

## MAKING YOUR HOME A SHELTER

*Electronic Monitoring and Victim Re-entry in Domestic Violence Cases*

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*The development of bilateral electronic monitoring (BEM) exemplifies how shifts in the “culture of control” (Garland, 2001), including a focus on domestic violence (DV) victims’ emotional welfare and integration into proceedings, can alter abused partners’ everyday lives. As a protective strategy, BEM provides DV victims with an alternative to relocating to a shelter. The subjective sense of safety engendered by program involvement emerges gradually, as everyday environments are re-evaluated in light of an estranged partner’s absence; through social interactions with family members, friends, and justice agents; and as the understanding of what it means to be “protected” develops. The use of BEM technology to promote victim welfare rather than as a strictly evidentiary tool suggests that this expression of the new paradigm of justice is oriented toward victim re-entry into civil society.*

*Introduction*

Battered women’s ‘refuges’, ‘shelters’ or ‘safe houses’ emerged out of feminist activism directed at domestic violence (DV) as a social problem (Tierney 1982; Schneider 2000). Established in England in the 1960s, and in the United States in the 1970s, these houses offered women and their children a safe place to go after leaving violent homes (Pleck 1987).<sup>1</sup> Consonant with the prevailing maxim that ‘a man’s home is his castle’, early shelter activists perceived moving abused women out of the home as a logical solution to DV. The shelter option could prove problematic in practical terms, however. The move to a shelter was often fraught with hardships for abused women and their children (e.g. Loeske 1992; Tutty *et al.* 1999). A major uprooting during a period of emotional upheaval, adjustment to shelter life was not easy and ‘normalcy’ could not be completely resumed. Despite supportive staff, women in shelters experienced confusion and anxiety from their dislocation. Although residents shared the battering experience, shelters comprised a community of strangers, and women who moved to shelters commonly voiced many complaints related to their stay.<sup>2</sup>

The very notion of a shelter implies deference to the idea that the home is a man’s domain—if the woman seeks safety, it is she who must leave. The absence of state-based mechanisms to protect her should she remain at home reaffirmed this deference to a

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<sup>1</sup> Shelters were also envisioned as a vehicle for changing battered women’s modes of thinking regarding relationships, sex roles and the meanings of violence against women. Contemporary shelters, however, exhibit a wide variety of organizational ideological approaches (e.g. Davis 1988).

<sup>2</sup> Scholarship-based criticisms of shelters range over a broad territory, raising questions about their ideological orientation; organizational tensions and contradictions; racial, ethnic, sexual orientation, age, and social class biases; disempowerment effects; impairment of social support networks; and adverse consequences for women’s psychological and physical well-being. Length of stay is limited and the need to find a permanent housing solution is omnipresent (e.g. Loseke, 1992).

male sovereign. This conception was called into question as DV was transformed from a private concern to a public problem that warranted state intervention. Legal remedies developed in line with this redefinition, such as court-issued protection orders, entailed that abusive partners move from shared residences (Hart 1993), but abusers could routinely ignore such orders (Erez and Belknap 1998; Harrell and Smith 1996) in the absence of an evidentiary-based mechanism.<sup>3</sup>

Shelters marginalize and perpetuate the invisibility of victims—implications that have increasingly been called into question (Garland 2001). Shelters were developed as private initiatives, beyond the justice system's purview, and hence could shield a woman from an abuser, but also the courts. The emergence of state-based efforts that respond to problems with battered women's shelters and the inadequacies of protection orders in DV cases—one form of which is the focus of the present study—is consonant with broader shifts in the criminal justice system towards more victim-centred premises and practices.

### *Theoretical Considerations*

The 'culture of crime control' characteristic of 'late modernity' (Garland 2001: 77) represents a number of discursive and practical shifts; central among them is heightened attention to victims' concerns, interests and emotions. Growing from 'the new political imperative that victims must be protected, their voices . . . heard, their memory honoured, their anger expressed, their fears addressed' (Garland 2001: 11), the new culture of crime control alters the system's balance of emphasis away from the interests of offenders and toward the needs of victims. Thus, 'new age sensitive laws' (Laster and O'Malley 1996) and 'reason for emotion' (Sherman 2003) approaches have increasingly replaced past practices that ignored victims' subjectivities and sensibilities. Rather than subsuming victims' interests within a de-individuated 'public interest', victims are given platforms from which to express their own concerns, and courts are directed to take them into account in their decisions. As Garland puts it:

It is no longer sufficient to subsume the individual victim's experience in the notion of the public good: the public good must be individuated, broken down into individual component parts. Specific victims are to have a voice—making victim impact statements, being consulted about punishment and decisions about release, being notified about the offender's subsequent movements. (Garland 2001: 11–12)

With the 'return of the victim', policies in criminal justice skew toward victim-centricity (Ibarra and Erez 2005) in the identification of dangers to specific victims and the creation of programmes for managing risk. Risk management entails more than incapacitating or controlling offenders vis-à-vis a general public;<sup>4</sup> it also involves educating victims about safety and promoting programmes and policies that address their short or long-term welfare. Indeed, victims may assume so central a role in criminal justice initiatives that one might reasonably surmise that the focus has shifted from rehabilitating

<sup>3</sup> Abused women who received court mandated protection orders commonly reported that 'protection orders are not worth the paper they are written on'—a view echoed by police officers called in to respond to order violations (e.g. Erez and Belknap 1998).

<sup>4</sup> The 'new penology' (Feely and Simon 1992) highlights the prominence that risk management assumes in postmodern criminal justice policy, supplanting the 'rehabilitative ideal' (Garland 2001) of modernist criminology. According to scholars of the 'risk society', the new penology 'aggregates' offenders into broad categories for purposes of containment and incapacitation, while de-individuating treatment away from a clinical-based model in favour of one that emphasizes quantitative (mass) measures of efficient criminal justice performance (Feely and Simon 1992). The subject buffered from injurious events in criminal justice risk management is construed to be an undifferentiated 'general public' or 'society', as if these entities comprise aggregates of potential victims.

offenders and easing their transition back to civil society, and toward ‘rehabilitating’ victims so that they may attain ‘closure’ and resume a ‘normal life’. In that sense, the victim’s re-entry is made the goal of criminal justice practice, perhaps as much as or more than the offender’s own.

The dis-aggregation and individuation of victims (Erez and Sebba 1999) is now evident throughout the system, in terms of both statutory constructions and programme policies and practices, especially in the area of DV. In an age of ‘digital rule’ (Jones 2000) and ‘the new surveillance’ (Marx 2002), some jurisdictions have designed technology-based initiatives that aim to contain the presumed threat that abusers pose to specific DV victims, by strengthening protection orders while attending to the latter’s emotions and concerns (Erez, Ibarra and Lurie 2004). Commonly administered by community corrections or public safety departments, these programmes employ radio frequency or global positioning system (GPS) based electronic monitoring (EM) technologies to ensure an alleged or actual abuser’s<sup>5</sup> observance of spatial and temporal restrictions. These programmes combine EM associated with home incarceration, originally designed to safeguard the general public, with individuated protection for specific victims identified in the case. In such ‘bilateral electronic monitoring’ (BEM), two parties—one controlled, the other protected—are enrolled into a programme of surveillance (Erez *et al.* 2004).<sup>6</sup> BEM provides a kind of electronic moat around the abused woman’s residence. It functions as an ‘early alert’ warning system for the protected<sup>7</sup> party, and as an ‘accountability’ mechanism for the controlled party. Contact violations are thus detectable and actionable.

