (Hattery & Smith, 2019; Reinhardt, Smith, & Freyd, 2016). Additionally, institutional betrayal is a relatively recent term for a familiar phenomenon. Scholars in the study of gender-based violence have referred to it as a “second assault” or “secondary victimization” in relation to police response to rape victims (Campbell, 2006), and “criminalized survivors” in relation to victims being punished for help-seeking (Decker et al., 2019; Goodmark, 2023; Miller, 2005). The criminal legal system has been previously studied through the framework of institutional betrayal as it relates to police brutality and the criminalization of victims (Decker et al., 2019; McAuliffe, 2018). Additionally, scholars have studied institution’s responses to rape victims (Smith & Freyd, 2014); however, little research has been conducted analyzing the experiences of victim/survivors of intimate partner violence and institutional betrayal committed by the criminal legal system. This paper seeks to fill that gap in the literature.

The criminal legal system: Survivors may seek help from a wide variety of services after incidents of intimate partner violence; the most common formal resource utilized by victims is the criminal legal system (Gordon, 1996; Hamilton & Coates, 1993; Meyer, 2011). However, because it is the most utilized means for receiving help, does not mean that it has been the most effective for survivors. Prior to the 1980’s or so, the police sustained the attitude that it was a “private matter” and treated it as such (Martin, 1976). In a study with 102 women who reported incidents of IPV during the study, only 12 women said that they reported all incidents to the police (Gover et al., 2013).

Although the attitudes of police officers and criminal legal actors have changed and adapted over the years (Gover et al., 2011), satisfaction with the support received is still quite variable. For instance, in a study of 820 IPV survivors, Cattaneo (2010) found that women reported more positive than negative aspects of their interactions with the criminal legal system. However approximately a third of the women said that the police did not take any action and about a quarter reported that the police were disinterested. An early study (Erez & Belknap, 1998) based on a sample of 50 abused women, found that 43 percent described the police response as positive or encouraging and 49 percent rated the police as discouraging. Concurrently, half reported that the police minimized their injuries. Data supports that following disclosure, or help-seeking, it has been shown that the ideal reaction to survivors is emotional support, and the least helpful response is blaming and disbelief (Bryant-Davis, Adams, Alejandre, & Gray, 2017; Srinivas & DePrince, 2015).

Though victim/survivors experience institutional betrayal when they report or attempt to seek redress in nearly every institution they interact with, including the military, sports, on college campuses, and religious institutions (Hattery & Smith, 2019), institutional betrayal in the criminal legal system is particularly powerful because victim/survivors typically interface with the criminal legal sys-

tem during a moment of crisis and they are seeking safety and protection. Thus, when victims/survivors experience institutional betrayal at the hands of the criminal legal system, it can be particularly devastating. Though organizations have the power to create environments where reporting is encouraged and supported, leading research is finding that institutions are creating spaces where abuse is common and any attempt to report is silenced from the fear of being the next target (Smith & Freyd, 2013).

Though they don't use the term "institutional betrayal" specifically, one of the most egregious forms of institutional betrayal that criminologists detail is the criminalization of victims (Decker et al., 2019; Miller, 2005). For example, they describe instances in which victim/survivors are arrested and even criminally charged for fighting back during a violent episode or coerced into illegal activity as part of the large web of power and coercion that abusers utilize to control their victims (Monterrosa & Hattery, 2022). Black women interviewed in Baltimore by Decker & Colleagues (2019) identified several examples of these forms of institutional betrayal, as well as others, that included failing to believe victims/survivors due to stereotypes police hold about Black women, and overzealous attorney generals who seek to prosecute Black male abusers to the highest degree.

Building on the research on institutional betrayal and the criminal legal system, this paper asks the question: What types of institutional betrayal do victims/survivors of intimate partner violence experience when they report to the police?

3. Methods

The data in this paper come from in-depth, face-to-face interviews with 11 women (7 identified as Black and 4 identified as white) who had experienced intimate partner violence that had been reported (by themselves or others) to the criminal legal system. Contact with the criminal legal system—for oneself or their partner—included calling 911 for assistance, being arrested, being incarcerated, being sentenced to probation or parole, seeking an order of protection or being referred to the Department of Family Services. The women interviewed for this study were recruited through partnerships with community agencies including domestic violence shelters, parole and probation offices, and court services. The participants ranged in age from 25 - 60, most had at least one child, most had been in more than one abusive relationship, they had experienced abuse in their families of origin, and they ranged from working class to upper-middle class. Participants were interviewed using a semi-structured interview format and typically lasted between one and two hours. Audio was recorded and instantly transcribed using the transcription software Otterai. Coding for this paper was influenced by grounded theory blending the strengths of both inductive and deductive reasoning by moving between each (Corbin & Strauss, 2015). Transcripts were read and re-read by the author using the constant comparative method until agreement on the themes was reached.

