IDENTIFYING

the true primary aggressor

Despite the widespread adoption of primary aggressor laws, female victims continue to be misidentified for a variety of reasons, ranging from department policies to misunderstandings of female violence. Kali Bruns explores current primary aggressor laws, and includes in-depth discussions of factors that warrant special attention in intimate partner violence cases.

Prepared By
Kali Bruns
Research Fellow

The Archway

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ABSTRACT

In the late twentieth century, efforts to end domestic violence surfaced on multiple fronts (Dasgupta, 1999). Despite the expansion of such efforts, service providers, law enforcement, and other entities involved in domestic violence cases continue to struggle with correctly identifying victims and offenders (Dasgupta, 1999). For instance, the legal system's use of pro-arrest policies has coincided with higher female arrest rates (Hirschel et al., 2007); research supports that the majority of women who are arrested for using violence against their partners acted in self-defense (Henning, 2006; Hirschel & Buzawa, 2012; No to Violence, 2019). Thus, many female victims are re-victimized by the legal system as it mistakes them for offenders.

In an attempt to improve the identification of offenders and victims in cases of domestic violence, states began to enact primary aggressor laws (Hirschel et al., 2017). These laws vary depending on the state, but in general they provide guidelines for officers to follow when assessing for a primary aggressor (Hirschel et al., 2017). To clarify, the primary aggressor is the individual in a domestic violence case who presents the most serious and prolonged threat (Westfall, 2019).

Due to this paper's affiliation with SafeHaven of Tarrant County, it is important to note that Texas' primary aggressor law sets flexible guidelines for improving the identification of primary aggressors (Hirschel et al., 2017). Its law mandates that training include instructions on how to prevent dual arrest; furthermore, it requires that officers thoroughly investigate who the primary aggressor is in incidents where at least two opposing parties have reported family violence (Hirschel et al., 2017).

Despite the widespread adoption of

primary aggressor laws, female victims continue to be misidentified for a variety of reasons, ranging from department policies to misunderstandings of female violence (Hirschel & Buzawa, 2012; Hirschel & Deveau, 2016; Hirschel et al., 2017). This paper addresses the various challenges that the legal system experiences when trying to identify the primary aggressor. In addition, it proposes the creation of an assessment tool that could improve the entire system's ability to identify the true primary aggressors.

Based on the research, context, intent, and effect could serve as the overarching principles of such an assessment
(Apfelbaum & Bellshaw, 2020; Department for Child Protection and Family Support, 2015; No to Violence, 2019; The Northwest Network, 2005).

This paper includes in-depth discussions of factors that warrant special attention in domestic violence cases, including common criteria mandated for consideration by primary aggressor laws. Lastly, this paper provides descriptions of a few existing primary aggressor

assessment tools and explains how they could be improved according to the research.

PROBLEM STATEMENT

Before the 1990s, efforts designed to combat domestic violence lacked expansive involvement (Dasgupta, 1999; Rogers & Faragher-Houghton, 2008). However, toward the end of the twentieth century, community involvement in the fight against domestic violence began and grew extensively out of the shelter movement of the 1970s (Dasgupta, 1999). Around the same time, pro-arrest policies appeared as a legal manifestation of the fight against domestic violence (Rogers & Faragher-Houghton, 2008; The Northwest Network, 2005). One form of the legal approach was mandatory arrest; however, studies support that higher female arrest rates for domestic violence followed, compounded by higher dual arrest rates (Hirschel & Buzawa, 2012; Hirschel et al., 2007; Hirschel & Deveau, 2016; Hirschel et al., 2017). Although female arrest rates may have increased due to enhanced recognition of female violence, the misidentification of female victims as offenders must be acknowledged (No to Violence, 2019). Extensive research reveals a general misunderstanding of women's use of violence against abusive male partners (Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012; No to Violence, 2019; Strack, n.d.).

Difficulty identifying the primary aggressor, the party who presents the most serious threat, extends across each stage of handling a domestic violence case (K. Jacob, personal communication, June 2021). Moreover, domestic violence service providers, law enforcement, prosecutors, judges and juries can misidentify victims and offenders (Orford et al., 2017). Similar to how female victims can be misidentified as primary aggressors, male offenders can be misidentified as victims (K. Jacob, personal communication, June 2021).