This article addresses how the new paradigm of crime control expresses itself in victims’ everyday lives by examining abused women’s and justice agents’ statements about the meaning of BEM in redefining and transforming victims’ domestic space into a safe haven. It analyses how the quotidian experience of risk and fear is changed for participants as their interpretive habitats are reconstituted upon entry to a BEM programme and the encounter with its empowerment potential. Although we view BEM’s broader significance in terms of the culture of crime control in late modernity (Garland 2001), we apply an ecological perspective to analyse how it functions to re-establish the social lives of its participants. An ecological approach stipulates that the components of a social system are interrelated; events that affect any one component ripple throughout a system to affect other components (e.g. Riger *et al.* 2002). A variety of people in a person’s social circle, from friends and family to professional helpers and criminal justice agents, may provide support and shape her experiences (Hughes *et al.* 2005). An abused woman’s experience is influenced not only by a batterer’s behaviour, but also

<sup>5</sup> The term ‘abuser’ refers to both people charged with and convicted of DV-related offences. Because most supervised programme participants are defendants awaiting adjudication, the terms ‘abuser’ and ‘victim’ should be understood as putative statuses. The feminine pronoun is used throughout in reference to the victim, since women are far likelier to be the injured party in cases that come to the court’s attention. The masculine case is used in reference to the abuser for the analogous reason.

<sup>6</sup> As with a ‘home detention’ system, the abuser is equipped with a tamper-resistant, ankle-worn transmitter. A receiver in the abuser’s residence confirms his presence during curfew hours. A receiver in the victim’s home detects the presence of an abuser when he enters a radius of up to 500 feet around her residence. Radius penetration of a victim’s home perimeter results in an immediate call to the police from the monitoring facility and an alert to the victim. Receivers are ordinarily monitored 24/7 by a monitoring facility via normal phone lines. In addition, the victim may be given a duress pendant and/or a cellular phone pre-programmed to notify authorities. The victim may also carry a field-monitoring device to alert her to the approach of the anklet-wearer while she is away from her home receiver.

<sup>7</sup> EM programmes directed at victim protection ordinarily also include efforts at raising the victim’s awareness of how she can enhance her safety through non-technological means, such as by the development of a ‘safety plan’ and target-hardening practices.

by her access to resources, familial and social support systems' responses to her predicament, and by other contextual elements (Dutton 1996; Riger *et al.* 2002). An ecological perspective considers the system-wide consequences that stem from women's resistance to violence; the concept of ecological interdependence anticipates a reciprocal influence between women's experiences and the social reality they face and manage. In this view, women are not passive recipients of environmental circumstances, but active transformers of them. Thus, our analysis is directed at conveying the unfolding of women's experiences as they enter, participate in, and finally exit a BEM programme. We document the shifting contexts in which participating women make sense of and manage their safety, with particular concern for noting how the legal system restructures victims' everyday lives when designing programmes that take their emotions into consideration (Karstedt 2002; Sherman 2003).

The reality of the new culture of crime control is reproduced daily, through persons' routine encounters with others in varying situations. Merry (2003), for example, argues that acquiring and sustaining a consciousness of one's rights, as a victim, requires interactions with personnel in the legal system reinforcing this subjectivity. As she puts it:

Adoption of rights-defined selves depends on encounters with police, prosecutors, judges, and probation officers that reflect back this identity. Indications that the problem is trivial, that the victim does not really have these rights, or that the offender does not deserve punishment undermine this subjectivity. (Merry 2003: 344)

Prior research has documented the importance of social support networks for battered women's senses of empowerment, at times including justice personnel who may possibly represent an additional resource and close ally for victims of DV (Ford 1991). Similarly, transforming one's home into a shelter rests on and reflects constructive processes, emergent from women's interactions with family members, neighbours, friends, co-workers, justice personnel, as well as with BEM technology itself. Thus, we argue for an ecological approach grounded in social interaction—one that shows how the meanings of BEM for protected parties are negotiated and emerge through interpretive practice (Gubrium and Holstein 2003) embedded in personal and social experience.

### *Methods and Setting*

The present analysis is based on qualitative interviews conducted with 30 victims, as well as 22 justice professionals in contact with victims, who are enrolled in BEM programmes for offenders convicted of or facing DV-related offences. The programmes are administered in two Midwestern jurisdictions. 'River County'<sup>8</sup>—a metropolitan area—had employed BEM technology for five years at the onset of the study, with an average caseload of 25 offenders at any given time (and 183 cases on average per year). 'Lakefront'—a jurisdiction in a largely rural area—started its BEM programme two years earlier; its total caseload over a seven-year period was approximately 70 cases.<sup>9</sup>

<sup>8</sup> Pseudonyms are used for all persons and places referred to in the text.

<sup>9</sup> Both programmes emerged out of discussions held by locally organized DV task forces comprising members drawn from the legal profession, justice agencies, women's groups, shelters, and religious and civic organizations. The motivating concerns were the inadequacy of no contact orders (in River County) and overly harsh treatment by prosecutors of women who recant in the post arrest period, presumably from fear of the abuser (in Lakefront). The DV task forces were instrumental in raising the priority given to DV cases associated with BEM. For a more detailed description of the programme structure, see Erez *et al.* (2004).

Neither jurisdiction advertised the existence of the programme. Women usually learned about it through contact with justice professionals inside or outside the system. For example, representatives from an advocacy organization for abused women were always present at River County's morning arraignments. Prior to the entrance of the judge, the advocates invited those party to domestic-violence-related charges (i.e. complaining witnesses) to step forward to speak with them. Women who accepted the offer were apprised of procedural issues as well as their rights as victims. If they expressed fear for their safety, they were informed about BEM as an option available for women who need protection from a recently arrested abuser.

Victims (all women) were recruited for the study by staff administering the BEM programmes. Staff members generated a sample of victims who represented the spectrum of programme participants (in terms of race, age, SES, marital and parental status, length of abuse, pre-trial or sentenced disposition, and ultimate intention about reuniting with the offender). Victims were either current programme participants, or had completed participation in the preceding year.<sup>10</sup> River County participants were enrolled in the programme for a mean of 48 days; Lakefront participants averaged 72 days. About two-thirds of the victim sample was white, and just less than one-third was African-American. The overwhelming majority had at some point been married to, or cohabitated with, their abuser. A majority of the women had children in their household; some shared parenthood with the abuser, others did not or had a mixture of their own and shared offspring. The women usually lived in urban and suburban areas, but a few lived in very secluded and remote areas. Over half of the women were employed; the rest were homemakers, students, on public assistance, or unemployed. Most victims endured a lengthy period of physical and verbal abuse from their estranged partner prior to the precipitating incident. The women described being harassed, threatened, stalked, assaulted and having their property (including pets and expensive animals) destroyed, and, in two cases, reported losing their jobs in connection with the abuse.

