

Understanding intimate partner violence and intimate partner homicide:
A research guide for prosecutors and defense attorneys

John Hamel, Ph.D., LCSW
Private Practice, San Francisco, CA
johnmhamel@comcast.net * (415) 516-8086

November, 2019

An abridged version of this article was published as:

Hamel, J. (2019). Intimate partner violence: Gender issues and the adjudication of homicide and other cases. *Criminological Research Policy and Practice*.

Intimate partner violence (IPV) is a major relationship and behavioral problem, as well as a criminal act requiring prosecution of perpetrators and protection of victims (Hines, Malley-Morrison, and Dutton, 2013). The societal response to this problem has significantly improved since the advent of the battered woman movement in the 1970's, but remains far from ideal. It has been widely acknowledged (Buzawa, Buzawa, & Stark, 2017) that shelters and other victim services are underfunded and the most aggressive arrest policies are unevenly implemented and limited in their effectiveness, leaving some severely abused women insufficiently protected from violent predators (arrests are 60% less likely to result in conviction in states with mandatory and pro-arrest policies than those with discretionary arrest policies; Hirschel, Buzawa, Pattavina, & Faggiani, 2007). Not nearly as acknowledged is the gendered nature of these policies, which have failed male victims even more. Men account for the great majority of arrested and prosecuted perpetrators, and 90% of clients in court-mandated batterer intervention counseling programs (Cannon, Hamel, Buttell, & Ferreira, 2016). Women, with few exceptions, are the ones receiving shelter and victim services.

This state of affairs can be partially explained by the greater level of life-threatening injuries suffered by women compared to men, yet men are arrested and prosecuted at significantly greater rates than women even after controlling for type of incident and injuries (Henning & Renauer, 2005; Shernock & Russell, 2012). Criminal justice statistics do not reflect the actual proportions of perpetrators and victims in the general population. Due to greater societal tolerance for female-perpetrated IPV, and the expectation that men should present a façade of strength (Celi, 2011; Cook, 1997; Douglas & Hines, 2011; Rooney, 2010), men report IPV at a rate half that of victimized women, according to results from the National Violence Against Women Survey (Tjaden & Thoennes, 1998), even when they are severely abused physically and emotionally. Men are often arrested on a domestic violence charge despite the higher frequency of physical and emotional IPV by the partner throughout the course of the relationship (Capaldi, Shortt, Kim, Wilson, Crosby, & Tucci, 2009). Sometimes, arrests are made on the pretext that the men are the *dominant aggressor*, a reasonable concept that, in practice, police are either unwilling or unable to fairly enforce (Hamel, 2011). When men are recognized as victims, police minimize their situation and provide inadequate assistance (Hamel, 2011; Hamel & Russell, 2013; Storey & Strand, 2012). In short, the criminal justice system treats intimate partner violence (IPV) perpetrated by males far more seriously than IPV perpetrated by females, for legitimate reasons but also due to cultural stereotypes and pervasive bias among some stakeholders, most notably law enforcement and battered woman advocates (Dutton, 2006; Hamel & Russell, 2013).

Attorney misinformation on IPV

Having for many years provided consultation on IPV in family law cases, and for the prosecution as well as the defense in criminal cases, the author has seen first-hand the degree to which this bias has permeated the legal profession, leaving some of the otherwise savviest attorneys woefully misinformed. Empirical support for these observations was found in results of

a 10-item quiz of basic IPV knowledge administered to various populations throughout the United States. Notably, family law attorneys and judges answered correctly on average only 3.17 out of 10, slightly better than the 2.66 average score from undergraduate university students with no training in IPV (Hamel, Desmarais, Nicholls, Malley-Morrison, & Aaronson, 2009). Respondents were particularly unaware of the high rates of more serious IPV perpetrated by women. Similar misinformation was found on the pages of the American Bar Association website in a review by Dutton, Hamel and Corvo (2009).

Attorneys are obligated to undergo continuing training and keep pace with recent findings in any field central to a particular court case, but their ability to do so with respect to IPV is compromised due to a lack of accurate, up-to-date information and training available from the major domestic violence organizations (e.g., National Coalition Against Domestic Violence; Hines, 2014) and leading mental health organizations (see Hamel, 2014 for discussion). Adventurous attorneys who wish to directly investigate the scholarly social science literature will find this a daunting task. Where does one even begin? The available data sets can be confusing and nearly impossible to properly sort out; furthermore, there have been documented instances of researchers misrepresenting data, and arriving at conclusions inconsistent with their own findings (see Straus, 2010). It has taken well over a decade for Johnson's (2008) misleading estimates of female batterers in the general population to be properly debunked, and reliable research findings on women offenders and power and control behaviors across gender have only recently begun to proliferate in the scholarly literature (e.g. Carney and Barner, 2012; Jasinski et al., 2014; Langhinrichsen-Rohling et al., 2012; Elmquist et al., 2014).

A mitigating factor in IPV is a history of previous IPV by the victim against a defendant, but defense attorneys and prosecutors I have worked with often fail to account for men's tendency to deny or minimize violence perpetrated upon them and to interview them accordingly. Male victims are especially reluctant to admit to experiencing fear (e.g. Celi, 2011; Cook, 2009). Attorneys may thus lack the confidence to vigorously defend a client at trial, and too often accept a guilty plea to a lesser charge, with all its attendant economic and social ramifications. It is also common for attorneys to conflate true battering, which involves a pattern of physical and emotional abuse, with less consequential situational violence, or to incorrectly assume that Walker's (1983) three-phase cycle of violence is representative of all IPV dynamics; and many attorneys continue to rely on Walker's original conception of the battered women syndrome despite its serious limitations, rather than emphasize the role of trauma and PTSD, which has much stronger empirical support (Follingstad, 2003; Hamel, 2014).

Regardless of what side they represent, attorneys who are poorly informed about the causes, characteristics and consequences of IPV will be limited in their ability to properly defend their clients or effectively prosecute a case. In this paper, the author seeks to correct and augment attorneys' knowledge of IPV, based on his personal experience as an expert witness and a review of the scholarly literature, including papers on so-called "power and control" behaviors. Practical implications will be discussed for the adjudication of cases involving IPV, including homicide cases.