For instance, The Archway has

expressed its struggle with male offenders manipulating the system to present themselves as victims (K. Jacob, personal communication, June 2021). As a result, these offenders can access victim services, such as therapy, and go on the record as victims. On the other hand, female victims can be referred to batterers' programs and lose access to victim services (Dasgupta, 1999; K. Jacob, personal communication, June 2021). Experienced male batterers can also manipulate law enforcement by calling 911 to give their side of the story first, granting them control over the situation (Hester, 2012; Orford et al., 2017). Lastly, prosecutors have voiced concern regarding intimidation and witness tampering by offenders that often lead victims to appear uncooperative as they recant and are unwilling to participate (Orford et al., 2017).

One response to the difficulty with identifying primary aggressors was states' adoption of primary aggressor laws; these laws set varying degrees of guidelines for officers to follow when determining the primary aggressor in a domestic violence case (Hirschel & Buzawa, 2012). Although the laws have impacted female and dual arrest rates to some extent, identifying the true primary aggressor in a domestic violence case continues to be a problem without a solid solution (Hirschel & Buzawa, 2012; Hirschel et al., 2017). The widespread misidentification of female victims and male offenders is of particular concern as the women are further victimized by the legal system and the men take advantage of the situation to maintain their power and control (Hester, 2012; Orford et al., 2017). To more effectively, efficiently, and accurately identify the true primary aggressors across all stages of domestic violence cases, an assessment tool needs to be developed for multiagency use. Even if the true primary aggressor is not identified in the initial stages of a case, access to an assessment tool could provide secondary chances at successfully ending abuse against a victim.

THREE OVERARCHING PRINCIPLES

▶ Principle 1: Context

Although domestic violence is characterized by a pattern of abuse carried out by one party to establish and maintain power and control over another party, the legal system is set up to respond to isolated incidents of domestic violence (Henning, 2006; Hester, 2012). As a result, instances where female victims use violence as a means of self-defense or retaliation against their abusers can portray them as primary aggressors; the true aggressor can further frame the victim by using the legal system to his advantage, such as by calling 911 first (Alliance for HOPE International, 2021; Hester, 2012). To effectively respond to domestic violence cases, the behaviors of each party must be contextualized into a larger framework (No to Violence, 2019). Moreover, the legal system must determine if such behaviors are components of an

overarching pattern of systematic power and control (Westfall, 2019). The well-known Power and Control Wheel, created by survivors of domestic violence and facilitated by the Domestic Abuse Intervention Program in Duluth, Minnesota, can serve as a useful guide in making this decision (Pence & Paymar, 1993). Understanding a victim's experience and an offender's perpetration of the various abuse tactics presented on the wheel can help develop context around each

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individual's behavior (Dasgupta, 1999; Pence & Paymar, 1993).

It is important to note that the system should serve as a facilitator toward a better situation for victims rather than acting as another controlling agent in their lives. Assumptions surrounding a victim's ability to leave their abuser must be addressed as well; victims stay with their abusers for a variety of reasons, ranging from economic need to maintaining contact with their children (Orford et al., 2017). Thus, facilitators must respect each survivor as an autonomous agent who knows the dynamics of her relationship better than an outsider.

Principle 2: Intent

Another overarching principle related to identifying the true primary aggressor is intent. Within the context of a given relationship between two parties, the legal system must investigate what the goal of each party's behavior is. Contextualizing each behavior into a larger framework is necessary to reveal underlying intentions, such as an offender's desire for power and control (Tinney, 2017).

Furthermore, a victim's use of violence to retaliate or defend herself cannot be fully understood out of context.