Justice personnel who worked in some capacity with victims enrolled in BEM were identified by the researchers and approached either directly or through contacts in the system. As critical personnel came up in interviews (with victims or other personnel), their names were noted and we later solicited their participation. In this way, probation officers (PO), prosecutors and victim advocates<sup>11</sup> who worked with BEM victims were identified and interviewed. We consider this to be a form of 'reactive sampling.'

Interviewees were informed that their participation was voluntary and that refusal to participate would not adversely affect their legal (victims) or work (personnel) situation. Most interviews took place in court conference rooms with focus groups, usually comprising three to four victims; interviews with personnel typically were done individually or in dyads. Individual interviews were also conducted with victims at the

<sup>10</sup> Women who dropped out of the programme prior to the adjudication of the case, or the completion of an abuser's sentence to probation with a BEM attachment, are under-represented in the sample. The present analysis, however, applies to, and generalizes from, women who experience the programme for the duration of the pending case or sentence. Also excluded from the sample are women who waived programme participation entirely. Justice personnel explained that such women waived participation because they were unafraid of the offender, wanted to continue living with the offender, were unwilling or unable to abide by the technological requirements of the programme (such as maintaining a land-based telephone line, disabling call waiting, or surrendering uninterrupted, dial-up Internet access), believed that the offender would retaliate if they enrolled, or lived in areas with blocked or limited radio frequency transmission/reception.

<sup>11</sup> Victim advocates were drawn from among those who worked in the prosecutor's office as well as those who worked in non-governmental organizations serving battered women.

courthouse. In two of these cases, the women chose to bring along their current partner. Most participants were interviewed once, though some were interviewed twice, and personnel providing technical or emotional support to victims were 'shadowed'. Formal interviews typically lasted for at least two hours, and were scheduled during business hours when staff were available; such scheduling was done to have counsel available for victims who might become emotionally upset. These services were never required during our visits.

Interviews were taped and transcribed verbatim, then subjected to line-by-line coding in the manner of grounded theory (Glaser and Strauss 1967). Common themes and variations in participating women's and staff members' statements were identified and analysed, especially as they related to shifts in victims' interpretive practice and emotional experience in the context of domestic space.

### *Findings*

#### *Before BEM: the home as arena, the shelter as problematic refuge*

Prior to the abuser's arrest on charges that resulted in BEM, the woman's home was experienced as an arena rather than as a haven: a locus of conflict and negotiation with a volatile antagonist whose violence they had to manage (Stanko 1990). The struggle for control sometimes meant having to abnegate any claims to household power in the partner's presence in order to try to create a peaceful domestic life:

At first I kept thinking it was me . . . that I was doing something wrong. 'What am I doing to not keep this man happy?' I mean, I would cook and clean, I went on my knees to scrub the floor. I would do everything—wash his clothes, basically wash him if I had to—anything to make him happy so he wouldn't get that rage in him, to start going off. I wasn't even getting smart with him. I'd go around the house calling him 'Daddy'; I was like, 'Daddy', you know, he called me 'Momma'. Whatever it took, I did it. I didn't care, I mean, I didn't care.

The home was experienced as a porous, permeable realm, warranting both personal and 'altruistic fear' (Warr and Ellison 2000), when attempting to sever the relationship (Mahoney 1991):

Throughout our relationship he would get violent and I would threaten to leave him or request him to leave. I would say 'leave our home!' and he would always destroy things. And then, when he left the house he would drive by, make threats.

Post-separation, the abuser might subject the home region to terrorizing encroachment strategies. One woman recalled an estranged partner threatening her and her children, 'always operating at night while we were sleeping':

[One night] he flattened all the tires of my car while we were sleeping. Three nights before that he flattened my son's tires and my son's only sixteen and works very hard for his vehicle, pays his own bills . . . Then he was in the backyard one night and had paint thinner; you could smell it. Woke up the next morning, paint thinner all over my grass in swirls in the front yard and back yard. You could smell it for about a week and a half. And it just killed the lawn. I have a pool in the back yard; he put, uh, motor oil in that during the night. It was just constant . . .

Stories about abusers playing ‘mind games’ on the women, both before leaving the relationship and especially after separation, were recounted:

He threatened me mostly on the phone. He’d play a lot of mind games. He would call me up and say, ‘With a knife,’ and that would be the message he would leave. Or, ‘Watch your back,’ and I’d say, ‘Oh, are you threatening me?’ ‘Oh no I’m just saying you might turn around someday and I’d be there.’ . . . He’d make his little threat . . . He’d just continuously call. I wouldn’t answer . . . There’d be nasty messages on the machine. And I was very afraid of him.

The fear experience was built up out of many possible contact vectors, both direct and indirect (e.g. phone calls, slashed tires, written notes left on a car, empty beer cans stacked in a neat pile on a door step, signs of breaking and entering); thus, prior to BEM, women’s everyday existence in domestic space was often consumed with the fear of being ambushed or invaded:

I always felt like he was just gonna come out of nowhere and cut my throat or shoot me.

Before he was put on (BEM), I went down to 96 pounds from my pancreas and my ulcers. I couldn’t eat from nerves worrying if he was going to break into my home, (or) where he’s going to show up. He would stalk me, he would drive down (to) my home, he would show up in places—if I would go out he would show up.

Problematic space was not confined to the domicile’s perimeter. The women’s workplaces and their children’s schools were also experienced as sites under siege. Yet, women could not seek refuge at the homes of their friends and relations, for their abuser was likely to know these addresses and track them there, creating yet another problematic outside, pulling members of their social networks deeper into a besieged environment:

I could not move anywhere because everybody that I even halfway knew, he knew of them . . . He stalked me at my parents’ house. They had to make police reports cause he wouldn’t leave us alone. He wouldn’t leave them alone. There was no safe haven for me at all when it came to anybody’s house. So if I wasn’t someplace, he was going to my friends’ house . . . pounding on the door, screaming or calling them or doing whatever. ‘Where is she? I know you know where she is.’ I had no place that I could actually say, ‘Oh’ (exhale), and sit down in a chair and breathe easy. (A place) that I could actually be safe at? No, there was no place cause he knew of them.

