

# Silencing Women's Voices: Nuisance Property Laws and Battered Women

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*There is little documentation about how nuisance property laws, which fine people for excessive 911 calls, affect victims of domestic violence. In St. Louis, we found that police and prosecutors believe that the law benefits victims of domestic violence by providing them with additional services. By contrast, advocates for domestic violence victims believe that the law undermines battered women's access to housing and discourages them from calling 911. Using qualitative data, we analyze how the organizational structures and dynamics within which each group works give rise to different stocks of working knowledge. We conclude that law enforcement officials are unaware of these harms because women's voices and experiences are marginalized during the enforcement process. This research reveals mechanisms through which law enforcement policies reinforce gender inequality, and illustrates some ways in which gender relations and power come into play in what, on their surface, appear to be gender-neutral laws.*

## INTRODUCTION

Many county and city governments have passed nuisance property laws in recent years (Fais 2008; ACLU Women's Rights Project n.d.). Nuisance property laws typically fine property owners for repeated 911 calls to their properties. While states began passing nuisance property laws in the late nineteenth and early twentieth centuries, their scope has expanded to cover new kinds of activity in the past three decades (Thacher 2008). Today, they are usually intended to improve the quality of life for urban residents by cracking down on crimes like prostitution, drug dealing, and code violations, and by helping to recoup the costs of providing police services.

In St. Louis, law enforcement officials have attempted to use the nuisance property ordinance also as a tool to reduce chronic domestic violence. When we began investigating the impact of this approach to domestic violence, we found that law enforcement personnel considered their efforts to have been quite

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beneficial for victims, who are usually battered women. By contrast, battered women's advocates contended that the nuisance property law harms victims of domestic violence in a number of ways. To explain how these two groups have come to hold such dramatically different evaluations of the law, in this article we analyze the different organizational structures and dynamics within which each group works and trace them to the different types of information and working knowledge that each group acquires. We conclude that law enforcement officials are unaware of the harms the law inflicts on battered women because the enforcement process they use silences any voice these women might have during the process.

The struggle over competing claims about social reality, especially those made by professional groups, has been the topic of study in both social problems and social movement theory. Theorists in both areas use a social constructionist approach that presupposes that what counts as social reality is not given a priori, but is instead the result of ongoing processes of negotiation between individuals and groups. For example, Loseke (1992) uses this approach to analyze how the social and organizational contexts of battered women's shelters influence how shelter workers recognize, identify, and respond to battered women.

Our study, which is based on a variety of qualitative data collected from 2010 to 2012, is narrower in scope than Loseke's. We focus on the rules and routines that circumscribe the types of information to which workers have access, and how this gives rise to different stocks of working knowledge and perspectives about the law's impact on battered women. More specifically, we argue that the views of both advocates and law enforcement flow from broader organizational strategies. Law enforcement officials focus their attention on the criminal aspects of the nuisance behavior and on physical harm to the victim. Victims' advocates, by contrast, take a more holistic view and focus on how the women's life risks and vulnerabilities are exacerbated by the law. The two groups also gather different kinds of data, which leads them to draw competing conclusions about whether or not the law protects victims, imposes financial and other burdens on victims, and holds offenders accountable. Finally, law enforcement and advocates differ about whether to interpret cases in which the victim stops calling the police as instances in which the abuse has stopped or as situations in which victims are now afraid to call 911.

By examining these groups' competing views about the nuisance property law in St. Louis, our study contributes to the literature about how organizational goals influence work rules and procedures that, in turn, shape workers' responses to violence against women and their interpretations of the outcomes. This study also calls attention to the mechanisms through which law enforcement policies and practices reinforce gender inequality. And, finally, it has implications for our understanding of the ways gender relations and power come into play in what, on their surface, appear to be gender-neutral laws.

## THE NUISANCE PROPERTY LAW IN ST. LOUIS

Nuisance property laws are part of a broader strategy of community policing widely adopted since the 1990s. This approach focuses on dealing with community

problems by maintaining order, solving problems, and engaging in service-oriented activities (Goldstein 1990). Community policing puts a high priority on responding to community concerns, especially with activities that focus on reducing the fear, disorder, and incivility that some argue create conditions that breed crime (Buzawa and Buzawa 2003).

The City of St. Louis has had a nuisance property law on the books since 1996. In its most recently revised version, Public Nuisance Ordinance #68535 (2009) defines a nuisance as “a continuing act or physical condition which is made, permitted, allowed or continued by any person . . . which is detrimental to the safety, welfare or convenience of the inhabitants of the City.” Examples of nuisance behavior in the ordinance include prostitution, illegal gambling, drug activity, or any other activity that is considered a felony, misdemeanor, or ordinance violation under federal, state, or municipal law. The ordinance states that a public nuisance exists when any of these situations takes place at a particular property on two or more occasions within a twelve-month period (Public Nuisance Ordinance #68535 2009). In practice, the nuisance law is usually triggered when there have been two or more calls to 911 reporting nuisance behavior at a specific address.

Once a property is deemed to be a public nuisance, the property owner is sent a Cease and Desist Letter giving him or her thirty days in which to take reasonable measures to abate the nuisance. Copies of the Cease and Desist Letter are also posted on the property, typically on or next to the front door. If the owner fails to take appropriate steps to abate the nuisance within the prescribed thirty days, he or she may be issued a summons to appear in municipal court. Property owners may be summoned for “failure to abate a nuisance” and tenants may be summoned for “engaging in a nuisance” or “maintaining a nuisance.” A recent addition to the enforcement policy now allows officers to issue summonses to nonresident offenders following investigation into the reported incident. If found guilty, the individual in violation of the ordinance—owner, tenant, or nonresident offender—could be fined between \$100 and \$500 for each violation. Ongoing failure to abate a nuisance can result in the problem property or problem unit of a property (in the case of multiunit housing) being closed and boarded for up to a year (Public Nuisance Ordinance #68535 2009).

To enforce the Public Nuisance Ordinance, the St. Louis Metropolitan Police Department (SLMPD) organized a Problem Property Unit with one or two problem property officers assigned to each of the city’s nine police districts. Each month these officers meet with members of the City Counselor’s Office (the municipal prosecutors) and the Neighborhood Stabilization Team (each neighborhood stabilization officer is assigned to specific neighborhoods to act as a liaison between residents and local government officials) to identify properties in which there have been two or more calls for police service in the past twelve months. The owners are then either sent a Cease and Desist Letter or, in the small percentage of cases in which that option has been exhausted, a summons to municipal court. The Cease and Desist Letter invites the property owner to contact the City Counselor’s Office to set up a joint meeting with a prosecutor, problem property officer, and neighborhood stabilization officer to discuss the cause of the nuisance activity, explore possible remedies, and develop a case-specific plan of action. On occasion,

problem property officers also work with the local housing authority, community organizations, neighborhood associations, and other property owners to solve the issue that is creating the nuisance.

The nuisance property enforcement process initially focused on dangerous property conditions such as exposed wiring or leaking plumbing. Over time, the police developed protocols for applying it to additional types of problems, and in 2008, battered women's advocates began to notice that the women they spoke with complained of being threatened with fines or eviction under the nuisance property law. Advocates expressed their concerns to the police and prosecutors in a series of meetings and individual communications.

In 2009, the SLMPD and the City Counselor's Office decided to use the nuisance property law to address repeated domestic violence calls in a new way that would help rather than harm battered women. The decision to use municipal regulations to address domestic violence was at least in part fueled by the police's frustration with state prosecuting attorneys' reluctance to prosecute domestic violence cases. Problem property officers were directed to reach out to domestic violence victims, who were identified as having made repeated calls for police services, and to forward these cases to advocates in the Domestic Violence Intervention Partnership (DVIP)—an already-existing joint program of the SLMPD and a local battered women's advocacy organization—so that they could provide victims with safety planning, discuss the options available to them, and provide them with referrals for additional services. As a result of this policy, the police referred ninety-four such cases to DVIP advocates in 2010, fifty-five in 2011, ninety in 2012, and 112 in 2013. DVIP does not keep separate data on its nuisance property cases, but did tell us that the domestic violence victims mirrored their clients overall, who are women who are typically low income, African American (80 percent), and single (87 percent).

## LITERATURE REVIEW

Social scientists have devoted considerable effort to investigating innovative criminal justice intervention strategies for domestic violence and, more generally, the relationship between law, law enforcement, and domestic violence (Buzawa and Buzawa 2003). However, as nuisance property laws have proliferated, there has been remarkably little research to date about their impact on victims of domestic violence. In a 2008 law review article, Cari Fais was the first to express concern about how these laws might affect battered women. She argued that these laws not only contradict other government policies aimed at reducing domestic violence, but that they are also likely to harm battered women in multiple ways. Fais suggested that nuisance laws discourage victims from calling the police for protection, exacerbate the barriers that victims already face in securing housing, and unfairly blame the victim for criminal activity that she cannot control. Fais concluded that the only way to prevent these harms to victims is specifically to exempt domestic violence from the categories of behavior to which the law applies.