General research findings: Distinguishing between types of IPV

It has been well-known among researchers that men and women in intimate relationships physically assault one another at approximately equal rates (e.g., Straus & Gelles, 1990; Archer, 2000). It has also been known that the large majority of IPV, sometimes known as *situational violence*, is infrequent, does not result in injury, and arises mostly from escalating arguments. However, the broader context in which IPV occurs had not been questioned until the past decade. Previously, it was assumed that women rarely initiate IPV, that their violence is primarily committed in self-defense or as a way of expressing anger – a more benign motive compared to male-perpetrated IPV, thought to be committed primarily as a way to dominate and control the partner. Today, it is known that in intimate partner relationships women initiate the violence as often as their male partners (Hamel, Ferreira, & Buttell, 2015), and are just as likely as male perpetrators to do for coercive reasons (Langhinrichsen-Rohling et al., 2012; Elmquist, Hamel, Shorey, Labrecque, Ninnemann & Stuart, 2014); and that with the notable exception of sexual coercion, engage in comparable levels of emotional abuse and controlling behaviors (e.g., psychological warfare and manipulation, threats, possessive and jealous behaviors). The largest, most recent national survey of IPV ever conducted, the National Intimate Partner and Sexual Violence Survey, reported that 12.7 million women and 17.3 million men are victims each year of emotional abuse and control in their intimate relationships (Black et al., 2011). The sweeping literature review by Carney and Barner (2012) reported virtually identical percentages of emotional abuse and control across gender (43% by men and 41% by women), as did the Hamel et al. (2015) survey of men and women in court-mandated perpetrator groups. At its core, IPV is a human problem, not one of sex or gender (Cross et al. 2011; Felson & Lane, 2010).

A pattern of physical abuse together with emotional abuse and controlling behaviors is known as *controlling-coercive violence* or, more commonly, *battering*. Based on this definition, national surveys in the United States and Canada have found comparable levels of battering across gender (Jasinski, Blumenstein, & Morgan, 2014; Laroche, 2006). Battering is considered the most serious type of IPV, with the greatest physical and psychological impact on victims (Hines, Malley-Morrison & Dutton, 2013). Aside from physical injuries, victims of battering report high levels of anxiety and depression, low-self-esteem, PTSD and other evidence of trauma (Coker et al, 2002; Hines et al., 2013; Williams & Frieze, 2005). Although men and women incur minor injuries at comparable rates, due to their relatively lesser size and strength and difficulty defending themselves, women sustain a much larger share of serious injuries, and express much greater fear of victimization (Lawrence, Oringo, & Block, 2012). In cases of very severe battering, or *intimate terrorism*, sex differences are much more pronounced, because while women can terrorize their partners emotionally, they rarely are able to physically subjugate their partners, as men can. This is an important factor in understanding domestic violence dynamics, especially at extreme levels – e.g., in cases of repeated rape, kidnapping or forced prostitution (Hamel & Russell, 2013; Stark, 2007).

Victims of severe, chronic battering sometimes retaliate against their abusers, and may elicit sympathy from others, but often it is difficult to distinguish between victim and perpetrator,

given that nearly 70% of physical IPV is bi-directional (Langhinrichsen-Rohling, Misra, Selwyn, & Rohling, 2012). This is the case even with victims who have entered a shelter.

Approximately half of the women living in the first shelters established in the U.K. were co-batterers of violence towards husbands and/or their children (Pizzey, 1983), and in the U.S., a shelter survey found that 67.1% of female victims had perpetrated severe violence at least once towards their male partners in the previous year (McDonald, Jouriles, Tart, & Minze, 2009). In a large majority of abusive relationships, it is more accurate to view the parties neither as perpetrators or victims, but rather as co-perpetrators, particularly when non-physical forms of abuse are taken into account. When asked in another shelter survey about their relationship abuse, victimized women said their own violence was perpetrated in self-defense less than 50% of time (Saunders, 1986).

Other lines of research find that the female partners of men arrested for domestic violence initiate physical assaults in 40% of the cases (Gondolf, 1996; Stacey, Hazlewood & Shupe, 1993). As well, abused men who seek help through domestic violence hotlines sometimes report to having engaged in IPV of their own, mostly in self-defense (Cook, 2009; Douglas & Hines, 2011). Bi-directional IPV is not necessarily perpetrated at equal levels of severity or chronicity; often, one person is the dominant aggressor, who drives the relationship abuse. A history of abuse victimization must, therefore, be considered in the context of the entire relationship, and the personalities of the parties involved:

On the whole, men do indeed have a more powerful left hook. The problem is that the dynamic of domestic violence is not analogous to two differently weighted boxers in a ring. There are relational strategies and psychological issues at work in an intimate relationship that negate the fact of physical strength. At the heart of the matter lies human will. Which partner—by dint of temperament, personality, life history—has the will to harm the other? (Pearson, 1997, p. 117).

Recommendations for Attorneys

Attorneys litigating IPV cases should become familiar with the latest, most accurate information on the subject, including its prevalence, causes, characteristics and consequences. They are advised to become familiar with the 2, 687-page *Partner Abuse State of Knowledge Project*, a compendium of IPV research available for free online (www.domesticviolenceresearch.org). Helpful information and suggestions can also be found in Hamel (2016), especially for those practicing family law. Some essential recommendations are as follows:

- When seeking continuing education, whether voluntarily or for required MCLEs, it is crucial to first ascertain whether the presenter is actually an expert in their field. Their background is important. Is he or she a researcher? In general, individuals affiliated with battered women's organizations can provide sound advice on the treatment of abused women, are but prone to disseminate unreliable information on IPV generally.
- As well, IPV consultants or expert witnesses, not necessarily affiliated with victim

organizations, may nonetheless be unfamiliar with some of the findings discussed in this article, and default to the gender paradigm. These may include mental health professionals, law enforcement officials, or other attorneys. Do not hesitate to challenge their credentials.

- Challenge the admissibility of any research that appears biased or misleading. Did the study use a qualitative research design (e.g., based on case studies or personal experience and opinion), or one that is quantitative and therefore more reliable? Challenge any suspicious findings by asking about the study's sample characteristics. Research that makes general conclusions from samples of male offenders in perpetrator treatment, for example, or women residing in shelters, should be regarded with suspicion.
- Recognize the inherent flaws in current laws and policies around IPV arrest and prosecution, especially mandatory arrest and so-called "dominant aggressor" guidelines. Keep in mind that these laws have a primarily political rather than empirical basis. It is important to know that while many dangerous perpetrators are never held accountable, men as well as women are routinely arrested for dubious reasons. The man may have been arrested simply due to larger size. A victimized female may be arrested on the scene because police interpreted her demeanor as overly aggressive and "emotional." Many will plead out because they lack the financial resources for a vigorous defense.
- Male victims are reluctant to admit to having been abused. When interviewing them, ask about specific acts of IPV (e.g. "how many times as she slapped you?"), and avoid asking general and possibly threatening questions about him being "battered" or "abused." Instead of asking about fear, use terms such as anxiety or emotional distress. Instead of asking about being a "victim," ask about being a "target" of IPV.