When determining the primary aggressor, the system must decide if the purpose of violence by one party is to establish and then maintain power and control over another party. Examining the intentions behind violent behavior can expose a critical distinction between male offenders and female victims. Research supports that a primary motivation for female violence is self-defense (Henning, 2006; Hirschel & Buzawa, 2012; No to Violence, 2019), which warrants careful consideration in many domestic violence cases; on the other hand, male violence against a partner often fits into an overall pattern of establishing and maintaining power and control (Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012; No to Violence, 2019; Tinney, 2017). One survey of women who were arrested for violent behavior and placed in batterers' programs revealed that most utilized physical aggression as a means to defend themselves (Hirschel & Buzawa, 2012). Specific motivations for their behavior

included self-defense, anger, retaliation, and being pushed over the edge (Hirschel & Buzawa, 2012). Although self-defense has become increasingly recognized as a goal behind female violence, research indicates that retaliation for prior abuse lacks adequate recognition and consideration in many domestic violence cases (Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012; No to Violence, 2019; Tinney, 2017). Female victims may not retaliate against their abuser in the moment; instead, they may use retaliatory violence as a tactic to gain and maintain power and control over their situation, akin to the behavior of their abusers (K. Jacob, personal communication, June 2021). However, battered women rarely gain power or control over their situation through using violence, contrary to the result of male violence (K. Jacob, personal communication, June 2021). Improving the legal system's response with an assessment tool at this stage could promote the identification of true primary aggressors. Importantly, identifying the primary intentions behind female violence is not meant to serve as an excuse but as an explanation for their actions within the context of experiencing ongoing abuse.

Principle 3: Effect

The last overarching principle that can help guide one's determination of a primary aggressor is effect. Moreover, the legal system must investigate what is achieved by the behavior of each party in a case of domestic violence. The Power and Control Wheel provides specific descriptions of the real-world impact of each abuse tactic on a victim (Pence & Paymar, 1993). For example, when an offender minimizes, denies, and blames, the victim is likely to self-blame and diminish the severity of the abuse (Pence & Paymar, 1993). On a related note, examining each party's demeanor on the scene can help distinguish between male offenders and female victims. Victims will quickly admit to using violence in an incident, whereas offenders will deny their abuse and further blame the victim (K. Jacob, personal communication, June 2021).

To reiterate, most women who use violence against their partners are battered women (Dasgupta, 1999).

However, few accomplish the prominent goal of controlling or stopping the abuse being perpetrated against them. Instead, these women experience an increased risk of abuse from their male partners. Furthermore, most women who use violence against their partners do not establish or maintain power and control as is commonly seen with male abusers.

Thus, abuse tactics by men and by women do not have the same effect on domestic violence victims (Dasgupta, 1999). For specific examples regarding the differential effect of female and male violence, Coordinating Community Responses to Domestic Violence, edited by Melanie Shepard and Ellen Pence, is a helpful resource (Dasgupta, 1999).

To continue, an essential effect to examine is fear (Dasgupta, 1999). Research supports that women are largely unable to systematically intimidate or produce fear in male partners (Dasgupta, 1999). However, according to the Power and Control Wheel, intimidation from the abuser and fear from the victim are key indicators of domestic violence (Pence &

Paymar, 1993). When critically analyzing each section of the wheel, it becomes apparent that abuse by a man and by a woman is not likely to have an equivalent impact on a victim, specifically in heterosexual relationships. As a result, the gender-specific nature of domestic violence as a pattern of systematic power and control over a female victim by a male offender is further supported (Pence & Paymar, 1993). Incorporating the overarching principle of effect and its close ties to gender could specifically help decrease the misidentification of female victims as primary aggressors.

▶ Can "batterer" describe men and women?

Mutual violence or domestic violence?

As discussed above, research supports that violence by men and violence by women does not have the same overall effect on victims (Dasgupta, 1999). Moreover, domestic violence is not a gender-neutral issue (Pence & Paymar, 1993). Of particular interest is the controversy that surrounds the term "batterer" and its applicability to women and men. There is no question that women can be violent, but research does not strongly support the application of "batterer" to most women who use violence (Dasgupta, 1999; Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012). Once again, the majority of women who use violence intend to end the abuse against them; these women desire immediate change, which does not fit the consensus that battering is a pattern of abuse (Dasgupta, 1999; K. Jacob, personal communication, June 2021; Strack, n.d.). In contrast, violence by men often centers around the goal of power and control (Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012). As a result, the legal system's response to violence by women and violence by men requires gender sensitivity rather than uniformity (Dasgupta, 1999; Pence & Paymar, 1993). It is important to note that battering will not apply to all cases of male violence either; however, the legal system must acknowledge that women are less likely to exhibit a pattern of behavior that systematically frightens and subjugates a victim (Dasgupta, 1999).