In 2013, the first and so far only empirical study about the law's effects on victims of domestic violence was published. It confirmed Fais's claims and added racial

and class concerns. Matthew Desmond and Nicol Valdez reviewed every nuisance property citation issued by police in Milwaukee during a two-year period and interviewed police officers and landlords. They found that nearly a third of all nuisance citations in Milwaukee were triggered by domestic violence, that domestic-violence-related nuisance property citations were disproportionately issued in black neighborhoods, and that in 83 percent of domestic-violence-related citations the landlords either evicted or threatened to evict the tenant (often at the behest of police) if she continued to call 911. The majority of tenants threatened with eviction were battered women rather than the batterers. They also found that as a result of downgrading battered women's 911 calls from a potential crime to a nuisance, many landlords concluded that domestic violence was "petty, undeserving of police protection" and that the landlords "assigned to battered women the responsibility of curbing the abuse" (2013, 18). The authors summed up their findings this way: "*The nuisance property ordinance has the effect of forcing abused women to choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse).* Women from black neighborhoods disproportionately face this devil's bargain" (21, emphasis in original).

### The Legal Response to Violence Against Women

While there has been limited research about the connection between nuisance property laws and domestic violence, there is extensive literature examining the law enforcement response to domestic violence and sexual assault and, more generally, the role it plays in the reproduction of social inequality. Experts agree that in response to feminist demands since the 1970s, there have been significant changes in many aspects of law enforcement regarding domestic violence, including recognition of the severity of the problem and the need to do something to mitigate it.

Although these legal changes have been accompanied by a decline in the overall rates of serious domestic violence offenses since 1990, it is unclear if this decline can be attributed to changes in the law, both because the rates for other violent crimes have similarly fallen and because confounding factors make it hard to trace the observed declines to specific policies (Buzawa and Buzawa 2003). But there is general agreement that rather than consistently bringing about greater autonomy and agency for women, some legal interventions in domestic violence have had serious unintended consequences for victims, especially those who are already disadvantaged because of their race, class, sexual orientation, disability, or immigration status (Mills 1999; Miller, Iovanni, and Kelley 2011; Goodmark 2012).

In particular, the mandatory criminal justice interventions advocated by many feminists and widely adopted in the 1980s, including mandatory arrest, prosecution, and reporting, have since been criticized for inflicting a variety of harms on victims. Such negative consequences include the greater likelihood that the victim will be arrested, that her children will be taken from her by social services, that she will be subject to police mistreatment, that noncitizen battered women will be deported, and, more generally, that victims risk increased and ongoing state intrusion in their lives (Wacholz and Miedema 2000; Buzawa and Buzawa 2003; Coker 2008).

The scholarly literature that attempts to explain why criminal justice reforms have not consistently benefited battered women—and have sometimes backfired—tends to fall into three complementary but analytically distinct groups. The first (and oldest) traces the problem to the pervasive influence of male values and practices in the occupational culture of law enforcement. Specific features of this male culture that authors have pinpointed include assumptions about male entitlement and female blame (Randall and Rose 1981), the belief that it is normal for husbands to control their wives physically and sexually (Ferraro 1989), stereotypes about women who complain of physical and sexual assaults (Corrigan 2013), and the macho antipathy toward anything perceived as social work instead of crime fighting (Stanko 1989).

The second analytic approach points to characteristics of the state itself, of which law and law enforcement is a part. In the 1980s, feminists advocated for the criminalization of domestic violence both as a deterrent to abuse and as symbolic recognition that violence against women is a social and political, rather than a personal, problem (Curre 1995). However, many have observed that in both the United States and Canada, these criminal justice reforms dovetailed with a right-wing push for punitive responses to many types of perceived threats to social order. Bumiller (2008), Wacquant (2009), and Haney (2010) all argue that this shift toward increasing punishment reflects broader patterns of state restructuring according to neoliberal principles, including cutbacks in welfare programs, mass incarceration, and increased surveillance by social service bureaucracies.

The result has been intensified regulation of the poor and minorities by a web of state and private nonprofit social service agencies. These authors and others make the case that contemporary state interventions in domestic violence cases, and especially mandatory law enforcement policies, reproduce the kinds of controlling dynamics that women experience in abusive relationships, including lack of choice in decisions, social isolation, degradation, and terrorization (Mills 1999; Wacholz and Miedema 2000; Bumiller 2008; Wacquant 2009; Haney 2010). They and others (e.g., Curre 1995; Goodmark 2012) also point out that the expansion of an already class- and race-based criminal justice system has, not surprisingly, exacerbated the unequal impacts of legal interventions on different groups of women. Policies that criminalize domestic violence have largely been designed with the needs of white, heterosexual, middle-class women in mind, for whom interventions such as mandatory arrest often work. However, poor women of color and others with marginalized identities often have different needs and interests, including the need to secure alternative housing and maintain a steady source of income, which are ill-served or even harmed by these policies (Coker 2008).

The third approach is the one that this article adopts. It investigates the institutional logics that shape the everyday practices of law enforcement, decision making, and the perception of responsibilities. In particular, it examines the gender bias in the seemingly gender-neutral rules and procedures that govern laws and law enforcement practices. In a 1994 summary of this analytic approach, Frohmann and Mertz write that a key feature of this approach is to illuminate the ways rules and procedures interpret, recast, and, ultimately, silence the voices of oppressed groups within the criminal justice system. For example, Sandefur (2008) analyzes the gaps

between the kinds of evidence that legal procedures can recognize and the kinds of experiences that victims of domestic violence actually have. Martin and Powell (1994) point to legal organizations' internal characteristics (e.g., rules and routines) that prioritize institutional interests over the interests of sexual assault victims. Pence (1999) describes ways in which administrative processes and regulating texts (e.g., forms, rules, written scripts, and documentary practices) determine what is institutionally significant, such as increases in arrests rather than victim safety. Frohmann and Mertz (1994) conclude that one way to counter this silencing of marginalized voices is for researchers to pay careful attention to, and amplify, women's perspectives of their own experiences of gender when dealing with law enforcement. Qualitative studies such as this one contribute to this effort.

## THEORETICAL BACKGROUND

The missions and objectives of organizations are reflected in rules and routines that guide workers' activities (Martin and Powell 1994). As Pence puts it, organizations "put into place procedures, policies, categories, and language that subsume the idiosyncratic thinking and acting of individuals into institutionally acceptable responses to a case" (1999, 27). She uses the example of how the criminal justice system routinely fails to address the safety of domestic violence victims:

Beginning with the administrative methods designed to accept a victim's call for help, continuing with the way police officers are institutionally organized to respond to and document an assault call, and ending with the closure of that case weeks or even years later, each practitioner is guided to think and act on cases in ways that are institutionally prescribed. (Pence 1999, 37–38)

Expanding on Pence's example, our article analyzes the ways in which different organizational routines have led law enforcement personnel, on the one hand, and domestic violence advocates, on the other, to acquire different stocks of knowledge (Schutz 1967). These organizational routines reflect the institutional logic within which each group works and circumscribe workers' access to different types of information. The result is that workers evaluate nuisance property laws based on completely different sets of evidence and, hence, draw widely different conclusions about the law's impact on battered women.

Law enforcement and battered women's advocacy organizations approach domestic violence very differently. The delivery of advocacy services for battered women (including by the advocates in this study) is often organized using the principles of social work and guided by the National Association of Social Workers' Code of Ethics (NASW 2008). Of particular importance to advocacy services is the pursuit of the values of social justice and the dignity and worth of the person. Law enforcement, by contrast, is organized with the goal of maintaining social order (Bar-On 1995). As a result, studies have repeatedly found that law enforcement officers and social workers hold differing perceptions not only about how best to approach and

resolve domestic violence, but also even as to what counts as domestic abuse (see, e.g., Parkinson 1980; Home 1994; Johnson, Sigler, and Crowley 1994).

This disconnect is manifest in the information that is routinely gathered by each group. Law enforcement's strategy is to ensure social order by preventing or punishing violations of the law. Hence, police and prosecutors are more interested in criminals than in crime victims. As Martin (2005) found in her study of how institutional actors respond to cases of rape, even though individual police officers and prosecutors may want to be more responsive to victims, they almost always prioritize the organization's interests over victims' interests (see also Buzawa and Buzawa 2003). As a result, their focus is on finding lawbreakers and bringing them to justice, not on assisting the victims of crime. Moreover, as Bar-On (1995) points out, front-line workers like police officers work under time constraints. They arrive at events either while they are happening or shortly afterward. They have neither the time nor the need to seek information about the cause of the situation beyond the immediate motive. It is not a part of their job to solicit background information routinely, because any judgments about, and remedies for, underlying causes are the responsibility of the judiciary, not the police. As a result, police officers and, to a lesser extent, prosecutors process cases using a relatively narrow slice of information. For domestic violence cases, their primary concern is to determine if there has been physical abuse, if the victim has suffered physical harm, and to separate the abuser from the victim in order to ensure the victim's safety (Bar-On 1995; Danis 2003; Coker 2008). This highly circumscribed set of routines affords officers little opportunity or incentive to gather more information about other ways in which the enforcement process may have affected a victim's life.

