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**INTIMATE VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM:
THE EXPERIENCE OF VIETNAMESE-AMERICAN WOMEN**

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**INTIMATE VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM:
THE EXPERIENCE OF VIETNAMESE-AMERICAN WOMEN**

By

Hoan N. Bui

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ABSTRACT

INTIMATE VIOLENCE AND THE CRIMINAL JUSTICE SYSTEM: THE EXPERIENCE OF VIETNAMESE-AMERICAN WOMEN

By

Hoan N. Bui

The present study examines the contacts of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence. Data obtained from in-depth interviews with 34 abused women in the core sample, a survey of 440 Vietnamese Americans, and interviews with 11 Vietnamese Americans working in various social and legal service agencies and the media shows that various structural, cultural, and organizational forces have simultaneously affected the experiences of Vietnamese-American women with the criminal justice system when they are involved in intimate violence.

Vietnamese-American abused women, like the general Vietnamese-American population, are supportive of government interventions to stop the problem of intimate violence. However, socioeconomic conditions, language barriers, immigration status, fear of reprisal, Vietnamese family traditions, and insensitive treatments of criminal justice officials often prevent women from reporting abuse incidents to the police and participating in the criminal justice process as witnesses. On the other hand, financial and emotional support provided by victim's advocate, legal service, and welfare service agencies can facilitate women use of the criminal justice approach to deal with intimate violence.

Organizational structure and culture of the criminal court also affect the experiences with the criminal justice system of abused women who were charged with a domestic offense. A lack of public defense services and pressure for plea-bargaining often leads to inadequate legal counsel for women offenders. Organizational practices that define the victim and the offender as two separate entities have important safety implication for women because abused women who are charged with a domestic offense are excluded from supportive services for victims of domestic violence. In addition, given women's subordination to men in terms of economic and emotional dependency, police investigation practices and judicial evidentiary rules in intimate violence cases that heavily rely on information provided by the complainants to establish evidence in domestic violence cases can cause women to be convicted on the sole basis of their husbands/partners' complaints and make domestic violence laws become a power tool for men to control their wives/partners' behavior.

The study suggests that criminal justice interventions in intimate violence can reduce intimate violence to some extent, but they are far to be an approach to improve both women's safety and family relationship. Women can experience a reduction of violence and feel satisfied because of the protection that they receive from the criminal justice system. At the same time, many women also experience strained family relationships, increasing emotional abuse, and sometimes family break-up after criminal justice interventions.

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To

My parents who had decided to migrate to the United State, so that I was able to pursue my education and career goal.

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INTRODUCTION

Criminal justice policies dealing with intimate violence have changed considerably over the last ten or fifteen years. The change resulted in part from criticisms that the traditional criminal justice response to family violence was less substantial than the response to assaultive behavior committed by strangers (Buzawa & Buzawa, 1990; R. E. Dobash & R. P. Dobash, 1979; Pleck, 1987). The police were criticized for failing to arrest wife assaulters and for not initiating the criminal justice process to protect battered wives (Jaffe, Hastings, Reitzel & Austin, 1993; Schechter, 1982). Similarly, prosecutors were criticized for their lack of interest in family violence cases and their failure to file charges or aggressively pursue a conviction and sanction against domestic violence offenders (Ford, 1983; Ford & Regoli, 1993; Lerman, 1986). If a husband was charged, he was likely to be charged with a less serious offense, such as disturbing the peace, instead of assault or aggravated assault (R. E. Dobash & R. P. Dobash, 1979). Some prosecutor offices were found to set up obstacles to prosecution by requiring complainants of domestic violence cases to return after a "cooling-off" period, or by charging victims of domestic violence a fee for filing criminal complaints (Ford, 1983). Critics also pointed out that trial courts often failed to convict domestic violence offenders, and that punishment for convicted wife assaulters was often very light (R. E. Dobash & R. P. Dobash, 1979; Ford, 1983). Fines, probation, deferred and suspended

sentences, and admonishment appeared to be principal sanctions for wife assaulters (R. E. Dobash & R. P. Dobash, 1979).