A related issue is the notion of "mutual abuse," which suggests equivalence between male and

female violence in heterosexual relationships (Dasgupta, 1999). Although mutual abuse may occur, research indicates that true cases are rare (Alliance for HOPE International, 2021; Rogers & Faragher-Houghton, 2008; Strack, n.d.). However, as the concept of mutual abuse gained support, women were increasingly referred to batterers' programs primarily designed for male abusers (Dasgupta, 1999). The legal system could more effectively respond to domestic violence cases by enhancing its focus on gender-specific motivations for and effects of utilizing violence. Furthermore, having a primary aggressor assessment tool could help diminish the number of female victims being mislabeled as batterers.

◗ Who is the primary aggressor?

Since the late twentieth century when states began to enact primary aggressor laws, public and legal discourse surrounding the primary aggressor has varied (Hirschel & Buzawa, 2012). Across many sources, the primary aggressor is characterized as an individual who presents the most serious and prolonged threat in a domestic violence case (Orford et al., 2017; Rogers & Faragher-Houghton, 2008; The Advocates for Human Rights, 2018; Westfall, 2019). Of great importance is the clarification that the primary aggressor is not necessarily the individual who initiates violence in a specific incident (K. Jacob, personal communication, June 2021). Due to confusion experienced by individuals handling domestic violence cases, additional terms were introduced into the discourse, such as dominant (Cropp, 2017) or predominant aggressor (Hirschel & Buzawa, 2012). Other interpretations of the primary aggressor include an individual who is the most physically aggressive (Orford et al., 2017) or who is primarily responsible for the incident (Hirschel et al., 2007). For this paper and for the proposed assessment tool, the primary aggressor should be interpreted as the individual in a domestic violence case who presents a pattern of ongoing abuse, making them a serious and prolonged threat.

COMMON FACTORS TO CONSIDER

▶ Primary Aggressor Laws and the Big Four

Currently, the majority of states have some form of a primary aggressor law; since each state can enact their own version of the law, an extensive variety of guidelines for determining the primary aggressor has been generated (Hirschel et al., 2017). To elaborate, primary aggressor laws were designed to aid law enforcement in determining which individual in a domestic violence case presents the most serious and prolonged threat (Alliance for HOPE International, 2021; Hirschel & Buzawa, 2012). Beyond the specific content of each state's law, the force a state mandates for following its primary aggressor law can vary (Hirschel et al., 2017). For example, officers in certain states "shall" consider specific criteria when determining the primary aggressor whereas officers in

another state "should" consider the same or other criteria.

When comparing states' primary aggressor laws, the four most common criteria mandated for consideration to varying degrees are prior domestic violence history, likelihood of future injury, self-defensive actions, and comparative extent of injuries (Hirschel et al., 2017).

Another common component of a primary aggressor law is the instruction to evaluate each complaint separately when determining who the primary aggressor is (Hirschel & Buzawa, 2012). Obtaining separate accounts of an incident can help establish context and reveal inconsistencies in the parties' stories that may warrant further investigation.

Regarding the first common criterion mentioned above, investigating each party's domestic

violence history is essential to contextualizing behaviors beyond a specific incident at hand (Henning, 2006). In order to determine if behaviors exhibited in an incident fit into a pattern of ongoing abuse, the history of each party must be examined. Many states instruct officers to consider protection or harassment orders related to either party, which once again would aid in contextualizing the incident at hand (Orford et al., 2017). However, documentation of a history of violence may not officially exist, especially due to the low reporting rate for this offense (K. Jacob, personal communication, June 2021); in this case, gathering information from each party separately could aid in exploring the history of a given relationship (Alliance for HOPE International, 2021; Apfelbaum & Bellshaw, 2020).