Their fear of the abuser’s menacing practices led the women to seek assistance from neighbours, friends, co-workers and family members, enlisting them as sentries on the lookout for possible sightings of the abuser in the home and work regions. The women also developed a generalized vigilance in every day life. For example, they changed locks, stood watch by their windows (‘you’re always lookin’ out the window . . . and you just drive yourself crazy’), slept with weapons near by (e.g. a bat or a knife, ‘One underneath my mattress and one underneath my pillow’), or had parents check in on them nightly:

Before (BEM), I was puttin’ boards in my kids’ windows, putting my couch in front of my door. I was pushing my entertainment center in front of my sliding glass door.

I take care of elderly people . . . and I come home at seven in the morning and I always had to call my children and say ‘I’m on my way home. Watch for me.’ I had to have them watch me walk from my driveway to my porch because he would be behind bushes or anywhere, and he did that constantly. I

would have to wake them up and have them meet me at the house . . . I'd go to the store, I'd have to call 'em and say, 'I'm on my way home from the store, meet me, be on the porch.'

As married partners or parents to common children, however, lingering issues and remaining ties brought women into contact with their abusers following separation, which often deteriorated into abusive encounters or violent assaults:

We have an in between person so we have no contact, (but) he refused to use the middle person. He showed up at my home with his girlfriend. I needed an insurance card for my daughter—he refused to give it to my in-between person so he brought a piece of paper, which had nothing to do with the insurance, shoved it in my face, slapped me around, beat me up a little bit—and I had him arrested.

The women reported making numerous appeals for help to the justice system, but their prior personal experiences with law enforcement and the ensuing court outcomes frustrated them and made them rethink seeking help as DV victims. Long delay times in responding officers' arrival at the house, officer reluctance to pursue the case because there were no visible signs of injury or because it was a case of 'his word against mine' and suggestions that the women try to work on the relationship, or 'try harder' to avoid violence from erupting, were singled out by the women as particularly irksome. Others were told to find somewhere else to live:

I was told, 'well maybe you shouldn't live here, maybe you should go live with your parents or maybe you should go live with a friend that he doesn't know of.' Those were the comments of the police officers.

In some cases, the women were promised relief in the form of protection orders, but they quickly learned that, by and large, their abusers did not comply with them. The message conveyed to the women by the justice system was that their safety in their own homes could not be guaranteed. The home was in effect an arena in which a stronger opponent outmatched them; therefore they would be best advised to leave. In the absence of any other option such as BEM, reporting abuse entailed confronting a last-resort decision: to move out of the area entirely, or to temporarily relocate to a shelter.<sup>12</sup> Remaining unprotected at home at that point was not a possibility:

[Were it not for BEM] I probably would have up and moved or I would have considered a shelter of some kind because it was bad at the end. Once the knife was . . . piercing my skin I knew something was gonna go severely bad . . . .

Some women had prior experiences with moving to shelters, while others had heard stories about them. Neither group was enthusiastic about seeking refuge there. As one woman put it:

You go to a shelter—you have yourself, and that's it. That's a very uneasy feeling. You're lowering yourself to the point where you have no dignity left. . . . Your identity is gone. You have nothing of your own because you can't take anything of your own.

Some women rejected identifying with the 'kind of woman' (Loseke 1992) who shows up at a shelter, 'with only the clothes on my back'. They resisted the idea of 'lower(ing)

<sup>12</sup> Based on prior experiences with the local courts, the women presumed that although reporting abuse was likely to result in an abuser's arrest, he was just as likely to be released shortly thereafter on bond, with or without a restraining order (which in any case was likely to be of dubious value, according to the interviewees).

myself to the point of having to leave my own home' or that they had been reduced to the helplessness and desperation that such imagery connoted. The prospect of submitting to onerous rules and restrictions, and interrupting one's life while the abuser carried on as before, also mustered feelings of injustice and indignation:

I thought I would be putting myself in jail because that's what the shelter would be like—I would have to stay there. We wouldn't be able to drive to the department store or do whatever. I'd be in my own little prison while he's walking around.

I don't want to go to a shelter; they [pointing to participants in a focus group] don't want to go to a shelter. They like their home. They have friends. Why should we just turn our whole lives around?

Women with direct shelter experiences recalled the actual move to a shelter to be fraught with risk and often quite complicated, especially if children were involved. Women described a frantic transition from house to shelter, during which they were acting against the inexorable ticking of the court's clock, i.e. the limited time between a partner's arrest and his release on bond, or his return home from work. Having settled into the shelter, there remained concerns about how safe they could be when they had to step outside of its confines—to go to work, take the kids to school, or head out for dinner:

So all weekend we're in the shelter and we'd leave maybe to go get something to eat . . . and we're driving around. I'm watching the front of the car. My son is watching the back and he has his finger on the [mobile phone's] button to press 911 just in case we run into his father.

Most interviewees had never heard of BEM prior to their first enrolment, and this was consequential for their decision to involve authorities or participate in proceedings. Some women stated that their understanding of their choices influenced their decision about when to report abuse (or whether to report it at all):

Interviewer: How much earlier would you have called the police about the abuse if you had known about the existence of (BEM)?

Interviewee: We've been together almost five years. I would have called probably three years ago.

Interviewer: So you suffered three years of abuse because you didn't know (BEM) was there?

Interviewee: I didn't know there was anything out there other than a shelter.

*From arena to shelter: the transformation of the home into a safe haven*

Unlike a battered women's shelter, which pre-exists as a safe space whose confines women merely need enter to obtain protection, the sense of the home as a safe haven is constructed by the participant herself, in tandem with her interaction with the home environment, her testing of the equipment, observation of justice personnel responses to her complaints, conversations with family members and contacts with neighbours and co-workers. Her sense of safety emerges cumulatively, coalescing out of a variety of experiences, such that the reality of the home as an embattled arena is replaced by the home as a haven for self (and the children).

BEM is designed to create an absence in the lives of its participants; it removes physical co-presence among the parties who are the recipients of its purview. Unaware of how the programme works, the ramifications of its enforced separation are not apparent to the

women upon entry. Instead, the women gradually realize the meaning of being outside of their abuser's daily orbit: they can now act without taking his presence into account and they are not accountable to him—they no longer have to *monitor* what he is doing, thinking or feeling. The 'absence effect' is experienced both in cases in which the parties were living together and those in which they had separated at the time of programme enrolment:

For so long it was like, 'Ralph, I'm going to use the bathroom,' 'Ralph, I'm going to fix me something to eat,' 'I'm going to pick up kids from the bus stop,' 'I'm going to do this, I'm going to do that.' And these are things that I'd do, you know, normally. Why do I have to ask? And then for (the PO) to put the box in there, I'm like, I can go pee without tellin' nobody. Wow.

In my home I feel safe; all five of us are very fine. And we, it's almost like—whoa, he's not coming. I'm not worried. I can open my bedroom window and not worry. I like that. He broke in through that way before. He broke in the back door. He broke in through my garage. He hot-wired through our alarm system on the garage—came in that way. He broke in both my windows, came in my parents' bedroom window . . . . But ever since (BEM), he's really just stayed away.