In contrast, the information gathered by battered women's advocates is broader and takes into account both the victim's relationship to her abuser and other aspects of her life. Advocates' primary strategy is to provide individuals with emotional support, resource referrals, and advocacy with other organizations that will promote personal growth and help victims gain intrinsic control or empowerment. Social workers are not so constrained by time: they work with individuals over longer periods and are able to take account of a broader range of variables than are the police (Bar-On 1995). So in addition to gathering information about the dangers posed by the batterer, battered women's advocates routinely find out about those risks victims face from the women's own life circumstances, or what Davies calls "life-generated risks" (Davies 1998; Hart 2008). Battered women often must deal with issues of poverty, dangerous or resource-poor neighborhoods, physical and mental health issues, inadequate or counterproductive responses by social institutions, and discrimination based on the cross-cutting inequalities of race, ethnicity, gender, immigration status, and disability—in short, the kinds of problems faced by women who are at the intersection of multiple systems of oppression and discrimination (Crenshaw 1989, 1991). By listening to the women talk about their experiences and perspectives, advocates gain a more holistic understanding of these women's lives by taking into consideration the complex ways these other factors interact not only with the abuse, but also with the law enforcement process. From their perspective, the nuisance property law's consequences for domestic violence victims go well beyond the victim's physical safety—housing, financial security, child care, and the maintenance of relationships are all endangered.



Our analysis highlights key ways in which the organizational policies and practices of law enforcement personnel and victims' advocates result in the routine collection of different sets of information. These policies and practices reflect the larger organizational missions that structure the workplace rules and priorities of each group. We then show how the working knowledge each gleans from the information that is routinely gathered produces competing views about the impact of nuisance property laws on victims.

## Data and Method

The formal research for this article was carried out from 2010 to 2012 in St. Louis. One of the researchers, Ms. Slusser, worked as an advocate for domestic violence victims from 2006 to 2010, during which time she was involved with the DVIP program as a victims' advocate and helped coordinate the program with law enforcement personnel. During this same time, Dr. Arnold served as a board member for the domestic violence organization that ran the DVIP program. She learned about the nuisance property law in the course of her board service. Beginning in the summer of 2010, the two joined forces to investigate and document the impact of the nuisance property law on domestic violence victims. Six months later, Ms. Slusser took a job with a different agency and stopped working as a DVIP advocate.

All our data are qualitative and have been gathered through interviews, participant observation at meetings, examination of existing documents, and Ms. Slusser's knowledge of the nuisance property law from her years of working with DVIP. For the field observations, we took notes at two meetings between law enforcement personnel and domestic violence advocates that focused on the nuisance property law. We examined twelve documents, including information about enforcement of the nuisance property law, distributed jointly by the police department and a coalition of domestic violence advocates; internal policy documents from the police and neighborhood stabilization offices; and online city guidelines for landlords. Some of these documents were publicly available and others were acquired through the Freedom of Information Act. The meeting observations and existing documents primarily provided us with background information about the history of the nuisance property law in St. Louis and the policies that the police and prosecutors claimed they followed in enforcing it.

For the interviews, we conducted criterion-based or purposive sampling, choosing informants who were likely to provide us with the maximum amount of information (Patton 2002; Ritchie, Lewis, and Elam 2003). We interviewed a total of sixteen people, one of whom worked on passing the nuisance property legislation, nine of whom enforced the law, and six of whom defended people against it. On the victims' advocacy side, there is a relatively small but well-coordinated community of domestic violence service organizations in St. Louis, each specializing in different types of victim needs (e.g., shelter/housing, counseling, or legal services). Although the staff at many agencies do help women obtain Orders of Protection, they work only with civil cases.

The nuisance property cases are triggered by criminal activity, and there are only two organizations that routinely provide advocacy services for these. From

these two organizations, we interviewed a total of three advocates whose job it was to provide services for battered women involved in nuisance property cases. In addition, the second author of this article also held one of these jobs until shortly after we began our research and we drew on her four years of experience (although we did not count her as an interviewee). Ms. Slusser provided consultation and perspective on the role of a victim advocate, the experience of working closely with law enforcement, and clarification of policies and procedures that battered women encounter while navigating the criminal justice system in St. Louis. We also interviewed a fourth advocate because she had worked at one of the city's two battered women's shelters for many years and had observed how their residents had been affected by the nuisance property law.

The positions held by all these advocates put them at the intersection of the domestic violence community and the criminal justice system in St. Louis, giving them a unique perspective on the nuisance property law, the enforcement process, and how it had been experienced by battered women. We also interviewed two people who worked in housing law: one was the housing attorney with the local branch of Legal Services (formerly the Legal Aid Society), and the other was a private attorney for landlords who owned large apartment complexes. Both had represented a number of clients—primarily property owners—who had been caught up in the nuisance property process because of domestic violence.

On the law enforcement side, we interviewed three of the four prosecutors who handled the prosecution of nuisance property cases, as well as their supervisor. One of these prosecutors had been a key architect of the office's internal policy for handling nuisance property cases that involved domestic violence. We interviewed the Chief of Police who approved the policy changes to use the nuisance property law to help battered women. We also spoke with the police sergeant in charge of the nuisance property unit and one of his eleven problem property officers. In St. Louis, there is also a contingent of twenty-eight neighborhood stabilization officers,<sup>1</sup> whose job it is to bring together officials, police, and departments of the city government, on the one hand, and neighborhood groups, residents, and block units, on the other, to solve physical and behavioral issues in the neighborhoods. We interviewed the director of this unit and one of the regular officers. Finally, we interviewed one of the elected aldermen from the city government who had helped pass revisions to the nuisance property law. Our informants are summarized in Table 1.

We conducted two group interviews with a total of six of the police and prosecutors, and individual interviews with all the rest. Five of the interviews were conducted by both researchers together (including all those with the prosecutors and police) and seven were conducted by either one investigator or the other. Operating from a policy analytic approach (Spencer, Ritchie, and O'Connor 2003), we used semistructured interview guides that asked the participants to tell us about their personal history of contact with the nuisance property law; what effects, either positive or negative, they thought the law was having on victims of domestic violence, and why these effects were happening; and whether they would change

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1. Despite their name, neighborhood stabilization officers are civilian positions, not trained law enforcement ones.

**TABLE 1.**  
**Study Informants**

Position	Number of Interviewees
Victims' advocates	4
Housing attorneys	2
Municipal prosecutors	4
Police	3
Neighborhood stabilization officers	2
Elected city alderman	1

anything about the law or how it is enforced. We audio-recorded and transcribed the interviews with the domestic violence advocates and housing attorneys. However, because the law enforcement personnel were not comfortable being tape recorded, we each took handwritten notes during those interviews and compiled them afterward. (This is why there are many fewer quotations from law enforcement personnel than from advocates in our discussion of the findings.)

We followed the qualitative analysis process outlined in Spencer, Ritchie, and O'Connor (2003). All our data analysis was carried out manually using paper and pencil or a word processor. Alternating between working alone and then comparing our notes, we repeatedly reviewed all the data (including the meeting observations, documents, and interview transcripts/notes) and sorted them into themes such as the history of the nuisance property law in St. Louis, the current process of enforcement, what the informants stated as pros and cons of excluding domestic violence from the nuisance property law, and what the data indicated were the ways in which the law was affecting battered women. We further synthesized the ways the law was affecting battered women along key dimensions that appeared in the data: housing, safety, accountability, financial, legal burden, and service delivery effectiveness.

While it had been apparent from early in the project that advocates and law enforcement personnel held very different assessments of the law's impact on battered women, once we started synthesizing the information, we could discern patterns and develop typologies for each perspective, including what each group believed it knew and how and where it obtained its information. We then were able to draw connections between the different perspectives of each group, its work rules and routines, and what we knew or were able to find out about its underlying organizational imperatives in order to develop our theoretical explanation.

Ethical approval for the study was provided by the St. Louis University Institutional Review Board, and informed consent procedures were adopted for all those interviewed.

### The Use of Advocates in This Study

Ideally, a study that seeks to illuminate the ways nuisance property laws are affecting battered women should rely on accounts given by the women who are

affected. However, as with all studies, this one was limited by the constraints of time and access to the population. We anticipated that the IRB approval process for interviewing victims would be much more arduous than for interviewing professionals. We also wanted to obtain funding to compensate victims for telling us their stories. Both of these would require more time and effort than we had available, so we decided to wait until the next phase of the study to interview victims.

In addition, the victims' advocates held certain advantages as informants. They each had talked with many women while doing their jobs over the years and had gained knowledge from seeing how multiple cases played out. They also knew details about how the enforcement process was supposed to work in contrast to how it actually did work in practice. In short, by the time we interviewed them, they had each worked with many nuisance property cases and acquired a much wider knowledge base to draw on than would any one person going through the enforcement process.

It is worth noting that the views expressed by the advocates reflect their organizations' feminist goals and strategies for preventing and responding to domestic violence. All the advocates interviewed for this study used a woman-defined advocacy model in which the woman guides the direction of the advocacy (Davies 1998). Part of the advocates' role is to adopt the standpoint of battered women and speak out on their behalf to improve local agency and policy responses to domestic violence (Pence 2001). It was these advocates' perceptions of the women's experiences that motivated them to repeatedly complain to the police and prosecutors about the nuisance property law and that led officials to develop their innovative enforcement process in the first place.