Next, the likelihood of future injury is a commonly mandated consideration for the determination of a primary aggressor (Hirschel et al., 2017). For this component, the Ontario Domestic Assault Risk Assessment can serve as a useful tool (No to Violence, 2019).

The next common criterion, self-defensive actions, requires special attention (Hirschel et al., 2017). Although research supports that self-defense is a primary motivation for female violence, many of these women continue to be misidentified as primary aggressors and referred to batterers' programs (Dasgupta, 1999). When considering self-defense or retaliation, service providers, law enforcement and other personnel must contextualize the behavior of each party beyond the immediate incident at hand. Moreover, intent must be explored to reveal if an individual is acting in a pattern of power and control or in response to ongoing abuse (Cropp, 2017; Hester, 2012; Orford et al., 2017; The Northwest Network, 2005). A primary aggressor assessment tool that thoroughly considers the possibility of self-defense and other forms of responsive violence could help identify female victims who would otherwise be labeled as offenders.

Related to self-defense, many women use weapons against their partners as an "equalizer," which allows them to effectively protect themselves against the capabilities of their abusers (Apfelbaum & Bellshaw, 2020; Henning, 2006;

Hester, 2012; Hirschel & Buzawa, 2012; No to Violence, 2019; Tinney, 2017); as a result, supporting the recognition of retaliatory violence as a valid consideration for determining the primary aggressor could improve the system's response to cases of domestic violence.

The last common criterion, comparative extent of injuries, warrants special attention as well (Hirschel & Buzawa, 2012). The research suggests a need to stress the importance of contextualizing injuries in relation to offensive and defensive behaviors (Alliance for HOPE International, 2021; Hester, 2012; Orford et al., 2017; Strack, n.d.). Moreover, solely investigating the seriousness of injuries may lead to misunderstandings of the incident and of the primary aggressor (Alliance for HOPE International, 2021; Hirschel & Deveau, 2016). For instance, strangulation can complicate the determination of a primary aggressor because of how the injuries present themselves (Alliance for HOPE International, 2021; Orford et al., 2017; Strack, n.d.). Although a female victim may exhibit minor to no external injuries

after being strangled, she could suffer from severe internal injuries; on the other hand, the male offender may have more serious visible injuries from the victim's attempt to stop the strangulation, such as scratches on his face and wrists from her nails (Alliance for HOPE International, 2021; K. Jacob, personal communication, June 2021; Strack, n.d.). The system must remain on alert for the possibility of strangulation in cases of domestic violence, especially because of its lethality. Victims of strangulation are at an increased risk of being killed by their partner (Orford et al., 2017). Cases involving strangulation reveal the importance of investigating offensive and defensive injuries on both parties; sources indicate special attention must be given to the eyes, nose, ears, neck, upper chest, shoulders, and inner mouth of female victims (Strack, n.d.). More specifically female victims may present with loss of voice, coughing, difficulty breathing, difficulty swallowing. (Strack, n.d.). Drawing attention to the considerations in an assessment tool could help identify cases of strangulation and prevent female victims from re-victimization by the legal system and future harm.

POSSIBLE DESIGNS

◗ Design One

Although an official primary aggressor assessment tool has not been developed, a few designs exist. Research is not available on the effectiveness of these specific designs, but many of their considerations overlap with those stressed in the research. The first design originates from the Los Angeles Police Department; this particular design depicts a pocket guide from 2004, which instructed officers on how to determine the primary aggressor in a domestic violence incident (Wynn, 2004). This design provides a promising basis for an assessment tool; it mandates that officers make a reasonable attempt at identifying a primary aggressor. Furthermore, the tool expresses that the primary aggressor is not necessarily the individual who initiates violence in a specific incident. Lastly, it outlines many meaningful considerations for determining the primary aggressor, such as self-defense, fear, history of domestic violence, and physical characteristics of the parties. Based on the research, framing these considerations within the overarching principles of context, intent, and effect could improve the system's understanding and identification of true primary aggressors.