The women are most struck during their initial period on BEM by the difference that it makes to their sense of wariness and calm ('I felt like now I could relax', 'I just felt so much at ease')—feelings especially pronounced during the nocturnal hours:

The first day was wonderful cause I could sleep. I could come back home. I didn't have to stay over my sister's house no more.

So I put [the receiver] in my room . . . (and) at night it did give me a sense of security. To hear that click is soothing.<sup>13</sup>

Whereas before, entry to the home region might have been a fearful moment, many enrollees described now being reassured upon entry, after seeing the box's familiar green light or hearing its hum. As one woman noted: 'What comes to my mind when I see it is, everything is working . . . . That means I'm comfortable.'

The realization that the abuser will not be returning to the home region anytime soon is liberating for the women and instrumental in restructuring their daily lives and routine practices. The full import of this awareness emerges gradually, evolving from an expanding sense of 'all the things I can do now'. For example, the women appreciated the new range of diurnal activities that they could now engage in, and the restored sense of safety that they could now enjoy:

Now I can go out. . . . It's nice. I can take my dog for a walk up the park up the street and let him run around and have fun, whereas before it was 'c'mon let's play in mommy's room.' It's just so much fun now.

At first, before he got on the box, I would not go outside and I wouldn't let my kids go outside. If I had business to take care of—like, I'm on (Aid to Dependent Children) also, and if I had a meeting to go to, either it was cancelled or they would sanction me because I would not leave my house. Not without that box there. I live near a wooded area and I don't know where he's at or what time he's gonna sneak up.

<sup>13</sup> The equipment's periodic testing of the telephone line's operability results in clicking sounds.

The women's observations of and interactions with children provide especially important confirmation that they now inhabit a safe milieu. The women's altruistic fear for their children and other relations dissipates as they realize what their children can now do:

I have so much confidence I can lay my head down at night and not lock my children's doors in their bedroom. Not lock their windows. That's how much confidence I have in it. . . . Now, it's like, 'Oh yeah, you guys can go ahead and play and Mommy doesn't have to sit outside with you and watch you.'

The kid's have their sports buddies and wanna go swimming at night and have a lot of fun. I would say, 'no,' because of him. 'Can't do it. Cannot do it.' Because he would jump the fence or do anything and I couldn't let 'em (play). He'd do anything. And we stayed in. Now they can do this.

The women resume the kind of 'normal life' that most people take for granted, and the relief from hyper-guardedness extends to others in their social circles, whether parents, friends, co-workers or neighbours. Receiving BEM protection may mean that a mother need not be burdened by a daughter's move back home:

I always feared . . . that he was going to be waiting in my garage for me. But once I had this monitor and this help device, it was like I could actually pull in my driveway and feel safe. I was to the point where I was going to move back in with my mother. I'm almost thirty years old; I don't want to have to do that. . . .

For others, the sense of assurance provided by the equipment's sounds offers a kind of substitute for parental involvement:

I never forget the box is there. I slept with it on my headboard, so I felt safe at night and I could hear that click. I said, you know what, I feel like my mom and dad were checking on me and that they don't have to worry—your family don't have to worry, and we'd even call my dad and I said 'you don't have to worry cause this little click, it's the State of \_\_\_ checking on you and it clicks and lets you know that they're there.'

The women's associates and relations become more relaxed about their constant vigilance—they too feel they can now breathe a sigh of relief. In some cases, this means that women are less apt to be chaperoned while doing mundane tasks (like washing their cars or mowing their lawns); in other cases, it means that their relations can now take more time for themselves that they previously felt unable to pursue. Reliance on family members and neighbours seems less necessary:

Kim: Now my family knows that it's there and they'll call and check on me. 'Is your box clickin'?' You know, 'Did it go off yet?' 'Oh, you're still alive.'

Mara: 'Cause you know, when you have people that are concerned and family members and neighbors and everything, I mean, sometimes it can be overwhelming.

Kim: Yes, it can.

Mara: If you don't answer the phone, they don't panic and drive over to your house.

Cindy: Now we go away, and we don't have that 'Are you okay?' and all the questions and answers. They just give you a wave.

Rosa: My neighbors feel comfortable by now. I already told my neighbors what was up. But they feel more comfortable (with me on BEM) that if they had to go somewhere, they can go, because I have

help. They don't have to keep that extra eye for me, but they still do it because . . . you know, we're that close.

Kim: Yeah, today when I tell them, like, 'Oh he can't (come around), he gotta ask for permission,' they'll be like, 'Oh, well, we won't have to check on you at all.'

Friends, family members and co-workers are relieved of the emotional burden of supporting an abused woman, even if at a distance. At the same time, opportunities for socializing with these same friends and family members increase. Members of the women's social circle can now resume visiting them in their homes, for instance, reflecting the transformation of the home into a reclaimed space:

Mara: I had neighbors that knew this guy is just not right, and they would come over and visit. Well, when they knew this (abuse) was goin' on, and he could be there anytime . . . they didn't come around. Now that the monitor's there, they're like, 'Mara aren't you so glad he's away from you?' They'll come around. Before they didn't know if he was gonna throw another brick through the window while they were sitting in my living room.

Missy: I had friends that didn't wanna come over and visit, now they would, now . . . it's like, 'well, you know, now I can have a party. Does everybody just wanna come over at one time?'

Kim: You'd be surprised you have your life back. You have your life back.

Missy: You can have a nice tea party.

This sense of the home as the locus of an ordinary social life extends to the children, now able to have playmates over:

My daughter's friends, their parents wouldn't let her friends come over anymore. They said, 'No'—wouldn't let 'em come over. I said, 'You wouldn't believe this system they have hooked up. Your kids are just as fine in my house as they are in yours.'

Friends and family members confirm to the women that the programme is having a positive influence on them:

(People notice that) I feel more comfortable. I'm more relaxed and I'm putting my weight back on . . . I'm not antsy and nervous all the time. My mother thought it was great, because it helped me relax. I wasn't constantly having to look over my shoulder.

Evidence of BEM's catalytic potential for transforming domestic space was given by women whose abusers were placed on BEM more than once; on a second or third encounter with it, they instantly appreciated how their everyday domestic, personal and social life would be changed:

The first time it was gradual for me . . . because mentally you're just in this mindset. And you're used to it (abuse), and it takes a little time, and you feel like you got all this on your shoulders just to get that off. Second time, they put (BEM) in, it's like, 'Yes! It's here and I feel good.' I know what comes with . . . the package, and a peace of mind that you can't pay for comes with that package.

Included in the 'package' are experiences that bolster the women's confidence that their safety concerns will receive attention. Initially unsure of the extent of their protection, many women 'test' the equipment, by pressing their duress pendant or the manual trigger on the base receiver. They are thus able to verify whether and how quickly a

cruiser is dispatched and can compare the response to prior ones. The difference is marked, indicating ‘It’s different this time’.