## FINDINGS

We found competing assessments of the law's impact on domestic violence victims in the following areas: the victim's access to safe and secure housing; her safety, especially her willingness to call 911 for protection; whether the law in effect holds the victim or the batterer accountable for the nuisance behavior; the law's financial impact on victims; the additional legal burden the law imposes on victims; and the ability of advocates to deliver services effectively to victims. We address each of these topics below.

### Housing

Housing is one of the main concerns that domestic violence victims face as they weigh their options for ending abusive relationships, and for good reason. There is ample evidence that domestic violence is a primary cause of homelessness for women and their children: either they leave abusive relationships with nowhere to go, or landlords evict them because of the violence (National Law Center on Homelessness & Poverty and the National Network to End Domestic Violence 2007; National Coalition for the Homeless 2009; ACLU Women's Rights Project n.d.). Access to housing is also an area in which law enforcement and victims'

advocates in St. Louis clearly diverge in their assessment of the law's impact on battered women.

The nuisance property law as it is currently implemented in St. Louis excludes renters from the enforcement process until the last step, in which summonses to appear in court are issued. This means that during the first months in which efforts are made to abate the nuisance, basic information about the law and its potential consequences are routinely given only to property owners and landlords; tenants are not independently given information about their rights and options. As one victims' advocate put it: "The tenant is completely out of the loop." Domestic violence advocates told us that this makes battered women vulnerable to landlords who want to charge them additional money (ostensibly to cover the fines) or who try to evict them and their children illegally:

Landlords aren't *supposed* to evict for domestic violence, but what they do is then they say that you're a "problem property" so I can evict you based on that, because they're not calling it [the reason for the eviction] domestic violence.

Advocates also reported that without an understanding of the nuisance property law or their rights as tenants, battered women often panic when they learn about the Cease and Desist Letter (often by seeing it posted on the building's front door) and believe they have to vacate immediately, before they secure new housing.

They [the women we work with] would just see certain words and that meant to them eviction. Even though that's not at all what the letter said. Or they would just see—you know, especially if you have a woman who is very limited in her education, she may not even be able to understand what that letter is saying or some of the words on it, and would just assume it's a document meaning eviction. The assumption would just scare her and she would pick up and leave or be in crisis mode.

When we asked police and prosecutors about this, all but one denied that it was a problem because summary eviction in these cases is illegal. One told us point blank: "At no time do we tell a landlord to evict anybody." Another replied that if a tenant is being evicted illegally, she can call the police to stop it. Still another responded that the courts sort out cases in eviction proceedings and make sure that illegal evictions do not happen. All these responses referred to the formal legal process and how it is supposed to protect tenants' rights. What they do not take into account are the ways in which many women's vulnerability to multiple systems of oppression and discrimination, especially poor women's lack of education and access to legal advice, exposes victims to being forced from their housing.

The only official who acknowledged to us that tenants are often illegally evicted was a neighborhood stabilization officer, a quasi law enforcement position that brings the officer into routine informal contact with residents in the city's neighborhoods. For the most part, though, the impact of the law enforcement process occurs below the official radar. Law enforcement personnel, operating on the

basis of police reports that focus on whether or not the nuisance (abusive) behavior has stopped, rarely or never learn about the landlords' threats to evict or make their tenants pay the nuisance property fines, or about the fear that victims experience when they see the Cease and Desist Letter posted on the front door.

These officials are not oblivious to their lack of knowledge about what happens in these cases. One prosecutor told us that they had revised the nuisance property ordinance three times in five years trying to improve it, but that

[w]e could use more resources for referrals. It would also be good to get feedback from DVIP advocates regarding whether or not what we did helped. It is helpful to find out what happened in these cases, and that only happens in a few instances.

By contrast, the battered women's advocates routinely learn about what happens by talking directly to the victims not only about the abuse itself, but also about the other risks they face due to their gender, class, and other devalued social statuses.

Although law enforcement officials asserted that they do not instruct property owners to evict tenants illegally, domestic violence advocates and the housing attorneys we spoke with noted that the nuisance property process itself encourages landlords to evict tenants. As one advocate told us:

When it comes to Cease and Desist [orders], it's [issued] against the landlord as well as the victim, so there is that possibility that the landlord will evict them from the home because they don't want to continuously have to go back in and to talk to the nuisance property officers or the [prosecuting] attorneys about what to do.

When landlords are faced with a variety of problems, including property damage due to domestic violence incidents, repeated police activity, and a problem property designation, with its threats of fines and a lengthy court process, even those with good intentions may decide to pressure victims to vacate. It was impossible for us to obtain data concerning the percentage of domestic violence cases in which illegal evictions happen, but when we asked a neighborhood stabilization officer for a ballpark estimate, the officer answered that it happens "more often than not."

The victims' advocates we interviewed also pointed out that because many domestic violence victims are forced to move out by their landlords, often with little advance notice, they and their children are at risk of becoming homeless. This risk is exacerbated because they have now been labeled nuisance tenants, which makes it more likely that they will have difficulty securing decent, affordable housing if they divulge this information on rental applications.

If I'm a victim of domestic violence and I am a tenant and I'm getting kicked out by my landlord because of this nuisance call . . . what do they ask me on my application [for a new rental]? They ask me for the contact information of my previous landlord. So they're going to call that landlord who had to boot

me so the city wouldn't close his building. So I'm not going to be able to find a place to live.

This advocate's assessment reflects studies that indicate that eviction is serious not only because of the emotional trauma involved (Renzetti 1998), but also because it often prevents tenants from obtaining affordable housing in a decent neighborhood and it disqualifies them from many housing programs (Desmond 2012). It is more often the victim who has to deal with an eviction because of the nuisance property law, not the abuser. Although we did not look specifically into the effects of the law on batterers, most of the victims referred to DVIP are low-income women heading single-parent households. When there is a man living in the home, it is still most often the woman's name on the lease or whose Section 8 voucher they are using. She is the one who typically stands to lose the most if the law affects their current housing. In addition, when women have to move, their children suffer. The children may miss school or may have to change schools, which can put them behind academically. The literature suggests that residential instability is strongly associated with academic and behavioral problems among youth (Kerbow 1996; Tucker, Marx, and Long 1998).

As these data show, law enforcement officials relate to the victims' experiences through narrowly circumscribed institutional rules and procedures. From the officials' perspective, the only relevant aspects of these cases—and the only aspects that come to their attention—are those that pertain to formal legal processing. The full range of women's actual, lived experiences is rarely a part of the picture they see. By contrast, because domestic violence advocates understand battered women's experiences through multiple, wide-ranging conversations with the women, they find out that landlords evict tenants all the time through informal processes that are effective and much less costly and time consuming than taking cases to court. Access to these very different types of information, which reflect the role constraints and organizational imperatives that structure each group's work, give rise to competing views about how the law enforcement process affects women's access to safe and secure housing.

### **Protection/Safety**

From the perspective of battered women, there are already a variety of potentially negative consequences if they contact law enforcement for protection. There is the emotional impact of seeing their significant others arrested and potentially put in jail. Or the victim may fear that the police will choose not to arrest her abuser, resulting in additional abuse once the police are gone. Minority and poor women also sometimes fear harassment or violence from the responding officers themselves (Richie 1996). Advocates in St. Louis reported that the nuisance property law creates even more reasons, on top of these, for battered women to hesitate to call the police:

They're more likely to actually just not call the police if he's standing outside of the house, if he's trying to get in. You know, she might be in danger but she won't feel like she has the option to call.

Battered women who are aware of the nuisance property law now face a situation in which they feel they must forfeit their right to access law enforcement by calling 911 or else be subject to potential fines and/or eviction. Advocates also told us that abusers who are aware of the nuisance property enforcement process sometimes use the law as a way to harass their victims further, by repeatedly calling 911 and reporting problems at the victims' addresses.

Another safety concern, they argue, has to do with Orders of Protection:

One of the things that started happening was that the nuisance property officers would say you have to go get an Order of Protection. They were looking for proof because part of the law says that you have to make an effort to make things better, and to make things different. So that was in their mind, the proof now is that you've got an Order of Protection and, you know, she's trying to keep this from happening. But they weren't understanding that it could put her into more danger if she does get an Order of Protection.

Orders of Protection work in some cases to reduce the violence; in others they can serve as a trigger for more violence. This is why battered women's advocates argue that the decision about whether to obtain an Order of Protection should be made by the woman herself, taking into consideration all the possible consequences that such an action might entail. Pressure from landlords to obtain an order violates this principle and can backfire on the victims.

The perspective of law enforcement personnel, by contrast, is that the nuisance property enforcement process helps them identify and reach out to victims of domestic violence. Often, there are several different types of nuisance property violation at a given address (such as drug dealing, noise disturbances, and domestic violence). Police and prosecutors are supposed to screen all the nuisance property cases for instances of domestic violence and forward those cases to the DVIP advocates. They may also share this information with their fellow law enforcement officers, who can then monitor the property. By identifying domestic violence cases through the nuisance property process, they are able to give more attention to these cases and have a greater chance to intervene and, potentially, enhance the victim's safety. According to one official:

The law right now actually benefits the victim because it brings the issue into the open. If we don't have the ordinance, then what? We need to go after the offender—he's usually causing other problems, too. We can go after the offender and offer the victim services.