Battering and Intimate partner homicides (IPH)

Risk factors

Longitudinal studies indicate that adult IPV can be traced in both male and female perpetrators to a history of anti-social behavior and family dysfunction in childhood (e.g., Ehrensaft, Moffitt & Caspi, 2004). Men and women arrested for perpetrating a domestic violence offense have been found to evidence personality traits often associated with violence, including borderline, anti-social, narcissistic, histrionic, and sadistic traits that are stable and consistent across relationships (Henning, Jones & Holdford, 2003; Johnston & Campbell, 1993; Simmons, Lehmann, Cobb, & Fowler, 2005). Mental illness and drug abuse are also risk factors. A major prison study (Jordan, Clark, Pritchard, & Charnigo, 2012) found that male and female perpetrators of lethal as well as serious, non-lethal IPV were equally likely to have mental health issues, although the women were less likely to have had problems with alcohol and drugs. The recent and comprehensive survey of 6,131 IPH cases reported through the National Violent Death Reporting System (Velopulos et al., 2019) found mental illness an equally contributing factor (about 7%) among both male and female perpetrators. Few studies have reported on the specific personality characteristics of IPH offenders, as measured by validated assessment

instruments. It appears that male offenders in homicide cases may differ from non-lethal battering, however, as so-called *overcontrolled* types (e.g., passive-aggressive and dependent on the MCMI measure) are over-represented (Dutton & Kerry, 1999). These types of individuals tend to be emotionally dependent on partners and react poorly to perceived or actual abandonment. One of the few studies to investigate the personalities of both male and female intimate IPH perpetrators (Kalichman, 1988), reported higher ratings on the MMPI (Minnesota Multi-Phasic Personality Inventory) for female perpetrators on scales for paranoid, anti-social and dependency traits. Males who had murdered a stranger scored higher on scales for psychopathic characteristics (Pd) and hypomania (Ma), compared to those who murdered their female partners.

Research with female victims indicates that a woman is a highest risk for being severely injured when her partner has engaged in a pattern of battering behavior (physically abusive, jealous, highly controlling), abuses alcohol and drugs, is unemployed, and has a history of violence outside the home. Additional risk factors relevant to lethal assault include partner having previously stalked the victim, forced her to have sex, or threatened to kill her (Campbell et al., 2003; Campbell, Glass, Sharps, Laugon, & Bloom, 2007; Harden, Du, Spencer, and Stith, 2019; Spencer & Stith, 2018). According to a survey of abused men who contacted a national domestic violence hotline, abused men are at greater risk of life-threatening violence when in a relationship with a partner who is low-income and has been psychologically and physically abusive, and when the man has sought help in the past (Hines & Douglas, 2013). Nonetheless, determining risk with any particular victim is not an exact science. The most reliable instrument for predicting lethality in IPV cases, the Danger Assessment (DA), was designed only for female victims, and it was based on methodologically-flawed research (e.g. death cases were compared to ordinary IPV cases, rather than appropriate control groups; Dutton, 2016). When properly used, the DA at best predicts an attempted or completed murder in less than 50% of cases (Campbell, Webster, & Glass, 2009). Furthermore, there were significant methodological flaws

The Gender Paradigm and Battered Woman Syndrome

In the United States, 16% of murder victims are killed by an intimate partner (U.S. Department of Justice, 2011). Compared to men, women are proportionately more likely to be killed by an intimate partner than a stranger, and account for the large majority of intimate partner homicide victims (Catalano, 2012; Garcia, Soria, & Hurwitz, 2007; Spencer & Stith, 2018; Velopulos, Carmichael, Zakrison, & Crandall, 2019). Female perpetrators are far less likely than male perpetrators to physically overpower their victims and beat them to death, and use knives, guns, and other weapons instead (Jurik & Winn, 1990; Mann, 1988; Swatt & Ho, 2006). They are also less likely to have a previous criminal record of violent crime (Block & Christakos, 1995; Jordan et al., 2012). A prevailing set of assumptions, collectively known as the *gender paradigm* (Dutton & Nicholls, 2005; Felson & Lane, 2010) holds that men are naturally jealous and possessive and perpetrate intimate homicides for the same reason they perpetrate other forms of IPV: to enforce dominance over their female partners, assumed to be

their right in a patriarchal society (Dobash & Dobash, 2011; Saunders & Browne, 2000; Serran & Firestone, 2004). This paradigm has been incorporated in various theories of human aggression, including General Strain Theory (Ericksson & Mazerolle, 2013), but is most strongly espoused in *male proprietariness theory*. From this evolutionary psychology perspective, it is assumed that men's success in passing on their genes depends on the jealous monitoring of mates and elimination of male rivals (Wilson & Daly, 1992); whereas women who kill their intimate partners do so in self-defense, or when in fear of imminent harm after years of traumatic psychological and physical abuse – the main features of the now well-known battered woman syndrome, or BWS (Walker, 1983).

Several arguments have been put forth in support of the gender paradigm and BWS. Interviews with perpetrators, as well as collateral interviews with relatives and others, indicate that possessiveness and jealousy, along with fears of abandonment, are significant motivators for male-perpetrated IPH (e.g., Dobash & Dobash, 2011; Harden et al., 2019; Liem & Roberts, 2009). Women who kill their intimate partners are statistically more likely than men who kill their intimate partners to report having been previously assaulted (Browne, 1987; Garcia, Soria & Hurwitz, 2007; O'Keefe, 1997; Saunders & Browne, 2000; Stout & Brown, 1995). Compared to men, women are more likely to kill their partners at some point during the relationship, possibly due to ongoing abuse, rather than after a break-up, thought to be due to pathological jealousy (Jordan et al., 2012, Wilson & Daly, 1993). Some have cited the relatively higher use of guns by men and the relatively higher use of knives by women as evidence that men's violence is more likely to be *instrumental* rather than *expressive* and emotion-driven (Fox & Allen, 2014). Furthermore, the higher rates of suicide by male homicide perpetrators are thought to be an indication of guilt, whereas women would not harm themselves if they had killed their partner in self-defense and sought safety from further abuse (Browne, 1987; Morton, Runyan, Moracco, & Butts, 1998; Salari & Sillito, 2016). Additionally, the decreasing rates of female perpetrated intimate homicides relative to those by men of the past several decades has been cited as evidence for the self-defense motive, as the increased level of services for battered women has lessened their need to take matters into their own hands (Dugan, Nagin, & Rosenfeld, 1999).