### *Ancillary benefits and limitations*

BEM programmes aim to provide women with a technologically based alerting system enabling them to remain free of an abuser’s presence. As a victim-centric initiative (Ibarra and Erez 2005), BEM has ancillary, empowering benefits that extend beyond its official objective of providing safety, many of which women in shelters generally do not receive. These advantages include magnifying victim visibility, receiving personalized justice, validating victim perspectives, enabling victims to revisit their abusive relationships emboldened and helping enrollees prepare for and re-imagine their futures. BEM has important limitations, however, and these also merit review.

Women in shelters are often invisible to the criminal justice system, not just because they are in hiding, but also because they need not have notified the police about an abusive situation in order to gain entrance to a shelter (e.g. Hutchison and Hirschel 1998). By contrast, the gateway to BEM is through the criminal justice system itself, now mobilized on behalf of the victim as a protected party, placing her on its radar screen, making her *visible*. Certain prosecutors, victim advocates and probation officers are familiar with her complaint, the abuser’s history and disposition, and the status of the case. Local law enforcement has distress calls from her address flagged as demanding ‘high priority’. This visibility accrues to deployments that women in shelters do not ordinarily receive:

I felt safer this time because I had the monitor and he could not come back around. I didn’t have to worry about catching a case—having to defend myself and get in trouble—because if I had a problem I called and they took care of it.

Participating women feel that they have ‘inside’ connections within the system that they can count on and invoke as necessary, receiving a form of *personalized justice*. The personal relationships women develop with programme staff are essential to the sense of ease that they develop during their enrolment. Open invitations to contact staff at any time, day or night, quick and efficient responses to their requests for information, advice or assistance, and prompt review of possible violations by the abuser and/or troubling information regarding his conduct or ideation are especially noteworthy examples of personalized service. This responsiveness emerges early in the relationship, soon after the defendant’s arrest. Such formative encounters make deep impressions on the women—indicating that things will be taken quite seriously this time:

I had made arrangements for my son and I to go to the shelter cause I knew his mother would come right down and get him out of jail. So I flew home to get our clothes, I was in the house ten minutes and he was calling from (jail). And that little recording comes through and says ‘you have a collect call from’ and then I heard him speak his name, but I was so distraught I hung the phone up. By the time I got downtown Monday morning to have (the PO) get everything in order . . . I just broke down crying in her office. I explained that he had already tried to contact me . . . that’s when (the PO) hooked me up with the prosecutor’s office. It turned out he had violated the judge’s order by trying to contact me. So he didn’t get out (of jail) that day. We had to go back to court and they raised his bond from a five thousand, ten percent cash bond to a twenty thousand cash bond.

Indeed, staff members seem quick to act upon what can be rapidly unfolding situations, whether they are based in ‘actual danger’ or a ‘false alarm’. A probation officer recalled a conversation with a distraught participant:

I had this one girl call me; she thought she had somebody outside the house. And I said, ‘You know, we’re having a storm outside—it’s windy. You’re gonna hear noises outside—the wind is blowing, the trees are waving. Are your garbage cans maybe blowing up against the house?’ . . . I said, ‘I’ll tell you what—hold on.’ So I called the monitoring center. I asked, ‘Where is this guy?’ He’s at home. I go back to the phone, ‘He’s at home, I just checked with the monitoring center, so it can’t be him, he’s at home.’ So, she calmed right down.

Relationships between enrollees and staff are often reciprocal. Justice personnel may contact victims with requests for insight pertinent to the ongoing prosecution or offender’s supervision, such as his ‘drug of choice’ (Ibarra 2005). Encouraged by these contacts to take a more active part in the case, the women are reflexively apprized about what is being done. Having observed the justice system’s processing of previous complaints, the women are struck by personnel’s intensive engagement with the current case and, according to prosecutors, may themselves take a more active role in the state’s efforts:

A lot of the women are much more proactive in the prosecution of their case. They will call me and say, ‘Hey I’ve got my medical records from when he broke my nose, do you want me to send them to you?’ Or, ‘I’ve got the police report from when we lived in Banks County, do you want me to send it to you?’

The differential response *validates* the women’s understandings of their abuse experiences. In contrast to prior incidents, which may have been unsatisfactorily resolved, someone in the system takes them seriously; finally, their complaints are being acted upon:

The police, when I had domestic violence in the past, they didn’t really act on it . . . When things got to a serious point and the judge did order (BEM), it was, like, wow, they really believe me now; they really believe that he can harm me. And I felt that protection and that they believed me, that they’ve really taken it seriously, and . . . that if I hit a call button they will come quick.

It’s like somebody’s after you, and you really can’t do too much about it because if you do too much about it, they’re gonna slam . . . you, basically for protecting yourself and your family. So when they got the box in, it was like ‘Oh, cool. Then you’ll see exactly what I was talking about. You won’t be in my shoes, but you’ll be in my shoes watchin’ from the outside. “This guy’s a kook. He is really a kook.” And you all would want to keep smacking your own hands. Okay, now you know he’s a kook ’cause you have it on tape. . . . Then you have to sit down personally and talk with these guys. And then like the PO said today, ‘he’s a strange one.’ And I’m like ‘yeah, mm hmm, yeah. . . .’

Keeping staff apprized of harassment, and observing staff’s reactions to their complaints, convey the idea that an official in the system shares their perspective on the abuser. Additional staff actions provide further validation of women’s concerns regarding their safety and the prosecution of the case. For example, probation officers might accompany the women to court, to bolster their resolve to participate in proceedings, providing moral and emotional support:

I got this one girl, we'd had her down before and she didn't show up (for court). She said, 'I just can't face him. I can't do it.' So it was dismissed and he beat her up again. So he's going in, and she said, 'I'll try and be strong, I'm really trying to be strong.' So I called Ellen [the victim advocate for the county prosecutor's office], and I said, 'Ellen, you call her.' And then I called her, and I'm trying to get her back in because at least she's making the step this time. So we're trying to rally around her and give her the strength. She said, 'If I just didn't have to face him. If you could just put him out of the courtroom when I was testifying.' She just doesn't have what it takes to face this guy. So I told her, 'I will show up to court for you. And I will stand over to the side. And as you testify you look at me. Don't look at him.' So I'm trying to come up with ways to help her follow through with this, because . . . he totally dominates her . . . but she's ready to follow through. This time she's trying to be strong. She's going to church; she's got the church members helping her pray. She's using a lot of tools this time . . .

Further, by interacting with staff, victims are cued to view staff actions, including 'inaction', as, in fact, 'building a case' that ultimately aligns with the victim's concern for justice:

(The PO) would . . . pick up the phone as soon as I'd call. I have her personal cell phone number. These people are really good and she noted that the harassment was going on non-stop. He kept it up and kept it up. (She) said they just had to wait and they caught him on his own, out where they could hang him for it.