One way they can go after the offender without the victim's involvement is to ask the court to issue a Neighborhood Order of Protection (unique to St. Louis) that bars the abuser from entering an entire neighborhood and makes him liable to arrest if he does. Through all these mechanisms, they argue, the nuisance property law alerts them to potential safety concerns for victims and, in the end, enhances victims' safety along with triggering the referral process to DVIP. One law enforcement official sent us a postinterview e-mail summing up the case he and his



colleagues made for why domestic violence cases should not be excluded from the nuisance property law:

This [enforcement] process shows how important it is to keep the domestic [violence] calls for service in the ordinance to help the victims of crime. I know from afar looking at the laws you would think that this is a bad law being considered as a nuisance for calling, but in turn this is the only thing that I can think of that actually helps the victims.

When asked about this argument, the victims' advocates replied that according to SLMPD internal policy, *all* the city's police officers are supposed to refer domestic violence victims to DVIP for services, whether the nuisance property law is involved or not. As one advocate stated bluntly, "I don't think this law [would be] needed to identify DV" if all police officers performed their duties properly. In cases where officers are following procedure, DVIP should receive a referral for the same victim in the same incident from both the regular district officer and the nuisance property officer. In practice, however, they often do not receive a referral from the district officer. In our interviews, the police and prosecutors did not explain this discrepancy. So while one advocate acknowledged that the nuisance property officers' referrals to DVIP's services are valuable to battered women, she and other advocates argued that there should not be a need to pass a law that has all of these negative unintended consequences for victims in order to compensate for district officers who do not follow proper procedures.

Victims' advocates and law enforcement officials also draw very different conclusions when battered women stop calling 911. Every organization's goals and objectives guide actors in how to interpret the meaning of events and situations, including what counts as the successful outcome of a case. So when a nuisance property case involving a domestic violence victim disappears because 911 calls have stopped, law enforcement personnel interpret this as a success that has enhanced the victim's safety. One of the officials we interviewed told us he was sure the enforcement process works as a deterrent in domestic violence cases "because we rarely see the same tenants twice." By contrast, when advocates become aware that a domestic violence victim in a nuisance property case has dropped out of sight, they become alarmed: they know that this may be due to factors that the nuisance property law has exacerbated, including the victim's fear of additional legal sanctions and/or the loss of her housing. The same outcome, then, is interpreted by law enforcement officials and by advocates as having very different implications for victims' safety.

### **Batterer Accountability**

Holding batterers accountable for their behavior, instead of ignoring and tacitly condoning it, has long been a goal of domestic violence intervention. Whether or not the nuisance property law increases batterer accountability was another point of contention among those we interviewed. Under mandatory arrest laws in

Missouri, St. Louis police officers responding to domestic violence calls are required to arrest any person they have probable cause to believe was the “primary physical aggressor” in a domestic assault (Missouri Revised Statutes 2013, § 455.085). Despite legally mandated arrests, police and municipal prosecutors told us that criminal charges in domestic violence cases are often not prosecuted by the state because the burden of proof is great and often rests solely on the testimony of the victim—a trend noted in the scholarly literature (Dawson and Dinovitzer 2001; Buzawa and Buzawa 2003). The state’s failure to prosecute these cases prevents batterers from being held accountable. But by making use of the nuisance property law, the municipal prosecutors told us, they can issue summonses to offenders who “engage in a nuisance,” regardless of the victim’s willingness to pursue charges, because the perpetrator is violating a city law. In the words of one law enforcement official, the nuisance property law is “really about holding everyone accountable for certain standards of behavior.”

However, domestic violence advocates and the victims they work with are skeptical that the nuisance property law is used to take legal action against their abusers. The law itself makes no provision for issuing summonses to nonresidents of the problem property. The practice of using the law to hold offenders accountable would be an internal policy in the City Counselor’s Office that is not backed by the wording of the law. It is also one that, based on our data, is used very infrequently if at all. Advocates pointed out that instead of holding batterers accountable, a battered woman is expected to do something (such as obtain an Order of Protection or move) in order to stop his abusive behavior from reoccurring at that property. According to one advocate, many battered women were frustrated with this:

They feel like it [the nuisance property law] is an attack on them. . . . It’s one more thing that they’re being blamed for. You know, I would always hear them say, “This is *him*. Why isn’t *he* going through this? Why isn’t *he* dealing with this?”

As with victims’ housing and safety, the impact of the law on batterer accountability looks very different from the two perspectives. Law enforcement officials claim that the law, in principle, holds all nuisance offenders accountable for certain standards of behavior, and cite procedural options that they could use to do so in domestic violence cases. They view these cases through a narrow procedural lens that obscures the law’s impact on anyone except the abuser and his behavior. But the advocates argue that, in practice, the nuisance property enforcement process usually holds victims accountable for stopping the violence instead of the abuser. They make this claim based on both their knowledge of how the law is actually enforced and their access to battered women’s perspectives about the experience.

### **Financial Impact on Victims**

Battered women’s advocates claim that the nuisance property law can have serious financial repercussions for women, especially for those with low or moderate

incomes. According to the advocates in St. Louis, a number of domestic violence victims have been fined over the past several years. These fines add up quickly, especially if the abuser is coming around every day or two and the victim is calling the police every time. Even a small fine can be devastating for a domestic violence victim who is already living in or near poverty.

The law enforcement officials we interviewed stated unequivocally that they have no intention of fining domestic violence victims. As one official told us: “The last thing we want is a victim in front of the court being prosecuted.”<sup>2</sup> In defense of their claim that victims are not fined, they cited their formal procedures for screening domestic violence cases out of the nuisance property enforcement process. As noted above, however, these procedures rely on very circumscribed information about victims and the outcomes of cases.

Our information does not indicate whether or not fines levied on domestic violence victims have decreased or stopped in the last few years. But the financial harm to victims occurs in more ways than just through fines, ways that escape the notice of law enforcement officials. According to the advocates we interviewed, a victim incurs significant financial burdens if she hires a lawyer to contest the nuisance property fines. This expense is especially likely to be incurred if the victim or a relative owns the home where she is staying. In cases where the victim is renting, she will experience additional costs any time the law makes it necessary for her to move and she has to pay for moving expenses, a security deposit, utility hookups, and so on. The nuisance property law, from this more holistic view, imposes financial costs that go beyond the obvious fines and magnify its harms, especially for low-income women.

## Legal Burden

Many battered women are already dealing with law enforcement agencies when they encounter the nuisance property law. Sometimes, they are in the process of obtaining a protection order or trying to get the police to enforce one; often they are already engaged in a divorce or child custody dispute. Others are cooperating with prosecutors in open cases against their abusers. Whatever their situation, domestic violence advocates have found that being caught in the net of the nuisance property law can cause severe strain on victims’ abilities to cope. As one advocate told us, battered women

would call me up and they would have to be . . . at the warrant office or they would have to be at a grand jury or at their Order of Protection hearing and then on top of that, they would have to go to a hearing for the nuisance property within X amount of days . . . and it was becoming overwhelming for them.

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2. Multiple law enforcement officials told us the same cautionary tale about a case some time ago in which a domestic violence victim showed up in municipal court on crutches and with bruises. According to the story, the judge became incensed and threw the case out. So along with any concern they may have for domestic violence victims, the officials we spoke with also want to screen victims in order to maintain a good reputation with the judges.

Not only that, but their landlord would be coming down on them [because he received a Cease and Desist Letter].

This advocate described these legal entanglements as so burdensome that some women become worn down and simply decide that they do not want to deal with the criminal justice system anymore. As a result, they stop calling 911. She added that this law feels to victims like one more way that they are being blamed by the criminal justice system.

The nuisance property process itself can also be frightening for victims, according to advocates. If a victim is in a rental unit, she is not routinely given any information about her rights as a tenant, which are covered under the federal Violence Against Women Act. Instead, the landlord is her primary source of information, and in many cases he is either threatening to make the victim pay the fines or threatening to evict her if there are any more 911 calls to the address. While both of these actions are against the law, the victim often has no independent source of information about this except what she might learn from the DVIP advocates. And even if she does learn about her rights as a tenant, actually exercising them may require that she hire an attorney and undertake legal proceedings, which can be both stressful and costly.

The nuisance property law enforcement process in St. Louis has not been consistent about whether tenants can attend the meetings between law enforcement officials and property owners. The law enforcement officials told us that tenants are not allowed to attend these meetings. From their point of view, the property owner is the person responsible for stopping the nuisance behavior and the one who will incur the penalties if it does not stop, so he is the relevant party to the proceedings. One law enforcement official told us that tenants who show up at these meetings have been asked to leave. In the past, however, there have been a few occasions in which domestic violence victims who were tenants have been present. According to one advocate who accompanied some victims to these meetings: "We've only been asked to come twice and it was more because the victim was resistant than it was for any other reason." Even then, though, the problem from the advocates' point of view is that the way the meetings are structured is bound to be intimidating:

You have a lot of people there that she doesn't know, plus if it's the landlord, then he's there and he's being told that there is an issue. So it's very intimidating. And there's nobody for her, on her side, or what feels like it.