DOMINANT/PRIMARY AGGRESSOR
(PC 13701)

Officer shall make reasonable efforts to determine the dominant aggressor at any domestic violence incident. **The dominant aggressor is the most significant, not necessarily the first, aggressor.**

Officer shall consider:

- --intent of the law to protect DV victims
- --threats creating fear of DV
- --history of DV between the two
- --if either acted in self-defense
- --presence of fear
- --credibility
- --offensive/defensive injuries
- --seriousness of injuries
- --corroborating evidence
- --height/weight of parties
- --use of drugs/alcohol
- --amount of detail in statement
- --level of violence
- --criminal history
- --existing court orders (past and/or present)

PC 136.2 C.P.O. supersedes all other orders.

◗ Design Two

The second design derives from Colorado's domestic violence case investigation form in which a section is dedicated to determining the primary aggressor (Steinberg, 2018). This design mandates consideration of the four most common criteria included in primary aggressor laws. Based on the research, adding other factors for consideration could improve the identification of true primary aggressors, such as weapon use for equalizing or retaliatory violence. This design presents a particular focus on self-defense, which could greatly aid in preventing female victims from being identified as aggressors.

PREDOMINANT AGGRESSOR: 18-6-803.6 (2)

If a peace officer received complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following.

(a) Any prior complaints of domestic violence

(b) The relative severity of the injuries inflicted on each person

(c) The likelihood of future injury to each person

(d) The possibility that one of the persons acted in self-defense?

SELF-DEFENSE CONSIDERATIONS (see narrative)

Is there evidence to support fear of being harmed? Was the harm imminent? Does the evidence support the responding force as reasonable? What is the relative size and strength between the two parties?

Law Enforcement determined the Predominant Aggressor is (See Narrative): _____

◗ Design Three

The last design was created by the New Jersey Division of Criminal Justice and serves as a broad checklist for domestic violence cases (New Jersey Division of Criminal Justice, 2003). A section of the checklist is dedicated to determining the primary aggressor, and it includes the most common criteria of primary aggressor laws. However, self-defense is mentioned as a side note rather than as a focal consideration; based on the prevalence of self-defense as a motivation for female violence, drawing more attention to it could improve the identification of true primary aggressors. Lastly, the design allows for the consideration of other relevant factors; specifying additional factors that warrant consideration based on the research above could provide more useful guidelines for officers and other personnel.
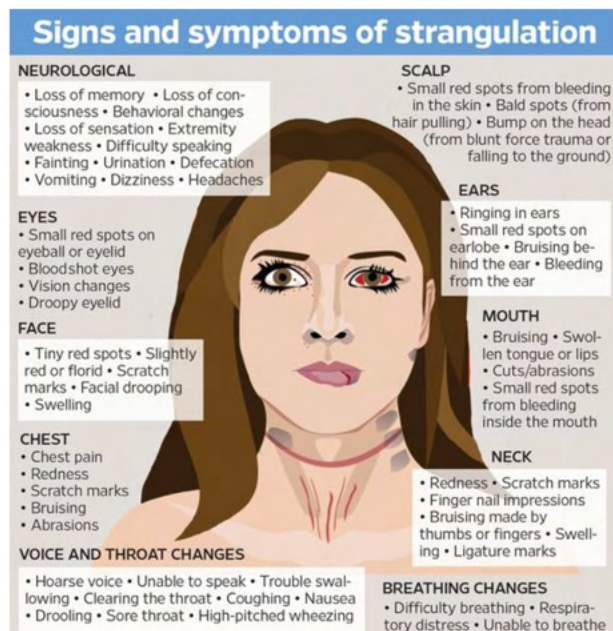
Determining Primary Aggressor

When both parties are injured, officer should determine which party was the domestic violence assailant. Officer should consider

___ Comparative extend of injuries suffered
___ History of domestic violence between parties
___ The nature or type of wounds sustained
___ Other relevant factors

☐ Officer must keep in mind that a person has a right to defend self if attacked by another person

◗ Design Four

Lastly, a section of the primary aggressor assessment tool could focus on drawing attention to specific indicators of strangulation, especially due to its lethality and the manner in which related injuries present. The design shown below focuses on signs and symptoms of strangulation (Keeping, 2016); all personnel handling a domestic violence case must keep in mind that a victim's injuries may not present immediately after an incident of strangulation. The proposed assessment tool could also include a guide for injuries to look for on an offender, such as scratches or the use of a weapon by a female to end the strangulation.