On the other hand, while disentangling the various motives and circumstances around intimate partner homicides is a difficult task, much of the available research would appear to refute the gender paradigm and male proprietariness theory in cases of IPH. A large-scale analysis by Felson and Messner (1998) of 2,058 partner homicide cases in 33 of the most populated U.S. counties found that 50% of female murderers had not been physically assaulted by their partner before the incident, and less than 10% were judged to have acted strictly in self-defense. Unfortunately, the authors were unable to distinguish between violence perpetrated immediately prior to the homicide from violence perpetrated in the past, thus leaving unclear which cases might be explained by some version of battered person syndrome, and which cases involved simple retribution in a cycle of mutual abuse. The large-scale Velopulos et al. (2019) survey, previously cited, was somewhat more illuminating. As with other major surveys,

reported percentages of female IPH victims were much larger than of male victims (79% versus 21%) overall. Compared to males, twice as many female perpetrators had experienced previous IPV from the victim at some point in the relationship (22.1% versus 10.4%). However, only 5.0% of the male victims and 0.8% of the female victims had assaulted their partner in the month preceding the homicide, and very few cases were categorized as justifiable self-defense – certainly for male perpetrators (0.1%) but also for female perpetrators (6.4%). Jealousy was a motive in a small number of cases (10.5% of the male perpetrators, 6.4% for female perpetrators).

In another large study, interviews with a national sample of 2,124 male and female prison inmates were asked about both victimization and perpetration experiences in childhood and adulthood, at the hands of intimate partners and other adults. These findings, based on self-report, are in sharp contrast to findings from other IPH studies that typically depend on criminal justice data (arrests, restraining orders) and therefore under-estimate the frequency of female-perpetrated assaults:

Men and women who killed or assaulted their partners tended to be similar to other violent male and female offenders. The women who attacked their partners were not particularly likely to have been abused by their partners. Rather, we found that men who attacked their partners were particularly likely to have suffered partner abuse. This result challenges the idea that these women were responding to a history of abuse. Violence against partners and victimization by partners were strongly correlated for both men and women, which indicates that a considerable amount of mutual violence was present in the relationship (Felson & Lane, 2010, pp. 329-330).

A review of 2, 556 IPH cases in Chicago over several decades (1965-1993) confirmed the oft-cited finding that male-perpetrated IPH is more likely than female-perpetrated IPH to be due to partner's attempt to leave the relationship (13% versus 4%), but found sexual jealousy, whether imagined or involving an actual love triangle, to be the motive for about the same percentage of male and female perpetrators (Block & Christakos, 1995). The review by Mann (1988) of 145 randomly selected closed cases of female-perpetrated intimate partner homicides in several U.S. cities indicated that 58.3% were pre-meditated, and 30% of the defendants had previously been charged with a prior felony assault. According to an analysis of court records and presentence reports of 158 intimate partner homicide cases in Arizona, in 56% of cases involving female perpetrators, there was no reported history of physical abuse against the defendant (Jurik & Winn, 1990), and a previous study found that 60% of women who murdered their partners had previous criminal records, and that only 21% of the homicides were preceded by a history of previous abuse, or threats of abuse by the partner (Jurik, & Gregware, 1989). A review of 45 IPH cases in Sweden concluded:

We found that more than half of the female perpetrators had been threatened and physically abused by their male victims, as opposed to a minority of the male perpetrators. However, we also found that the majority of the male victims had been

threatened, and half of them physically abused the female perpetrators (Caman, Howner, Kristiansson, & Sturup, 2016).

Approximately half of the female-perpetrated homicides in one Colorado study were found not to have been committed in self-defense; the others involved what the authors called *proxy* killings, where women previously abused by ex-partners took out their rage against a current mate, or where driven by purely instrumental motives or by jealousy. “Future research and policy” the authors suggested, “needs to acknowledge the issue-problem that prior victims of IPH may be at risk of killing future partners, especially if these partners are at all abusive, and that sexual proprietary killings of mates are not restricted to men” (Belknap, Larson, Abrams, Garcia, & Anderson-Block, 2012, p. 373.)

The research literature finds little support for the theory that men as a whole are motivated to batter their female partners to enforce traditional gender roles, at least in the United States (Sugarman & Frankel, 1996). Individuals arrested for domestic violence give a variety of reasons for assaulting their partners, among them self-defense, retaliation, failures in communication and anger regulation, jealousy, and to exercise control, but common to all battering is need to dominate one’s partner, coupled with poor impulse control and beliefs that violence is acceptable (Capaldi, Knoble, Shortt, & Kim, 2012; Dutton, 2006). The famous National Family Violence surveys conducted by Straus and colleagues in the 1980s (Straus & Gelles, 1990) found a positive correlation between IPV and household dominance by *either the husband or wife*; and Straus’ international survey of 13,601 university students in 32 countries, male and female respondents who endorsed such items as “my partner needs to remember that I am in charge” were equally likely to use severe violence against their partner (Straus, 2008). In short, men, like women, attempt to control their partners for a variety of reasons, having more to do with personality and circumstances than gender roles. Furthermore, research suggests that sexual jealousy by females, as with sexual jealousy by males, can be well-explained according to principles of evolutionary psychology, given that maintaining paternal investment enhances survival of offspring and, ultimately, the dissemination of the woman’s genes (Harris, 2003; Miller & Fishkin, 1997).

Why, then do women engage in non-lethal battering at rates equal to men, but are at much higher risk to be victims of intimate partner homicide? Although men and women in the general population experience comparable levels of anger and hostility, and women engage in higher levels of social aggression, such as ostracism and gossip (Averil, 1983; Brody & Hall, 2008; Eagly & Steffen, 1986; Richardson, 2005), men are clearly more outwardly aggressive, physically and, to a lesser extent, verbally (Archer, 2004), and perpetrate the large majority of crimes, including violent assaults, mostly upon other men. Men tend to engage in high-risk behaviors and to experience less fear than women, often putting them in dangerous situations. From an evolutionary psychology perspective, women’s comparably higher levels of fear limit their exposure to outside danger, ensuring their safety and well-being required for child rearing and the survival of the human species (Campbell, 2013; Cross & Campbell, 2011).