4. Findings

In the analysis, four clear and distinct themes of institutional betrayal in the criminal legal system emerged: 1) indifference by criminal legal system actors; 2) being criminalized by criminal legal system actors; 3) the benefits of “insider status”; 4) having to be “in the system” to use the system

1) Indifference by criminal legal system actors

Many of the participants noted that when the police were called—either by them or by someone else—the police only took the situation seriously if the women exhibited serious physical injury. Specifically, they noted that the police were more likely to arrest or pursue the perpetrator or intervene in any way if there was physical evidence such as bruising or bleeding, or in the cases where another person called the police to report the abuse.

Dede is a Black woman who described the worst beating she received. It was the night “He took my baby out”. Dede’s son called the police and they arrested her partner, only because she was beaten beyond recognition. They checked her into a hospital. Dede understands the situation this way:

“They believed me. But when they went to arrest him he ran. But that was the first time that he severely severely, severely beat me. I was unrecognizable.”

Dede recounts that she had called the police many other times and even tried to file for a restraining order, but because her former partner was receiving mail at that address, the courts refused to grant her a restraining order.

Many times Dede wished: “Yeah, I would say just go ahead and hit me up instead of calling me these names. The names hurt.”

Dede would rather experience physical violence than verbal abuse, because in Dede’s experience, verbal abuse is never enough for the police to take the violence seriously, she notes:

“Even if you just cry and cry and it was mostly their word against your word, stuff like that, but the day that my face was unrecognizable and I miscarried. That was *seeable*, so they couldn’t deny it.”

Sydney is a white woman who, in her mid-twenties, met the father of her child who was a drug dealer. He was also abusive, even beating her when she was seven months pregnant. Tragically, he died two weeks before her child was born. Sydney recounts her interactions with the police:

“When I found him dead everything was gone. All of his crack was gone off his coke all of his money. It just doesn’t add up. But they went with it. It was an overdose. Gotta go with them. So when I called the cop he was like *that’s one less person we have to worry about*. It was just ignorant. Like he’s dead. He has family and I’m pregnant.”

In other words, Sydney’s experience with the police is that in her time of greatest need, the police treated the death of the father of her child as if his life

didn't matter, he was "one less person we have to worry about;" and as if her life and the life of her unborn child had no value.

In many cases, not only are the experiences of victim/survivors undervalued, they are often criminalized themselves.

2) Being criminalized by criminal legal system actors

As the research of other scholars has documented (Goodmark, 2023; Miller, 2005) when women are victims of domestic violence, their behavior is often criminalized by the police and other criminal legal system actors.

Ivana is a Black woman from a rural part of the state. She has had a total of five abusive relationships. Her second abusive relationship was with her ex-husband. He was abusive in his past relationships but she thought he would never do that to her. She confronted him about cheating and he held a gun to her head. She called the police because his son was at the house and she didn't want him to witness the abuse. The police attempted *to arrest her* because she gave him a scratch from defending herself. The police ended up not arresting her husband because they were upset with Ivana.

"But when they got there, I remember two [town] cops walking in my house. I was in the front room and he was in the bathroom. And that cop said he claims that he said 'Well if you're going to arrest him, you're gonna arrest her too.' They said you need to look at him because he had a little cut and they thought I hit him. I had finally said enough and I just started fighting back. I probably just nicked him somewhere and I looked at him I said I'm not leaving his house. And I'm not leaving this child. But you're gonna take him out of here because he's the abuser not me. They were mad at me, so they didn't take him."

Ultimately Ivana left this abuser only to enter a new relationship with another man who would beat her severely. On one occasion she recounts that she was beaten so badly that he knocked her teeth out. Her family, who were present at the time, asked if she wanted to call the police, but she refused, she says, because of her previous experiences with them. She was fearful to call the police because of what might happen after that, she thinks he would have beaten her to death.

Lola was pregnant with her abuser's baby, she was a high-risk pregnancy so she was instructed to stay on bedrest. Her partner left her for two weeks, she did not want to be in a hospital, but she did not want him around either. When he came to her house, the door was locked. Her abuser called the police and she ended up being criminalized for it.