In a situation where there are at least three law enforcement officials and the landlord present but no one to represent the victim's interests, it may be extremely difficult for the victim to voice her concerns and advocate on her own behalf. In fact, even some property owners may have difficulty defending their own interests in this setting. One observer at many of these meetings told us that property owners are treated with different levels of respect depending on their perceived level of education and social class. So allowing tenants to attend these meetings may give battered women information they need to prevent their landlords from taking advantage of them, but it is not likely to ensure that their voices are heard.

Victims often share information with advocates about how they experience the law, but there is no point in the nuisance property law enforcement process during which police and prosecutors acquire this same information. As noted above, one of the city prosecutors we spoke with told us that they have only received feedback from DVIP advocates in a few instances about whether or not their actions helped domestic violence victims. In part, this may be because social services providers must protect the confidentiality of their clients, but it is also because there is no uniform police policy for obtaining this information. One nuisance property police officer told us he sometimes goes to a victim's home and talks with her in order to find out more about her situation, but another one told us that he is careful not to show up at the property so that it does not provoke the abuser and cause further harm to the victim. In any event, many victims are intimidated by the police and hesitate to divulge information about their fears. And from a law enforcement policy point of view, the most relevant information is not whether the victim is satisfied with the law enforcement process, but whether or not the nuisance calls have stopped.

### Effectiveness of Service Delivery to Victims

When law enforcement officers believe that there is domestic violence occurring at a nuisance property, they are supposed to forward the domestic violence victim's contact information to a DVIP advocate for followup. The advocate then telephones the victim to offer information, safety planning, and referrals for services. From a procedural standpoint, the officers have fulfilled their obligation to assist the victim by handing off the case to a third party, and it is up to DVIP to help the victim deal with any additional problems. Martin and Powell (1994) have shown that officers are evaluated based on the rate at which they clear cases, and so have little incentive to invest the additional time or energy that would help victims of violent crime recover. The law enforcement officers in our study are unlikely to receive further information about the victim unless the case independently comes to their attention again. If it does not, they conclude that their procedures were successful in ending the abusive behavior.

While the DVIP advocates agree that these referrals for services can benefit victims, they also point out that this procedure often undermines their ability to deliver services effectively to victims. When they telephone a victim:

Typically we have to explain why we're calling. . . . It's not just the fact that we're calling because of domestic violence, we're now calling because we have to explain that you're on this possible list and that you might actually get charged for continuing to call 911. . . . [Interviewer: Does that make your job harder?] It does. It makes it more challenging to develop a relationship with the victim when you're starting off saying, "Oh, by the way, you might be charged a great deal of money."

Victims often interpret this information to mean that the advocate is working on behalf of the police, immediately setting up an adversarial relationship between

the advocate and the victim. Now, instead of being receptive to help, the victims are guarded about what they tell the advocates because they fear that whatever they reveal might somehow lead to sanctions. For an advocate to provide support, there needs to be trust between the two parties, but the way the referral process is structured makes it more difficult to develop trust and undercuts the advocates' effectiveness.

The implied threat of sanctions also discourages victims from seeking assistance from the state in the future. In practice, then, the referral process looks very different from the two institutional perspectives. From the point of view of law enforcement, it appears that they have successfully identified and handled the domestic violence aspect of a nuisance property case by passing it off to DVIP. From the advocates' perspective, however, it adds an additional and unnecessary complication to their efforts and may discourage some battered women from taking advantage of their assistance.

## DISCUSSION

The SLMPD and City Counselor's Office have developed a process for enforcing nuisance property laws that they believe mitigates the harms that the law inflicts on battered women. Yet according to the advocates who work closely with these women, the law is still adversely affecting battered women. Our case study uncovered not only several different ways the law was harming these women, but also the mechanisms through which these harms were produced and why they remained hidden from police officers' and prosecutors' view.

Our analysis illustrated two key ways in which the organizational policies and practices of law enforcement and victims' advocacy shape workers' interpretations of the law's impact. The first policy concerns how each group gathers information, which affects the amount and types of information routinely available to each one. Using a casework approach to working with domestic violence victims (Johnson, Sigler, and Crowley 1994; MCADSV 2010), an advocate often has multiple contacts with the same victim over time and makes it a point to talk with her about her experiences, feelings, and actions. As a result, advocates typically have a rich set of information from which to draw conclusions about the myriad ways in which the nuisance property law has affected a woman's life.

By contrast, the police and prosecutors interviewed for this study use the incident-focused approach favored by law enforcement (Stark 2007; Fulcher and Yeh 2008) in which they have very circumscribed interactions with domestic violence victims that focus on the physical abuse. Most of the information they have about individual cases is gleaned from police reports, and the information considered relevant for these reports is typically limited to details about specific incidents of abuse and the victim's physical safety vis-à-vis her abuser. In addition, victims are often reluctant to volunteer information to the police because they are not sure what will be done with it. These factors limit the information that police and prosecutors receive about the law's impact on victims' lives beyond the physical abuse

and, we contend, prevent them from learning about many of the harms that the law causes.

The second organizational policy relates to the goals each group pursues. For victims' advocates, one primary goal is to help domestic violence victims navigate community systems to obtain the resources they need (Allen, Bybee, and Sullivan 2004). To do this, advocates place themselves at the intersection between the woman and social institutions in order to identify, articulate, and pose solutions to the problems the woman confronts (Pence 2001). The advocates are in a position to see how the nuisance property law intersects with other ways these women are disadvantaged and creates additional, serious obstacles such as insecure or lost housing, the inability to call 911 for protection, and additional legal entanglements with which victims must deal. In Milwaukee, Desmond and Valdez (2013) found that properties in black neighborhoods were more likely to receive nuisance citations for domestic violence. We suspect that race may also be a factor in the distribution of these cases in St. Louis, but do not have access to data that show this. What is clear from our study, however, is that domestic violence victims are especially vulnerable to being harmed by the nuisance property law if they are poor, undereducated, and otherwise lack the resources to resist both their abusers and the penalties inflicted by this law.

Law enforcement personnel, by contrast, have multiple and sometimes conflicting goals (Buzawa and Buzawa 2003). While they do seek to assist victims by stopping the violence, their first priority in nuisance cases is to eliminate the problem behavior that decreases the quality of life for city residents. This is typical of community policing more generally, which tends to prioritize community concerns above more traditional law enforcement activities like crime control and emergency assistance (Rosenbaum and Lurigio 1998). The police and prosecutors we spoke with described the nuisance property enforcement process as "neighborhood driven," meaning that cases originate with complaints by residents in the neighborhoods. The enforcement focus, they told us, is on getting people to comply with certain standards of behavior, not with "fining or shutting folks down."

In practice, this means that the bulk of their attention is given to the kinds of public disorder that disturb the neighbors rather than the private victimization of battered women. Furthermore, the nuisance property law itself constructs the victim of domestic violence as the offender who is responsible for creating the nuisance and, in so doing, obscures the actual crime of gender-based violence that has occurred. So rather than intervening in the abuse, the way to eliminate a nuisance is to stop repeat 911 calls to an address. As long as they follow proper procedures to identify and refer domestic violence victims for services, police and prosecutors are confident that they have assisted victims and mitigated any harms the law might cause. Using the cessation of 911 calls as the measure of success does not indicate whether the abuse has stopped or battered women are safer, but from a law enforcement perspective it does make the nuisance property law look quite effective for eliminating nuisance behavior.

Law enforcement personnel are blinded to the problems the nuisance property law causes because of their faith in the enforcement process. Ironically, it is the process itself that fails to deliver routine feedback to them about the outcomes of

these cases. It is unclear how much oversight of nuisance property cases is being conducted either in St. Louis or nationwide. There are a number of potential or actual problems with these laws in addition to those noted in this study. For example, there are due process considerations that are unresolved, such as whether the problem property designation would even stand up in a court of law (Seiler 2008; Cameron 2012). Another question is simply in what percentage of cases the nuisance is abated and what tactics the landlords employ to make this happen, an empirical question for which data are lacking (Fais 2008). At a minimum, law enforcement agencies should be tracking the percentage of cases that are domestic-violence-related and actively seeking more information about their outcomes.

In the meantime, more social scientific research is needed to uncover and document additional mechanisms through which nuisance property laws affect battered women both negatively and, perhaps, positively. There may be ways in which women use the law, and the access to victims' services it brings, to their advantage but of which advocates are unaware. To determine this convincingly, there needs to be research that gathers information from the women themselves in addition to the advocates who served as their surrogates in this study. We are currently undertaking this type of study in St. Louis.

### **Theoretical Implications**

This study has implications for understanding not only how professionals can reach such dramatically different assessments of a law's impact, but also for how women's experiences are excluded in routine case processing. In a 1994 article, Martin and Powell demonstrated that staff in legal organizations work to fulfill organizational needs first and, as a result, routinely treat rape victims unresponsively. We have shown that similar detrimental outcomes occur in the case of nuisance property laws, even when law enforcement personnel make a concerted effort to be more responsive to victims' needs. In our study, the work rules and practices of the police and prosecutors exclude information about the real-life consequences of law enforcement for battered women. Rather than being exceptions to the rule, however, such silencing of subordinate voices is a common way in which institutional power operates. As Leslie J. Miller (2003) points out, a favorite theme of Foucault's was the power of dominant discourses not only to impose fundamental assumptions and categories on how we perceive reality, but also to ward off challenges to them while concealing their exclusionary practices.