On the other hand, even in the most patriarchal societies women regard the home as their domain, at times leading to the abuse of partners or children (Straus, 1999; Cross, Tee, & Campbell, 2011). Societal approval for women's violence in the home, combined with norms of chivalry, may help motivate women to overcome their natural fears and defend their interests. It is possible, based on emerging research, that the hormone oxytocin, involved in pair-bonding and childbirth, may also be involved through its stress and fear-reducing properties (Cross & Campbell, 2011). However, when battering is at its most extreme and dangerous, men have a distinct advantage. Norms of chivalry and whatever self-restraint they may have are overridden by the rage and other primitive impulses that come from a disordered personality, mental illness, or drug use. At this point, their typically greater size and strength can be truly terrifying (and deadly) for their female victims, and allows them to more easily protect themselves, one possible reason why they are less likely than female IPH perpetrators to kill in self-defense.

Conclusions

There is now a convincing body of research to suggest that both women and men are capable of experiencing severe, and sometimes lethal IPV at the hands of their female partners. The findings discussed above are especially compelling given growing concerns around the concept of BWS and the proliferation of research on the role of trauma. Even if the Felson and Lane prison study cited above (2010) is an outlier, assumed rates of previous violence by IPH victims may not differ across gender as much as commonly assumed. Questions abound regarding the role that previous abuse at the hands of the victim may contribute to IPH perpetration, and there is no agreed-upon calculus available to dependably determine that role in every case, especially given the multiplicity of possible motives and situations (see Appendix). Research makes it quite clear that female victims of intimate partner violence are, on the whole, more physically and emotionally impacted than male victims, providing perhaps stronger support for the consideration of mitigating circumstances in those cases. Still, gender differences are relative, not absolute.

Additionally, while the term battered person syndrome is often used a gender-neutral alternative, there is weak evidence for an actual syndrome or its ability to meet Daubert testimony standards for relevance and reliability. The term is vague, never operationally defined or confirmed by replication studies (Dutton, 1996) – e.g. a definition of “battering” includes coming home late. Walker's theory was in fact based on a self-selected sample of subjects who were asked leading questions and whose responses were subjectively interpreted, and none of the women's partners were interviewed. Walker failed to provide comparison groups to gauge levels of BWS symptoms between abused and non-abused women or differences between abused women who have BWS and those who do not (Dixon and Dixon, 2003), and failed to account for symptom variance due to mediators of psychological effects of battering (vulnerability factors, resources, support, other stressors, severity of the abuse, etc.; Follingstad, 2003). There is, in fact, inconsistent support for an actual cycle –e.g. less than 50 percent of subjects experienced all three phases, no time frame was proposed for the duration of a cycle, and no data provided on

how often the tension stage does not lead to battering incident, or why some men (e.g. psychopaths) can strike without a tension build-up or never offer a third phase apology (Faigman, 1986). These and other flaws in BWS have been documented elsewhere (e.g. Coughlin, 1994; Faigman, 1986; Follingstad, 2003; Russell, 2010; Schopp et al., 1994).

Happily, there is compelling social science data for high rates of PTSD and other trauma-related disorders among victims of IPV, providing much a much stronger empirical basis for mitigating factors in cases involving both male and female victims who fight back against an abuser. It has been estimated that 31 to 84 percent of battered women experience PTSD (Dutton and Goodman, 1994), depending on whether the diagnosis is based on formal DSM-V criterion or the more expansive definitions inherent in the increasingly popular diagnosis of Complex PTSD (Courtois, 2008). Surveys have found abused men to average a 45 cut-off score for PTSD on the PTSD checklist or PCL; experience PTSD at a rate more than 15 times that of men in the general population; and, as with female victims (Johnson and Leone, 2005) at the highest rates when reporting experiences of battering rather than situational violence (Hines and Douglas, 2011, 2015). Focusing on trauma symptoms has many advantages, both diagnostically and legally. PTSD and Complex PTSD are well-defined terms, referring to actual behaviors, known etiologies, and the existence of relevant symptoms – e.g., there is a correlation between levels of violence suffered and PTSD symptoms (Terrance and Matheson, 2003). Trauma-related categories better account for research findings on the consequences of battering on male and female victims, including the relatively gender-neutral impact of emotional abuse; and more accurately explain the various types of battering phenomena, including memory lapses, aggressive episodes and other contradictions that might otherwise compromise a defense built upon a BWS defense (e.g. the victim is thought to be helpless, but can accurately predict future acts of violence and seek support).

Life-threatening and lethal IPV is perpetrated for various reasons, including jealousy and the desire to maintain control over one's partner and relationship. Some perpetrators who kill their partners (more often, but not always, women) have experienced previous abuse at the hands of the victim. However, there is a difference between violence committed in self-defense or in response to a perceived threat of harm, as opposed to retaliation for previous abuse. Determining which of these is most relevant to a particular case is not always simple. A useful guide can be found in the Appendix.