"So, I locked him out. He called the cops. They come and tell me if I lock him out again I'm gonna get locked up. They said they didn't care and that I can't lock him out. He lives here. Don't it again."

On another occasion, after the baby was born, she was arrested by the police after an altercation in which she says she was the victim. That evening, Lola was at home taking care of her premature baby. Her abuser came home high on

drugs and they got into an altercation. She threw a plush toy at him and she was ultimately arrested when the police arrived, after her abuser called 911.

“So he called the cops. And unfortunately, I’m gathering because [of the] black women stereotype and I don’t fit the stereotype, but it didn’t matter. But there was a black cop that came this particular time and said he was going to make an example out of me because black women are calling the cops on it. The guy said since I admitted to doing it [throwing the toy], they arrested me.”

Emily is a white woman who, in her late-twenties, was in her second abusive relationship with a man who is also the father of her second child. One night after a particularly abusive fight in which her partner slammed her head against the kitchen cabinets and choked her, the neighbors called the police. According to Emily, her partner was never charged because he comes from a rich, high status family.

“I am all beat up and the cops never charged him because his family owns this little town... They own the land that the town is built on. So they’re filthy, filthy, filthy rich people.”

Instead of arresting her abuser, the police threaten to arrest Emily and coerce her into working with them as a snitch.

“They take me, they sit in the car. They have 27 officers come talk to me. They’re like, please, we’re gonna pay you. I don’t care about your money. And I’m not telling you anything. Just talk to us about what you guys were doing we’re not gonna put you on paper. You think I’m that dumb? They want me to give them somebody like I’ve given them numerous people... All I had was possession, simple possession. They weren’t gonna charge me because they wanted me to give the dealer up. Well, I lead them on a wild goose chase because I’m not doing that. I’m trying to live. And they knew that so then they put the charges on me when they didn’t get what they wanted. And then I ran for two years. I stayed right there just didn’t turn self in.”

Ultimately, Emily was sentenced to prison and served time for drug possession and intent to distribute. When we interviewed her she was wearing an ankle bracelet.

3) The benefits of “insider status”

In contrast to the experiences of women like Dede, Ivana and Emily, some women in the study experienced help and support from the criminal legal system, which is consistent with the research of some other scholars (Hattery, 2009).

Katie is a Black woman who started dating her first abusive boyfriend after she graduated from college. Eventually she got pregnant with his baby and married him in her words “to keep the names consistent,” but she says that she was re-

luctant from the beginning. When asked about the worst episode of violence, Katie recalls the horrifying day that he beat her in the abdomen causing a miscarriage.

“He comes back up the stairs. And the phone is still like live [she has called 911] but it’s not to my ear anymore. He takes that wiffle ball bat and he starts to beat me with the wiffle ball bat. Like, like, beating me with the wiffle ball bat, but all I was conscious of was shielding my son. So I’m laying on top of him while he’s just beating me with his bat and cussing and cussing or whatever. And I don’t I don’t even know how much he beat me but I know I was like all bruised. But now at this point, all I see are red dots on him. It was the police. They had came”

The police arrived on the scene and her abuser was arrested. Katie recounts that the police officer did all of her paperwork for her [filling out the police report and the paperwork for an order of protection] and were very cooperative with her. Katie works for the local government and she believes that this may explain the supportive treatment she received from the officers who responded that day.

“But I do remember feeling safe. I remember them having my best interest. It wasn’t like they were trying to make it my fault. They, they clearly saw that there was something and I don’t even know if that was heard of that the police would even put, do all that paperwork for me. Like I didn’t do any of that.”

Samantha is a white woman who met and married her abuser when she was 18 and in her first year of college. Within months his controlling behavior escalated as did his abuse, he was, in her estimation, extremely abusive financially, sexually, verbally, and emotionally. He stabbed her, threatened her with knives, and regularly held a gun to her head and played Russian roulette with her. For several years she was convinced he would kill her. Eventually, her sister became aware of the extent of the abuse and organized a family intervention.

“And I had to leave immediately. Then my mom said we will go get your PFA. And he can’t hurt you anymore. And you’re leaving and you’re coming to our house and you’re getting a divorce.”

With experience working as a paralegal, her mother helped Samantha file for an order of protection and they coordinated with the police to have her abuser arrested. He was convicted and deported back to Turkey (though he has since returned to the United States) and Samantha was awarded a lifetime protection from abuse order.