Signs and symptoms of strangulation

NEUROLOGICAL
• Loss of memory • Loss of consciousness • Behavioral changes • Loss of sensation • Extremity weakness • Difficulty speaking • Fainting • Urination • Defecation • Vomiting • Dizziness • Headaches

EYES
• Small red spots on eyeball or eyelid
• Bloodshot eyes
• Vision changes
• Droopy eyelid

FACE
• Tiny red spots • Slightly red or florid • Scratch marks • Facial drooping • Swelling

CHEST
• Chest pain
• Redness
• Scratch marks
• Bruising
• Abrasions

VOICE AND THROAT CHANGES
• Hoarse voice • Unable to speak • Trouble swallowing • Clearing the throat • Coughing • Nausea • Drooling • Sore throat • High-pitched wheezing

SCALP
• Small red spots from bleeding in the skin • Bald spots (from hair pulling) • Bump on the head (from blunt force trauma or falling to the ground)

EARS
• Ringing in ears
• Small red spots on earlobe • Bruising behind the ear • Bleeding from the ear

MOUTH
• Bruising • Swollen tongue or lips • Cuts/abrasions • Small red spots from bleeding inside the mouth

NECK
• Redness • Scratch marks • Finger nail impressions • Bruising made by thumbs or fingers • Swelling • Ligature marks

BREATHING CHANGES
• Difficulty breathing • Respiratory distress • Unable to breathe

SOURCE: STRANGULATION IN INTIMATE PARTNER VIOLENCE, CHAPTER 16, INTIMATE PARTNER VIOLENCE. OXFORD UNIVERSITY PRESS, INC. 2009

CONCLUSION

Despite expansive efforts to identify the true primary aggressors in cases of domestic violence, many female victims continue to be misidentified as offenders (Hirschel & Buzawa, 2012; Hirschel et al., 2017). In order to end the revictimization of these women by the legal system, an assessment tool could be designed to serve as a guide for determining the primary aggressor. Based on the above research, the assessment tool should utilize context, intent, and effect as guiding principles for investigating incidents of domestic violence (Apfelbaum & Bellshaw, 2020; Department for Child Protection and Family Support, 2015; No to Violence, 2019; The Northwest Network, 2005). Overall, the behavior presented within any given incident must be contextualized into a larger framework; only then will service providers be able to determine if one party exhibits a pattern of power and control over another

party (The Northwest Network, 2005). In addition, analyzing these three principles in relation to female and male violence reveals the gender-sensitive nature of domestic violence; males and females do not generally express the same motives, effects, or patterns when using violence (Dasgupta, 1999; Pence & Paymar, 1993). More specifically, male violence tends to center around control and domination, whereas female violence tends to center around self-defense and retaliation for past abuse (Henning, 2006; Hester, 2012; Hirschel & Buzawa, 2012).

Based on the difficulty experienced at all stages of handling domestic violence cases, an assessment tool that focuses on problem-areas revealed by the research could greatly improve the system's ability to identify the true primary aggressors. For example, the use of weapons and retalitory violence

requires special consideration in order to identify female victims who are responding to their ongoing abuse rather than being abusive (Hester, 2012; Strack, n.d.). Another necessary consideration in domestic violence cases is strangulation because of the associated danger and difficulty with assessing injuries (Orford et al., 2017; Strack, n.d.). Overall, an official assessment tool could bring more continuity and consistency to the determination of a primary aggressor in comparison to the wide variety of guidelines set by state law. Lastly, a few possible designs exist for the proposed assessment; combining elements of each design and adding other essential components from the research could produce a better overall assessment for identifying the true primary aggressors, bringing the system one step closer to ending domestic violence.

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