References

- Archer, J. (2004). Sex differences in aggression in real-world settings: A meta-analytic review. *Review of General Psychology*, 8 (4), 291-322.
- Averil, J. (1983, Nov.). Studies on Anger and Aggression: Implications for Theories of Emotion. *American Psychologist*, pp. 1145-1160.
- Belknap, J., Larson, D., Abrams, M., Garcia, C., & Anderson-Block, K. (2012). Types of intimate partner homicides committed by women – Self-defense, proxy-retaliation, and sexual proprietariness. *Homicide Studies*, 16 (4), 359-379.
- Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., Chen, J., & Stevens, M. R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from: http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Executive_Summary-a.pdf
- Block, C. R., & Christakos, A. (1995). Intimate partner homicide in Chicago over 29 years. *Crime & Delinquency*, 41, 496-526.
- Brody, L., & Hall, J. (2008). Gender and emotion in context. In: M. Lewis, J. Haviland-Jones & L. Feldman Barnett (Eds.), *Handbook of Emotions*, pp. 395-408. New York: Guilford.
- Browne, A. (1987). When battered women kill. New York: Free Press.
- Buzawa, E.S., Buzawa, C., Stark, E. (2017). *Responding to Domestic Violence: The Integration of Criminal Justice Response & Human Services* (5th ed:). Sage Publications.
- Caman, S., Howner, K., Kristiansson, M., & Sturup, J. (2016). Differentiating male and female intimate partner homicide perpetrators: A study of social, criminological and clinical factors. *The International Journal of Forensic Mental Health*, 15(1), 26-34.
- Campbell, A. (2013, October). The evolutionary psychology of women's aggression. *Philosophical Transactions of the Royal Society of Biological Sciences*.
- Campbell, J., Glass, N., Sharp, P., Laughon, K., & Bloom, T. (2007). Intimate partner homicide: Review and implications of research and policy. *Trauma, Violence & Abuse*, 8 (3), 246-269.
- Campbell, J., Webster, D., & Glass, N. (2009). The Danger Assessment: Validation of a lethality risk assessment instrument for intimate partner femicide. *Journal of Interpersonal Violence*, 24 (4), 653-674.
- Campbell, J., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M., et al. (2003). Assessing risk factors for intimate partner homicide. *National Institute of Justice Journal*, 250, 14-19.
- Capaldi, D.M., Knoble, N.B., Shortt, J.W., & Kim, H.K. (2012). A systematic review of risk factors for intimate partner violence. *Partner Abuse*, 3(2), 231-280.
- Capaldi, D., Shortt, J., Kim, H., Wilson, J., Crosby, L., & Tucci, S. (2009). Official incidents of domestic violence: Types, injury, and associations with nonofficial couple aggression. *Violence and Victims*, 24 (4), 502-519.

- Carney, M., & Barner, J. (2012). Prevalence of partner abuse: Rates of emotional abuse and control. *Partner Abuse*, 3(3), 286-335.
- Catalano, S. (2012; November). Intimate partner violence, 1993-2010. Retrieved February 2, 2013 from: <http://bjs.ojp.usdoj.gov/content/pub/pdf/ipv9310.pdf>
- Celi, E. (2011). *Breaking the silence: A practical guide for male victims of domestic abuse*. Victoria, Australia: Global Publishing Group.
- Coker, A., Davis, K., Arias, I., Desai, S., Sanderson, M., Brandt, H. & Smith, P. (2002). Physical and mental health effects of intimate partner violence for men and women. *American Journal of Preventive Medicine*, 23 (4), 260-268.
- Cook, P. (2009). *Abused men: The hidden side of domestic violence, 2nd Edition*. Westport, CT: Praeger.
- Cooper, A., & Smith, E. (2011). Homicide trends in the United States, 1980-2008. NCJ 236018, U.S. Department of Justice.
- Coughlin, A. (1994). Excusing women. *California Law Review*, 82, 1-93.
- Cross, C., Tee, W., & Campbell, A. (2011). Gender symmetry in intimate aggression: An effect of intimacy or target sex? *Aggressive Behavior*, 37, 268-277.
- Cannon, C., Hamel, J., Buttell, F. P., & Ferreira, R. J. (2016). A survey of domestic violence perpetrator programs in the U.S. and Canada: Findings and implications for policy intervention. *Partner Abuse*, 7 (3), 226-276.
- Cross, C., & Campbell, A. (2011). Women's aggression. *Aggression and Violent Behavior*, 16, 390-398.
- Cross, C., Tee, W., & Campbell, A. (2011). Gender symmetry in intimate aggression: An effect of intimacy or target sex? *Aggressive Behavior*, 37, 268-277.
- Dobash, R.E., & Dobash, R.P. (2011). What were they thinking? Men who murder an intimate partner. *Violence Against Women*, 17, 111-134.
- Douglas, E., & Hines, D. (2011). The help seeking experiences of men who sustain intimate partner violence: An overlooked population and implications for practice. *Journal of Family Violence*, 26(6): 473-485.
- Dugan, L., Nagin, D., & Rosenfeld, R. (1999). Explaining the decline in intimate partner homicide: The effects of changing domesticity, women's status, and domestic violence resources. *Homicide Studies*, 3 (3), 187-214.
- Dutton, D. (2006). *Rethinking domestic violence*. Vancouver, B.C.: UBC Press.
- Dutton, D., Corvo, K., & Hamel, J. (2009). The gender paradigm in domestic violence research and practice, part II: The information website of the American Bar Association. *Aggression and Violent Behavior*, 14, 30-38.
- Dutton, D., & Kerry, G. (1999). Modus Operandi and personality disorder in incarcerated killers. *International Journal of Law and Psychiatry*, 22 (3-4), 287-300.
- Dutton, D. & Nicholls, T. (2005; Spt.-Oct.), The Gender Paradigm in Domestic Violence Research and Theory: The Conflict of Theory and Data. *Aggression and Violent Behavior*. (680-714).
- Eagly, A.H., & Steffen, V.J. (1986). Gender and aggressive behavior: A meta-analytic

- review of the social psychological literature. *Psychological Bulletin*, 100 (3), 309-328.
- Elmquist, J., Hamel, J., Shorey, R.C., Labrecque, L., Ninnemann, A., & Stuart, G.L. (2014). Motivations for intimate partner violence in men arrested for domestic violence and court referred to batterer intervention programs. *Partner Abuse*, 5, 359-374.
- Eriksson, L., & Mazerolle, P. (2013). A general strain theory of intimate partner homicide. *Aggression and Violent Behavior*, 18 (5), 462-470.
- Faigman (1986). The battered woman syndrome and self-Defense. *Virginia Law Review*, 72, 619-647.
- Felson, R., & Lane, K. (2010). Does violence involving women and intimate partners have a special etiology? *Criminology*, 48 (1), 321-338.
- Felson, R. & Messner, S. (1998). Disentangling the effects of gender and intimacy on victim precipitation in homicide. *Criminology*, 36 (2).
- Follingstad, D. (2003). Battered woman syndrome in the courts. In: A. Goldstein & I. Weiner (Eds.), *Handbook of psychology, vol. 11, forensic psychology* (pp. 485-507). New York:: Wiley & Sons.
- Fox, K., & Allen, T. (2014). Examining the Instrumental-Expressive Continuum of Homicides: Incorporating the Effects of Gender, Victim-Offender Relationships, and Weapon Choice. *Homicide Studies*, 18(3), 298-317.
- Garcia, L., Soria, C., & Hurwitz, E. (2007). Homicides and intimate partner violence: A review. *Trauma, Violence & Abuse*, 8 (4), 370-383.
- Gillespie, L., & Reckdenwald, A. (2015). Gender equality, place, and female-victim intimate partner homicide: A county-level analysis in North Carolina. *Feminist Criminology*, 1-21.
- Gondolf, E. (1996). Characteristics of batterers in a multi-site evaluation of batterer intervention systems. Mincava. Retrieved June 12, 2002, from <http://www.mincava.umn.edu/documents/gondolf/batchar.html>
- Hamel, J. (2011). In dubious battle: The politics of mandatory arrest and dominant aggressor laws. *Partner Abuse*, 2 (2), 224-245.
- Hamel, J., Desmarais, S.L., Nicholls, T.L., Malley-Morrison, K., & Aaronson, J. (2009, July). Domestic violence and child custody: Are family court professionals' decisions based on erroneous beliefs? *Journal of Aggression, Conflict and Peace Research*, 1(2), 37-52.
- Hamel, J., Ferreira, R., & Buttell, F. (2015, March). Gender and batterer intervention: Implications of a program evaluation for policy and treatment. *Research in Social Work Practice*.
- Hamel, J., Jones, D., Dutton, D., & Graham-Kevan, N. (2015). The CAT: A gender-inclusive measure of abusive and controlling tactics. *Violence and Victims*, 30 (4), 547-580.
- Hamel, J., & Russell, B. (2013). The Partner Abuse State of Knowledge Project: Implications