In the case at hand, police and prosecutors can in good faith claim that they are promoting the interests of victims in their enforcement process precisely because the women's dissenting voices have been silenced by organizational protocols. This is not a unique case. Feminist critical legal scholars such as Kimberle Crenshaw (1989) and Carol Smart (1989) have examined legal discourse and legal ideology as a system of knowledge and power that, among other things, excludes the voices of women and men of color (Frohmann and Mertz 1994). More recently, critics of the neoliberal state have pointed out how policies like mandatory arrest and no-drop prosecution expand state control over the lives of women while ignoring the women's concerns and interests, all in the name of



protecting them (Curre 1995; Bumiller 2008). Empirical studies like those of Sandefur (2008), Martin and Powell (1994), Pence (1999), and this one show some of the administrative rules and procedures through which this is accomplished.

The criminal justice system's failure to take battered women's experiences with the law into account has implications not only for individual women, but also for how the unequal distribution of power in our society is maintained. Many of the negative impacts of St. Louis's nuisance property law are due largely to the gender-specific ways women are disadvantaged compared to men in many areas of life (access to housing, employment, safety, credit, and income, to name a few). Our findings point out at least six ways in which the enforcement of nuisance property laws exacerbates these gender-based risks and, more generally, contributes to our understanding of the complex relationship between gender inequality and law enforcement. In this regard, our study is an example of what Dorothy Smith (2005) has termed "institutional ethnography," an examination from women's standpoint of the institutional practices that shape women's experiences and reality. Analyses like ours expose the power relations that these practices embody and describe how they serve to perpetuate women's subordination in society.

Our study analyzes organizational rules and practices to explain the gendered impacts of a seemingly gender-neutral law. Feminist criminologists have argued that there are many additional ways in which the content and enforcement of laws involve gender, racial, and class discrimination. Danner (1998), for example, points out the adverse economic and emotional costs for women of three-strikes crime bills that shift public funds from social services to the criminal justice system. Massey, Miller, and Wilhelmi (1998) analyze the ways civil forfeiture laws in drug crimes punish innocent third parties, especially women and children, by taking away their property. And McGuire, Donner, and Callahan (2012) find that Missouri's laws regarding robbery, a crime that tends to be committed against men, are more protective of victims than are its laws against rape, which almost exclusively victimizes women.

These analysts all make the point that seemingly gender-neutral laws support and perpetuate the subjugation of women. They also all come to the same conclusion as do the advocates we interviewed, namely, that we need to take a more holistic approach to understanding the impact of law and law enforcement on women and children. This requires that we take seriously the perspectives of the women affected by these laws. By detailing the various ways battered women are harmed by the nuisance property law, our study contributes to a more sophisticated understanding of how institutional and social processes reproduce relations of domination.

## **Policy Implications**

The harms to battered women that result from St. Louis's nuisance property law are likely to continue until domestic violence cases are excluded from the enforcement process. The primary question is how to make this exclusion happen. Fais (2008) suggests amending nuisance property statutes to include language that

explicitly exempts 911 calls related to domestic violence, a proposal we endorse. However, until law enforcement officials are made aware of the problems associated with the law, this is unlikely to happen on its own. Both Fais (2008) and Desmond and Valdez (2013) suggest various legal strategies to challenge these laws in court. Such challenges are already happening; for example, in 2013 the ACLU filed suit in federal court to challenge a nuisance ordinance in Pennsylvania (Park 2013). But until widespread changes to these ordinances are made, we recommend that feedback mechanisms be created for law enforcement personnel so that they receive much more information about what happens to victims in these cases.

In St. Louis, the DVIP advocates could work in the same office space as the problem property officers at police headquarters in order to promote communication and information sharing. (In St. Louis, sexual assault advocates currently share space with police detectives for similar reasons.) Another possibility is to invite the DVIP advocates to routine meetings of the problem property officers and prosecutors. However, these strategies are not without their own risks. As Pence (2001) points out, greater involvement of battered women's advocates in the daily processing of cases has the potential to undermine the advocates' independence and ability to speak out on behalf of women without risking reprisals. Any attempt at greater collaboration must not reach the point where advocates become beholden to the institutional system they are trying to change.

In the final analysis, equitable treatment for women by the criminal justice system must involve considering women's gender-specific needs and vulnerabilities and crafting a system that responds to them. As Websdale and Johnson (2005) argue, we need to empower battered women by providing the structural conditions for independent housing, job training and opportunities, affordable child care, and social services that enable women to break away from violent relationships. In the absence of such a comprehensive strategy, though, nuisance property laws could respond to women's disadvantaged situations by providing mechanisms for enforcing domestic violence victims' housing rights and by prioritizing their access to Section 8 housing vouchers. It is not clear whether the political will exists to use the law in this way. At the very least, though, our study shows that referring these cases to victims' advocates is no panacea for the harms that the law inflicts on battered women.

## REFERENCES

- ACLU (American Civil Liberties Union) Women's Rights Project. n.d. *Fact Sheet: Domestic Violence and Homelessness*. <http://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf> (accessed November 13, 2013).
- Allen, Nicole E., Deborah I. Bybee, and Cris M. Sullivan. 2004. Battered Women's Multitude of Needs: Evidence Supporting the Need for Comprehensive Advocacy. *Violence Against Women* 10:1015–35.
- Bar-On, Arnon. 1995. They Have Their Job, We Have Ours: Reassessing the Feasibility of Police-Social Work Cooperation. *Policing and Society* 5:37–51.
- Bumiller, Kristin. 2008. *In an Abusive State*. Durham, NC: Duke University Press.
- Buzawa, Eve S., and Carl G. Buzawa. 2003. *Domestic Violence: The Criminal Justice Response*. Thousand Oaks, CA: Sage.

- Cameron, Alex. 2012. Due Process and Local Administrative Hearings Regulating Public Nuisances: Analysis and Reform. *St. Mary's Law Journal* 43:619–89.
- Coker, Donna. 2008. Shifting Power for Battered Women: Law, Material Resources, and Poor Women of Color. In *Domestic Violence at the Margins*, ed. N. J. Sokoloff, 369–88. New Brunswick, NJ: Rutgers University Press.
- Corrigan, Rose. 2013. The New Trial by Ordeal: Rape Kits, Police Practices, and the Unintended Effects of Policy Innovation. *Law & Social Inquiry* 48 (4): 920–49.
- Crenshaw, Kimberlé Williams. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* 1989:139–67.
- . 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. *Stanford Law Review* 43 (6): 1241–99.
- Curre, Dawn H. 1995. The Criminalization of Violence Against Women: Feminist Demands and Patriarchal Accommodations. In *Battered Women's, Policy, Politics, and Contemporary Research in Canada*, ed. Kevin Bonnycastle and George S. Rigakos, 41–51. Vancouver: Collective Press.
- Danis, Fran S. 2003. The Criminalization of Domestic Violence: What Social Workers Need to Know. *Social Work* 48 (2): 237–46.
- Danner, Mona J. E. 1998. Three Strikes and It's Women Who Are Out: The Hidden Consequences for Women of Criminal Justice Policy Reforms. In *Crime Control and Women*, ed. Susan L. Miller, 1–14. Thousand Oaks, CA: Sage.
- Davies, Jill. 1998. *Safety Planning with Battered Women*. Thousand Oaks, CA: Sage.
- Dawson, Myrna, and Ronit Dinovitzer. 2001. Victim Cooperation and the Prosecution of Domestic Violence in a Specialized Court. *Justice Quarterly* 18 (3): 593–622.
- Desmond, Matthew. 2012. Eviction and the Reproduction of Urban Poverty. *American Journal of Sociology* 118:88–133.
- Desmond, Matthew, and Nicol Valdez. 2013. Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women. *American Sociological Review* 78 (1): 117–41.
- Fais, Cari, 2008. Denying Access to Justice: The Cost of Applying Chronic Nuisance Laws to Domestic Violence. *Columbia Law Review* 108 (5): 1181–1225.
- Ferraro, Kathleen J. 1989. The Legal Response to Women Battering in the U.S. In *Women, Policing, and Male Violence*, ed. Jalna Hanmer, Jill Radford, and Elizabeth A. Stanko, 155–84. New York: Routledge.
- Frohmann, Lisa, and Elizabeth Mertz. 1994. Legal Reform and Social Construction: Violence, Gender, and the Law. *Law & Social Inquiry* 19 (4): 829–51.
- Fulcher, Juley, and Teresa Yeh. 2008. Legal System Advocacy Efforts to Affect Intimate Partner Violence. In *Encyclopedia of Interpersonal Violence*, ed. Claire M. Renzetti and Jeffrey L. Edleson, 396–99. Thousand Oaks, CA: Sage.
- Goldstein, Herman. 1990. *Problem-Oriented Policing*. New York: McGraw-Hill.
- Goodmark, Leigh. 2012. *A Troubled Marriage: Domestic Violence and the Legal System*. New York: New York University Press.
- Haney, Lynne A. 2010. *Offending Women: Power, Punishment, and the Regulation of Desire*. Berkeley, CA: University of California Press.
- Hart, Barbara J. 2008. Battered Women's Movement. In *Encyclopedia of Interpersonal Violence*, ed. Claire M. Renzetti and Jeffrey L. Edleson, 62–64. Thousand Oaks, CA: Sage.
- Home, Alice M. 1994. Attributing Responsibility and Assessing Responsibility in Wife Abuse Situations: A Comparative Study of Police and Social Workers. *Journal of Social Service Research* 19:67–84.
- Johnson, Ida M., Robert T. Sigler, and Joan E. Crowley. 1994. Domestic Violence: A Comparative Study of Perceptions and Attitudes Toward Domestic Abuse Cases Among Social Service and Criminal Justice Professionals. *Journal of Criminal Justice* 22:237–48.
- Kerbow, David. 1996. Patterns of Urban Student Mobility and Local School Reform. Baltimore, MD: Center for Research on the Education of Students Placed at Risk.
- Loseke, Donileen R. 1992. *The Battered Woman and Shelters: The Social Construction of Wife Abuse*. Albany, NY: SUNY Press.
- Martin, Patricia Yancey. 2005. *Rape Work*. New York/London: Routledge.