Perhaps because of these forms of validation, many women feel reassured and become less reticent in alerting employers, co-workers, neighbours and local schools about their situation and enlisting their support. It is as if, having been identified by the state as officially protected parties, the women are embracing their new status and in their own way circulating word about it. Where previously there may have been a sense of shame or embarrassment around being a victim of DV, the validation seems to lead many women to think of themselves as recipients of community support. Accordingly, the women often feel that they are no longer facing their abuser alone and that if and when they re-encounter him or revisit the relationship, they will do so from an emboldened position, for the women are no longer controlled—they are in control:

It's been two months, and my ex told me, 'You slammed me, you rocked my world, you destroyed my world,' because he had that painting company going, and that's where he was getting his drug money, his extra money. And (BEM) just cut him dry, it just cut him down a notch and took away his freedom as well as he took away my freedom, trying to control and that's what I said. 'Party on. You had your life, now I have mine back.'

In many respects, the women are in the driver's seat in the relationship, feeling strengthened by having the abuser in the programme.<sup>14</sup> The symbolism of the 'box' itself—the power to summon authorities at the push of a button—is glimpsed in terms reflecting this advantage:

It's some black box with two antennas sitting on top of it. You know what it reminds me of? I'm walking into the President's office and it's like the atom bomb button, ready to just be pushed whenever.

<sup>14</sup> Some of the men complained that their estranged partners called them, drove by their homes, or even showed up at their doorsteps, seemingly taunting them with their freedom and control (because the women were not restrained by the court's orders).

Prospective biographical trajectories may be recast in a broader way. As one woman put it, ‘It has helped open me up to really knowing what I want and to become mentally stronger’. Another woman stated that BEM brought her back from an emotional nadir and served as a kind of ‘training wheels’ that prepared her to face a time when her abuser would be released from official supervision:

I went through a really bad patch . . . I’m off my depression pill, been off them for two months. I got really depressed. I wanted everything to stop. But I feel better now. You know, you work with yourself. I’ve got two children that I gotta keep up with, and I couldn’t. I was starting to get . . . to where everything I looked at was a way for me to end it . . . . And I’m a better person now because I’ve learned to control myself, my mental, what I’m wanting out of life, and this (BEM) has helped out a lot. It’s letting me prepare myself now with him being out.

BEM’s controlled parties must abide by a variety of liberty restrictions (Erez *et al.* 2004; Ibarra 2005). Some women experience *schadenfreude* upon observing, or imagining the prospect of, their estranged partner’s subordination to BEM’s regime, including rules that entail reorganizing or limiting his routines, associations and interactions:

Everything is way less than a mile radius from me so he wouldn’t be able to go to his own doctor’s office without setting the box off . . . . So now he’s gonna have to go find himself a different doctor. He can’t even drive on the highway, or his thing’s gonna go off . . . . I got the highway over here by my house. He can’t walk on it or anything like that. It’s the bridge (to town), but still it’s less than a mile radius you know. I’m right there in the heart of everything, and being a little town, everybody knows everybody’s business—and the mothers! You know what I’m saying? That I think has been a real plus for me.

This ought to be a big embarrassment to him. I would love for it to be. It inconveniences him cause he loved to go out. He loved to show off and be in all these spots and everything like he’s The It. And now like (the judge) said, ‘you got from one o’clock in the afternoon to six o’clock in the evening to take care of your business before you go to jail.’ That’s what he begged the judge to do the day before they was gonna take him. And so he begged, ‘I need to get my medicine and my this together and my that together.’ Well he’s not getting anything together. He’s over there just playing for those hours. That’s how he got to walk up on me yesterday cause he gets to play a little bit now.<sup>15</sup>

Yet, for all the primary and ancillary benefits that the programme generated, BEM is not without limitations. Aside from technical difficulties,<sup>16</sup> BEM equipment does *not* provide physical protection of the victim. It merely warns her (and notifies the police) when the wearer of the ankle transmitter is within a certain range. The equipment will not stop someone who is determined to hurt a protected party and is not concerned

<sup>15</sup> Unless equipped with a field-monitoring device, the protected party receives no warning at the approach of the abuser while outside of the home range. Chance encounters between the protected and controlled parties are possible during the latter’s ‘out hours’, especially in River County, where the women are unequipped with a field-monitoring device; see Erez *et al.* (2004).

<sup>16</sup> Because the system calls in periodically to the monitoring facility via telephone lines, such features as call waiting must be disabled, and Internet service cannot be connected through the same source. The monitoring system is also subject to being disrupted during power outages or when landlines are down. Many women complain that they receive false alerts in the middle of the night, by way of calls from the monitoring facility, which can be a disturbing occurrence. These false alerts typically arise when the abuse has not returned home by the appointed curfew hour, or because the telephone line has been disrupted.

about the consequences to self.<sup>17</sup> BEM can also be subverted through use of a proxy to contact the protected party:

It was a type of restraint to keep him away from me, but he could still get to me. When he couldn't call, he would have his brothers call; he would have his friends call. I've been down here for so many threats it is pitiful.

Most of the women realize that the technology is fallible, and some fear that their abuser might be willing or capable of somehow 'fooling' it without being detected. Thus, they often remind themselves that it is important not to become complacent about their safety. As one woman explained, 'I never let down my guard. I was with the man twelve years, I know not to let down guards'.<sup>18</sup>

Notwithstanding these limitations, BEM's most important drawback is that it represents a temporary solution to what can be a long-term problem. The women have to withdraw from the programme at some point, and this typically is a difficult experience. Having to part with the equipment, and the mobilization it represents, it 'felt like I was letting go of my security'. Many women return to being scared, anxious and fearful: 'I'm not on it anymore and I'm like—a nervous wreck. An absolute nervous wreck,' said one woman, while another lamented, 'I depended on the system, and I hate the fact that I don't have it now.' One woman described her experience in the days immediately after her abuser had the BEM restriction lifted as follows:

It's horrible. I'm back to being totally one hundred percent paranoid every time I walk out of the house . . . and the other day a car went by six or seven in the morning just blowing by and I know it was him, saying 'Ha-ha. You can't track me anymore and I'm still here.'

As the paralyzing fear they experienced before BEM re-surfaces, the women revert to their old forms of 'safe conduct' (Gardner 1990): 'leaving all the lights on in the house', 'checking the car before entering it', 'looking up and down the street when I back out' and 'having my family and neighbors check on me'. One woman explained: 'I'm afraid of him again. And I had gotten used to not fearing—I don't know, maybe it was a false sense of security from the system but I'm back to "what if he's following me again?"' Children resume their pre-BEM habits: 'they are back into my bedroom to sleep.' Parents, other relatives and concerned neighbours also resume their worries ('My mother is calling me again every day'), attempting to ascertain that the woman is safe and warning her of any signs of danger.

Withdrawing from BEM is especially difficult when it is removed without advance notice, making the sudden exposure to risk particularly disconcerting. A sudden plea bargain, for example, can result in an abrupt lifting of the BEM requirement. A missed call from a PO might mean unexpectedly discovering that the equipment is no longer operative:

If it hadn't been for the PO calling me at 9 o'clock the night before saying, 'Hey, do you know about this motion? He's gonna be in court at 9 o'clock the next morning, has anybody informed you?' And I said no. And if nobody had informed me it would have been taken off his ankle the next morning . . .