- for law enforcement responses to domestic violence. In: B. Russell (Ed.), *Perceptions of Female Offenders: How Stereotypes and Social Norms Affect Criminal Justice Responses* (pp. 151-180). New York: Springer.
- Harden, J., Du, J., Spencer, C., & Stith, S. (2019). Examining attempted and completed intimate partner homicides: A qualitative synthesis. *Violence and Victims* 34, (6).
- Harris, C. (2003). A review of sex differences in sexual jealousy, including self-report data, psychophysiological responses, interpersonal violence, and morbid jealousy. *Personality and Social Psychology Review*, 7 (2), 102-128.
- Henning, K., Jones, A. & Holdford, R. (2003). Treatment needs of women arrested for domestic violence: A comparison with male offenders. *Journal of Interpersonal Violence*, 18 (8), 839-856.
- Henning, K. & Renauer, B. (2005). Prosecution of women arrested for intimate partner abuse *Violence and Victims*, 20, 361-376.
- Hines, D., & Douglas, E. (2013). Predicting potentially life-threatening partner violence by women toward men: A preliminary analysis. *Violence and Victims*, 28(5), 751-771.
- Hines, D., Malley-Morrison, K., & Dutton, L. (2013). *Family violence in the United States: Defining, understanding, and combating abuse* (2nd Edition). Thousand Oaks, CA: Sage.
- Hirschel, D., Buzawa, E., Pattavina, A., & Faggiani, D. (2007). Domestic violence and mandatory arrest laws: To what extent do they influence police arrest decisions. *Criminal Justice, Law and Criminology*, 98 (1), 255-298.
- Jasinski, J., Blumenstein, L., & Morgan, R. (2014). Testing Johnson's typology: Is there gender symmetry in intimate terrorism? *Violence and Victims*, 29 (1), 73-88.
- Johnston, J., & Campbell, L. (1993). A clinical typology of interpersonal violence in disputed-custody cases. *American Journal of Orthopsychiatry*, 63 (2), 190-199.
- Jordan, , C., Clark, J., Pritchard, A., & Charnigo, R. (2012). Lethal and other serious assaults: Disentangling gender and context. *Crime & Delinquency*, 58 (3), 425-455.
- Jurik, N. & Gregware, P. 1989. A Method for Murder: An Interactionist Analysis of Homicides by Women. Tempe: Arizona State University, School of Justice Studies.
- Jurik, N., & Winn, R. (1990). Gender and homicide: A comparison of men and women who kill. *Violence and Victims*, 5 (4), 227-242.
- Kalichman, S.C. (1988). MMPI profiles of women and men convicted of domestic homicide. *Journal of Clinical Psychology*, 44 (6), 847-853.
- Langhinrichsen-Rohling, J., & McCullars, A. (2012). Motivations for men and women's intimate partner violence perpetration: A comprehensive review. *Partner Abuse*, 3(4),
- Langhinrichsen-Rohling, J., Misra, T.A., Selwyn, C. & Rohling, M.L. (2012). Rates of bi-directional versus unidirectional intimate partner violence across samples, sexual orientations, and race/ethnicities: A comprehensive review. *Partner Abuse*, 3(2), 199-230.
- Laroche, D. (2005). Aspects of the context and consequences of domestic violence:

- Situational couple violence and intimate terrorism in Canada in 1999. Institut de la statistique du Quebec. Available at: www.stat.gouv.qc.ca
- Lawrence, E., Oringo, A., & Brock, R. (2012). The impact of partner abuse on partners. *Partner Abuse*, 3(4), 406-428.
- Liem, M., & Roberts, D. (2009). Intimate partner homicide by presence or absence of a self-destructive act. *Homicide Studies*, 13, 339-354.
- Mann, C. R. (1988), "Getting Even? Women Who Kill in Domestic Encounters." *Justice Quarterly*, 5 (1), 33-51.
- McDonald, R., Jouriles, E., Tart, C., Minze, L. (2009). Children's adjustment problems in families characterized by men's severe violence toward women: Does other family violence matter? *Child Abuse & Neglect*. 33(2), 94-101.
- Miller, L.C., & Fishkin, S.A. (1997). On the dynamics of human bonding and reproductive success: Seeking windows on the adapted-for-human environmental interface. In: J.A. Simpson & D.T. Kenrick (Eds.), *Evolutionary social psychology* (pp. 197-236). Mahwah, NJ: Lawrence Erlbaum Associates, Inc.
- Morton, E., Runyan, C., Moracco, K., & Butts, J. (1998). Partner homicide victims: A population based study in North Carolina, 1988-1992. *Violence and Victims*, 13 (2), 91-106.
- O'Keefe, M. (1997). Incarcerated battered women: A comparison of battered women who killed their abusers and those incarcerated for other offenses. *Journal of Family Violence*, 12 (1), 1-18.
- Pearson, P. (1997). *When she was bad: How and why women get away with murder*. New York: Penguin Books.
- Richardson, D. (2005). The myth of female passivity: Thirty years of revelations about female aggression. *Psychology of Women Quarterly*, 29, 238-247.
- Russell, B. (2010). *Battered woman syndrome as a legal defense: History, effectiveness and Implications*. Jefferson, NC: McFarland & Company, Inc.
- Salari, S., & Sillito, C. (2016). Intimate partner homicide-suicide: Perpetrator primary intent across young, middle ad elder adult age categories. *Aggression and Violence Behavior*, 26, 26-34.
- Saunders, D., & Browne, A. (2000). Intimate partner homicide. In: Ammerman & Hersen (Eds.), *Case studies in family violence*, Second edition (pp. 415-449). New York: Plenum.
- Schopp, R., Sturgis, B., & Sullivan, M. (1994). Battered woman syndrome, expert testimony, and the distinction between justification and excuse. *University of Illinois Law Review*, 1, 45-113.
- Shernock, S., & Rusell, B. (2012). Gender and racial/ethnic differences in criminal justice decision making in intimate partner violence cases. *Partner Abuse*, 3(4), *Abuse*, 4(1), 501-570.
- Simmons, C., Lehmann, P., Cobb, N., & Fowler, C. (2005). Personality profiles of women and