- Martin, Patricia Yancey, and R. Marlene Powell. 1994. Accounting for the “Second Assault”: Legal Organizations’ Framing of Rape Victims. *Law & Social Inquiry* 19:853–90.
- Massey, James, Susan L. Miller, and Anna Wilhelmi. 1998. Civil Forfeiture of Property: The Victimization of Women as Innocent Owners and Third Parties. In *Crime Control and Women*, ed. Susan L. Miller, 15–31. Thousand Oaks, CA: Sage.
- MCADSV (Missouri Coalition Against Domestic and Sexual Violence). 2010. *Service Standards and Guidelines for Domestic Violence Programs*. Jefferson City, MO: MCADSV. [http://dps.mo.gov/dir/programs/cvsu/documents/DVServiceStandards\\_Feb2010\\_001.pdf](http://dps.mo.gov/dir/programs/cvsu/documents/DVServiceStandards_Feb2010_001.pdf) (accessed January 27, 2013).
- McGuire, Dyan, Steve Donner, and Elizabeth Callahan. 2012. Misogyny: It’s Still the Law—An Empirical Assessment of the Missouri Juvenile Court System’s Processing of Rape and Robbery Offenders. *Gender Issues* 29:1–24.
- Miller, Leslie J. 2003. Claims-Making from the Underside: Marginalization and Social Problems Analysis. In *Challenges and Choices: Constructionist Perspectives on Social Problems*, ed. James A. Holstein and Gale Miller, 92–119. New York: Aldine de Gruyter.
- Miller, Susan, LeeAnn Iovanni, and Kathleen D. Kelley. 2011. Violence Against Women and the Criminal Justice Response. In *Sourcebook on Violence Against Women*, 2nd ed., ed. Claire M. Renzetti, Jeffrey L. Edleson, and Raquel Kennedy Bergen, 267–85. Thousand Oaks, CA: Sage.
- Mills, Linda. 1999. Killing Her Softly: Intimate Abuse and the Violence of State Regulation. *Harvard Law Review* 113 (2): 550–613.
- NASW (National Association of Social Workers). 2008. *Code of Ethics of the National Association of Social Workers*. <http://www.socialworkers.org/pubs/code/code.asp> (accessed January 14, 2014).
- National Coalition for the Homeless. 2009. *Domestic Violence and Homelessness*. <http://www.nationalhomeless.org/factsheets/domestic.pdf> (accessed November 13, 2013).
- National Law Center on Homelessness & Poverty and the National Network to End Domestic Violence. 2007. *Lost Housing, Lost Safety: Survivors of Domestic Violence Experience Housing Denials and Evictions Across the Country*. [http://fairhousingrights.org/Resources/Educational\\_Materials/FHRC/Domestic\\_Violence/Lost%20Housing%20Lost%20Safety.pdf](http://fairhousingrights.org/Resources/Educational_Materials/FHRC/Domestic_Violence/Lost%20Housing%20Lost%20Safety.pdf) (accessed November 13, 2013).
- Park, Sandra. 2013. *Shut Up or Get Out: PA City Punishes Domestic Violence Victims Who Call the Police*. *Huffington Post*, June 14. [http://www.huffingtonpost.com/sandra-park/norristown-pennsylvania-domestic-violence\\_b\\_3149120.html?view=print&comm\\_ref=false](http://www.huffingtonpost.com/sandra-park/norristown-pennsylvania-domestic-violence_b_3149120.html?view=print&comm_ref=false) (accessed May 31, 2014).
- Parkinson, Gary C. 1980. Cooperation Between Police and Social Workers: Hidden Issues. *Social Work* 25:12–18.
- Patton, Michael Quinn. 2002. *Qualitative Research and Evaluation Methods*, 3rd ed. Thousand Oaks, CA: Sage.
- Pence, Ellen L. 1999. Some Thoughts on Philosophy. In *Coordinating Community Responses to Domestic Violence*, ed. Melanie F. Shepard and Ellen L. Pence, 25–40. Thousand Oaks, CA: Sage.
- . 2001. Advocacy on Behalf of Battered Women. In *Sourcebook on Violence Against Women*, ed. Claire M. Renzetti, Jeffrey L. Edleson, and Raquel Kennedy Bergen, 329–43. Thousand Oaks, CA: Sage.
- Randall, Susan C., and Vicki M. Rose. 1981. Barriers to Becoming a “Successful” Rape Victim. In *Women and Crime in America*, ed. Lee H. Bowker. New York: Macmillan.
- Renzetti, Claire M. 1998. Connecting the Dots: Women, Public Policy, and Social Control. In *Crime Control and Women*, ed. Susan L. Miller, 181–89. Thousand Oaks, CA: Sage.
- Richie, Beth E. 1996. *Compelled to Crime: The Gender Entrapment of Battered Black Women*. New York: Routledge.
- Ritchie, Jane, Jane Lewis, and Gillian Elam. 2003. Designing and Selecting Samples. In *Qualitative Research Practice*, ed. J. Ritchie and J. Lewis, 77–108. Thousand Oaks, CA: Sage.
- Rosenbaum, Dennis P., and Arthur J. Lurigio. 1998. An Inside Look at Community Policing Reform: Definitions, Organizational Change, and Evaluation Findings. *Community Policing*:

- Contemporary Readings*, 2nd ed., ed. G. P. Alpert and A. R. Piquero, 201–14. Prospect Heights, IL: Waveland Press.
- Sandefur, Rebecca L. 2008. Access to Civil Justice and Race, Class, and Gender Inequality. *Annual Review of Sociology* 34:339–58.
- Schutz, Alfred. 1967. *The Phenomenology of the Social World*. Trans. George Walsh and Frederick Lehnert. Evanston, IL: Northwestern University Press.
- Seiler, Bryan M. 2008. Moving from “Broken Windows” to Healthy Neighborhood Policy: Reforming Urban Nuisance Law in Public and Private. *Minnesota Law Review* 92:883–917.
- Smart, Carol. 1989. *Feminism and the Power of Law*. London: Routledge.
- Smith, Dorothy E. 2005. *Institutional Ethnography: A Sociology for People*. Lanham, MD: AltaMira Press.
- Spencer, Liz, Jane Ritchie, and William O’Connor. 2003. Analysis: Practices, Principles and Processes. In *Qualitative Research Practice: A Guide for Social Science Students and Researchers*, ed. Jane Ritchie and Jane Lewis, 199–218. Thousand Oaks, CA: Sage.
- Stanko, Elizabeth A. 1989. Missing the Mark? Police Battering. In *Women, Policing, and Male Violence*, ed. Jalna Hanmer, Jill Radford, and Elizabeth A. Stanko, 46–69. New York: Routledge.
- Stark, Evan. 2007. *Coercive Control*. Oxford: Oxford University Press.
- Thacher, David, 2008. The Rise of Criminal Background Screening in Rental Housing. *Law & Social Inquiry* 33:5–30.
- Tucker, C. Jack, Jonathan Marx, and Larry Long. 1998. “Moving On:” Residential Mobility and Children’s School Lives. *Sociology of Education* 71:111–29.
- Wacholz, Sandra, and Beukje Miedema. 2000. Risk, Fear, Harm: Immigrant Women’s Perceptions of the “Policing Solution” to Woman Abuse. *Crime, Law and Social Change* 34 (3): 301–17.
- Wacquant, Loic, 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press.
- Websdale, Neil, and Byron Johnson. 2005. Reducing Woman Battering: The Role of Structural Approaches. In *Domestic Violence at the Margins*, ed. Natalie J. Sokoloff, 389–415. New Brunswick, NJ: Rutgers University Press.

## STATUTES CITED

- Missouri Revised Statutes, 2013. *Chapter 455: Abuse—Adults and Children—Shelters and Protective Orders*, Section 455.085.
- Public Nuisance Ordinance #68535, 2009, City of St. Louis, Missouri. *City Journal* February 16, 2010, p. 1A.