<sup>17</sup> We observed that personnel emphasize this limitation to victims during the installation.

<sup>18</sup> For this reason, a 'lethality assessment' is an essential component of the programme. Persons considered likely to cause lethal harm are not enrolled into the programmes. Furthermore, the fact that the technology is not foolproof underlines why the programmes impose curfew restrictions, essentially limiting the supervised party's 'free hours', which in any case are primarily set up in tandem with work schedules.

Some women consider their time with BEM as a transitional period, fully cognizant that one day, the equipment will no longer be there to enforce a judge's no-contact order:

I think (BEM) is really good to the point to where it gives you . . . extra time to get yourself together . . . (T)his gives you a chance to prepare yourself now with him out . . . And it prepares you for when he really has nothing on.

More commonly, however, women grow attached to the services and protections that are associated with being a BEM enrollee, and wonder whether exit means that the personalized justice they have grown accustomed to will dissipate, making the transition out of the programme anxiety-ridden:

Now that I don't have (the box) and he's out, I feel very unsafe. I don't know if I call his probation officer if he's going to do anything for me or not.

The temporary nature of BEM, however, is not a limitation unique to this programme. Residence in a shelter is temporary, as is an abuser's lock-up on DV charges. In spite of the limited time for which a victim might be on the programme, participants feel that the existence of the BEM option should be conveyed to abused women by authorities as well as shelter personnel.

### *Conclusion*

The use of BEM in response to DV incidents offers a case in point of broader changes in the justice system's relationship to crime victims. The new paradigm recasts the justice system, *inter alia*, into a provider of services to victims (Garland 2001): their needs, concerns and interests assume greater prominence, and responses to various crime categories require at least some consideration of how victim-constituents can be addressed in their very design. Victim-centric rather than merely victim-sensitive BEM provides a concentrated expression of the emergent paradigm's logic, evident in several ways. First, the addition of a bilateral component to a unilateral EM programme represents a shift away from a strategy focused on a generalized public's safety, towards one directed at keeping a specific victim safe, reflecting the paradigmatic importance accorded to the uncoupling of the victim from the public (Garland 2001). Secondly, the BEM programmes under study are directly concerned with the victim's emotions (Laster and O'Malley 1996)—they offer relief to victims who express fear of an alleged or convicted abuser. Such programmes promote the idea that a victim's home can and should be her safe haven—she need not enter a battered woman's shelter in order to function in everyday life.<sup>19</sup> Thirdly, enrolment in a BEM programme creates opportunities for victims to interact with personnel in the system, emboldening victims to become actively involved, e.g. by participating in the backstage stratagems that build up a case.

Victims are empowered as their choices are expanded. For example, victims may determine which alternative option—shelter or home—best suits their living and risk situations. Implicit is the notion that victims 'know best' what is in their interest. Rather than reproducing the dynamics of struggling over control upon entry to a women's shelter as staff members invoke house rules that call residents' conduct into account

<sup>19</sup> Women in shelters do not necessarily know where their abuser is, nor do functionaries within the justice system; by contrast, the tethering of abusers to home and work environments means that women on BEM do not become anxious in this regard.

(Loseke 1992), the victim can remain at home, but without the controlling presence that had previously organized her daily existence. Further, the victim has a broader array of resources to activate in the event of need; she is not restricted to calling a police dispatcher lacking familiarity with her case, or seeking solace and protection in a personal support network. She can mobilize a variety of functionaries with personal knowledge of her identity and the intricacies of her abuse history.

In addition to being a protective strategy, BEM is deployed to buttress prosecutorial efforts directed at the victim back-peddalling and recanting characteristic of DV cases (Hart 1993). It might appear therefore that it is 'really about' increasing system efficiency and producing 'assembly line justice', in line with the new penology. Such a conclusion, however, misses the essence of such programmes—namely that the customization of justice in the form of listening to 'victim voice' and quieting 'victim fear' has a therapeutic end, namely the victim's 'rehabilitation'. The thrust of such state efforts is to facilitate 'victim re-entry' into civil society, away from powerlessness and towards agency. The assault on victim invisibility is one expression of this trend; the concern to give abused women a semblance of a 'normal life' in which everyday activities can be pursued, commonly described in terms of 'what I can do now', is another. That BEM women view their tenure in the programme as an opportunity to reorient their lives further evinces this dynamic.

The preceding analysis has underlined the ecological processes that coalesce to transform victims' emotions, especially as they relate to the construction of home as safe haven. Although temporary, this reprieve from a life under siege yields an environment in which daily routines and practices are pursued without fear of sabotage of domestic space, and without the disruptive displacement that would otherwise be entailed by the move to a shelter (or more drastically, by descent into homelessness). The transformation of the home into a shelter entails more than having a controlled party wear a bracelet on his ankle. Protected parties' enhanced sense of safety emerges out of their social interactions with persons constituting the varied vectors of their environment. BEM facilitates and enhances participants' interconnectedness with their familial and social networks, and fashions a support mechanism out of persons normally encountered remotely—such as probation staff and allied justice professionals. BEM's protected parties need not go into seclusion or be secretive about their location. They can maintain familial and social interactions, while shifting the focus of these encounters from safety issues to the broader range of concerns that most people pursue as a matter of course. The reciprocal interactions and influences between women's experiences while on BEM, and the reality they face and manage, indicate that they become agents who not only cope with and combat abuse, but also affect their social surroundings, actively transforming them in ways that relocation to a shelter would dampen, if not render impossible.

The transformation observed with BEM is predicated on the technology's purpose as a protective mechanism being conveyed as such to enrollees. Given to understand that her home environment is being monitored, the other constructive processes detailed above can take root. BEM's purpose, however, need not be communicated to this effect, nor need it be administered in a manner consistent with this goal. Technological developments, such as represented by GPS systems, make possible the tracking of an offender's movements without victim notification or input. Out of the information loop, victims party to such cases would likely experience bewilderment at the abuser's absence or harassment cessation, but have little else to go on. Or a BEM programme could be pursued with the victim's consent and involvement, but without promise of

protection. The victim could be informed that the technology is strictly an evidentiary tool, of use in the documentation of contact attempts. Such an approach presumably would emphasize the capacity of technology to back judgments in disputes otherwise lacking unambiguous evidence of contact attempts. That this more legalistic gloss on BEM has yet to take root is testimony to the prominence that victims have assumed in the culture of control, although countervailing tendencies may come into open conflict with this construction. It may be the case that as jurisdictions grow wary about possible liabilities assumed in promoting this technology as a protective measure, and as creating a ‘false sense of security’ in victims, that a purely evidentiary rationale will come to the fore and jostle with the protective construction encouraged by the culture of control. Further research on the use of technology tailored to the needs and sensibilities of specific categories of victims may elucidate the intensity of trends in this direction.

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