- men arrested for Domestic Violence: An analysis of similarities and differences. *Journal of Offender Rehabilitation*, 41 (4) 63-81.
- Spencer, C., & Stith, S. (2018). Risk factors for male perpetration and female victimization of intimate partner homicide: A meta-analysis. *Trauma, Violence & Abuse*, 1-14.
- Stacey, W., Hazelwood, L., & Shupe, A. (1994). *The violence couple*. Westport, CT: Praeger.
- Stark, E. (2007). *Coercive control: The entrapment of women in personal life*. Oxford: Oxford University Press.
- Storey, J., & Strand, S. (2012). Assessing violence risk among female IPV perpetrators: An examination of the B-SAFER. *Journal of Aggression, Maltreatment & Trauma*, 22, 964-980.
- Straus, M. (1999). The controversy over domestic violence by women: A methodological, theoretical, and sociology of science analysis.” In X. Arriaga & S Oskamp (Eds.), *Violence in Intimate Relationships* (pp. 17-44). Thousand Oaks, CA: Sage .
- Straus, M. (2008) Dominance and symmetry in partner violence by male and female university students in 32 nations. *Children and Youth Services Review*, 30(3),
- Straus, M. & Gelles, R. (1990). *Physical violence in American families*. New Brunswick, N.J.: Transaction Publishers.
- Swatt, M., & He, Ni (2006). Exploring the difference between male and female intimate partner homicides. *Homicide Studies*, 10 (4), 279-292.
- Tjaden, P., & Thoennes, N. (1998). Prevalence, incidence and consequences of violence against women. National Institute of Justice, NCJ 172837.
- Velopulos, C., Carmichael, H., Zakrison, T., & Crandall, M. (2019). Comparison of male and female victims of intimate partner homicide and bidirectionality – An analysis of the national violent death reporting system. *Journal of Acute Care Surgery*, 87 (2), 331-336.
- Walker, L. (1983). The battered woman syndrome study. In D. Finklehor (Ed.), *The dark side of families* (pp. 31-48). New York: Springer.
- Weizmann-Henelius, G., Viemero, V., & Eronen, M. (2004). Psychological risk markers in violent female behavior. *International Journal of Forensic Mental Health*, 3 (2), 185-196.
- Williams, S., & Frieze, I. (2005). Patterns of violent relationships, psychological distress, and marital satisfaction in a national sample of men and women. *Sex Roles*, 52 (11/12), 771-785.
- Wilson, M., & Daly, M. (1992). Who kills whom in spouse killings? On the exceptional sex ratio of spousal homicides in the United States. *Criminology*, 30, 189-215.

Appendix

Questions Relevant to a Battered Person's Defense

Questions regarding the event:

1. Did the defendant plan to assault the victim?
2. Was there an intent to injure or kill?
3. Did the defendant believe he/she was in imminent danger of unlawful bodily harm?
4. Did he/she use only a reasonable amount of force to counter the perceived danger?
5. If she did not retreat, did the defendant feel he/she was in danger of death or serious bodily injury?
6. What unusual circumstances did the defendant and victim face at the time of the assault?

Questions regarding defendant and victim histories:

1. Was the defendant previously subjected to a pattern of battering, consisting of physical assaults leading to serious bodily harm, threats to seriously injure or kill her or family, and/or emotionally abusive and controlling behaviors?
2. Is there confirmation of such a pattern of battering aside from the defendant's self-report – e.g., prior calls to police, arrest reports, eyewitnesses, medical reports, or trauma symptoms?
3. Does the defendant evidence signs of trauma, and how are these symptoms relevant to the defendant's actions against the victim?
4. How have these symptoms impacted how the defendant has been able to present him/herself in court, and perhaps undermined his/her credibility?
5. Does the defendant have a history of prior trauma (in childhood or previous relationships) that might account for these symptoms (rather than abuse at the hands of the victim)?
6. Was the defendant able to predict, based on the victim's pattern of violence against him/her, when he/she would be violent again?
7. How often when he/she recognized signs of impending violence did violence actually occur?
8. Did the defendant respond to the perceived threat based on a reasonable fear of harm, as opposed to memories of past abuse by others? In other words, did objectively non-threatening behavior by the victim trigger fear that was then projected on the victim?
9. When previously assaulted, or threatened with assault by the victim, did the defendant make efforts to seek help? If not, is there evidence of previous life-threatening threats by the victim?
10. If he/she did seek help, was help available? For example, was the local shelter full, police slow to respond, a restraining order issued but ignored, etc.?
11. If there is evidence of prior bi-directional abuse between the defendant and victim, was there a dominant aggressor?

Hamel (2019) IPV homicides

12. Is there a record of the defendant, or the victim, perpetrating any previous battering behavior upon other partners?
13. What are the characteristics of the defendant's personality? Does he/she present with characteristics typical of perpetrators rather than victims – e.g., angry temperament, need to dominate and control, jealous, impulsive, with borderline, narcissistic, paranoid or antisocial traits?
14. What are the characteristics of the victim's personality? Does he/she present with characteristics typical of perpetrators rather than victims?
15. Did the defendant subject the victim to a pattern of battering, consisting of physical assaults leading to serious bodily harm, threats to seriously injure or kill her or family, and/or emotionally abusive and controlling behaviors?
16. Is there confirmation of such a pattern of battering aside from the victim's self-report – e.g., prior calls to police, arrest reports, eyewitnesses, or medical reports?