In short, both Katie and Samantha agreed that the criminal legal system protected them, intervened when they experienced extreme violence, and facilitated their ultimate escape from their abusers. Both note, however, that the supportive and protective treatment they received was facilitated by their connection to the

system: Katie is an employee of the city and Samantha's mother worked as a paralegal. Their "insider" status resulted in differential treatment.

4) Having to be "in the system" to use the system

As noted above, some of the women in the study, like Dede and Ivana, were criminalized by the system they were attempting to utilize for help. Another woman, "A" was convicted in the system, but also used her status in the system to escape from violence.

"A" grew up in a chaotic household and at age 16 she married a 21 year-old man. After fleeing his abuse, losing custody of her child, becoming addicted to drugs, and experiencing homelessness, she finds herself in another abusive relationship. In the midst of a fight in which her abuser was choking her she stabbed him and went to prison, serving seven years for attempted murder.

After her release from prison, "A" struggled through a series of abusive relationships and continued to struggle with substance abuse disorder. After a particularly violent beating by her then boyfriend, she called the police.

"They didn't know where to turn who to turn to. And so I just call the police. I turned myself and I said I stole the car. Please come arrest me because I didn't want to be on the street."

5. Discussion

The women in this study experienced support from criminal legal system actors when they experienced physical domestic violence, yet the majority were treated in ways that are consistent with the framework of institutional betrayal. Among the themes that emerged in the analysis, two 1) indifference by criminal legal system actors and 2) being criminalized by criminal legal system actors, reflect both the concept of institutional betrayal and support the findings of other scholars including [Decker & colleagues \(2019\)](#), [Goodmark \(2023\)](#), and [Miller \(2005\)](#).

Specifically, women who are victims/survivors of domestic violence reported that the police treated them in ways that downplayed the impact of the non-physical forms of abuse they experienced. As Dede notes, the police would only respond to her pleas for help when she sustained a severe beating. Ivana recalls being ignored or discounted by the police because she was a "frequent flier", and Emily reports that the social standing of her abuser influenced the decision by the police not to arrest him despite the fact that he had beaten her severely, including by banging her head against the wall and strangling her. Sydney experienced a form of neglect by the police. When her partner was found dead, they immediately ruled it as an overdose, despite her protests, and they treated his death not as a tragedy, but as a relief...one less worthless person to deal with.

Women in the study also reported that they were criminalized when they sought help from the criminal legal system. Dede was arrested for throwing a plush toy (stuffed animal) at her abuser during an episode in which he was beating her. Though they ignored her when she needed help, the police also ar-

rested Ivana for fighting with another woman. And, Emily was threatened with arrest if she didn't agree to work with the police as a snitch.

Though the majority of the women in the study experienced institutional betrayal from the criminal legal system, two reported that the system was not only supportive, but helped them to escape their abusers. When Katie's abuser beat her with a wiffle ball causing not just severe injury to her, but also causing her to miscarry their child, the police not only arrested him, but they helped her manage all of the processes in order to get an order of protection, file police reports, and navigate the legal system. Though Samantha hid her abuse for nearly a decade, once her family discovered it, her mother, who is a paralegal, drew on her experience and connections to help Samantha navigate the criminal legal system. Both Katie and Samantha credit their "insider status" for the treatment they receive from the criminal legal system.

Finally, "A", is both a victim of the system and deliberately uses the system to seek safety and support. However, at what cost? Facing the possibility of being reincarcerated for violating the terms of her probation, "A" saw prison as safer than returning to her abuser or living on the streets.

6. Conclusion

Victim/survivors of domestic violence will continue to experience institutional betrayal when they seek help from the criminal legal system when they are experiencing domestic violence. Though two women in the study, Katie and Samantha, felt supported by the police and the larger court system when they sought help to escape violence, both credit their "insider status" as the reason. One should not have to hold "insider status" in order to be helped by the very system who professes the motto: Serve and Protect.

We call on policy makers to enact measures that reduce the institutional betrayal that so many victims/survivors experience when they seek help. It should not require "insider status" for a victim/survivor to be treated like a human being, nor should one have to be a "perfect" victim (Goodmark, 2023; Roberts, 2022) to avoid being criminalized. As other scholars (Gover et al., 2013) have noted, victims/survivors who experience institutional betrayal are reluctant to seek help in the future from the same system who harmed them. We owe them all the same access to support that women like Katie and Samantha received. And finally, unlike "A", they shouldn't have to be criminalized in order to find safety in the criminal legal system.

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Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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