During the women's movement in the 1970s, feminist leaders and battered women advocates began to challenge the social indifference toward domestic violence and call for criminal justice protection of battered women (Hilton, 1989). As a result, new policies have been implemented to improve the criminal justice response to wife assaults. Under new arrest policies in some locations (mandatory arrest and warrantless arrest), police officers are required to arrest, regardless of the victim's desire for prosecution, when there is a probable cause of family violence (Ferraro, 1989). Two prosecutorial innovations, the prosecutor-filing-charge and no-drop-charge, have been created in an attempt to facilitate the prosecution of domestic violence cases and make more wife assaulters accountable for their violent behavior through criminal proceeding. Under the prosecutor-filing-charge policy, prosecutors, instead of victims, are required to file charges in domestic violence cases in the same manner as in other criminal cases. The no-drop-charge policy emphasizes prosecutors' decisions to charge and pursue cases by ignoring victims' desire to drop charges (Cahn, 1992). In addition, most states have established the protection order and the emergency protection order (or temporary protection order), designed to protect battered women from future violence by their abusers (Chadhuri & Daly, 1992; Klein & Orloff, 1999).

Although new policies have been established with intent to protect women from intimate violence, many victims still hesitate to rely on the

criminal justice system to avoid abuse. For example, victims are often reluctant to start the process of obtaining a protection order, or they may start but not complete the process (Kaci, 1992). In addition, the proportion of complainants who are reluctant to work with the criminal justice system in domestic violence cases still remains high, and by many accounts, encompasses the majority of domestic violence misdemeanor arrests (Davis & Smith, 1995). Intimate victims of assault were less likely than other assault victims to follow through with prosecution, and many either requested that charges against their assailants be dropped, or failed to appear as witnesses (Ferraro, 1993; Ford & Regoli, 1993).

Understanding why battered women are reluctant to use criminal justice services to end intimate violence is of great importance to inform public policies and help design effective prevention strategies to combat domestic violence. A sizable body of literature has been devoted to the discussion of reasons leading to victims' lack of reliance on the criminal justice system (See E. Buzawa & C. Buzawa, 1993; Corsilles, 1994; Davis & Smith, 1995; Ferraro & Pope, 1993; Hart, 1993; Mills, 1996; Walsh, 1995; Wanless, 1996). However, only a few empirical studies focused on understanding intimate violence victims' desire to drop charges (Ferraro, 1993; Ford & Regoli, 1993; McLeod, 1983), and victims' persistence in obtaining personal protection orders (Fernandez, Iwamoto & Muscat, 1997; Kaci, 1992). In addition, the uses of protection orders and prosecution have not been comprehensively examined or received rigorous attention in the research literature (Chalk & King, 1998), and

little is understood about intimate violence victims' experiences with the police and the court. Furthermore, since the application of mandatory arrest policies, scholars have pointed to the problem of dual arrests in which the victim is arrested along with her abuser (E. Buzawa & C. Bizawa, 1993; Walsh, 1995; Wanless, 1996). However, no existing study explores the experiences of abused women who are involved in the criminal justice system as domestic violence offenders.

Scholarship on gender has suggested that women's experiences are the products of social interactions and unequal gender relations (Scott, 1986). However, women's experiences also differ depending on their places in the social hierarchies of race/ethnicity and class because "[t]here is no gender relations per se, but only gender relations constructed by and between classes, races, and cultures" (Harding, 1991, p. 171). The interaction of race, class, and gender creates a matrix of domination that shapes the personal, cultural, and social contexts of women's experiences (Baca-Zinn & Dill, 1994). Scholars have recognized the importance of knowledge about race/ethnicity, culture, and social contexts for the understanding of women's experiences of intimate violence and the design of effective intervention strategies (Crowell & Burgess, 1996; Kanuha, 1996; Rasche, 1988).

The immigration context can also affect women's experiences because women possess unique situations resulting from immigration and resettlement processes (Bui & Morash, 1999, Dasgupta & Warriar, 1996; Kibria, 1993). On the one hand, immigrant women have brought their traditional cultures and their

experiences with legal norms and social structures in their countries of origin to the US. On the other hand, they have also adapted to American culture during the resettlement process; they and their families often experience stress related to relocation and a change in social status (Bui & Morash, 1999). Research has recognized the effects of peculiar social contexts, including culture, language barriers, ethnic community, on family dynamics and women's experiences of and responses to abuse (Dasgupta & Warrier, 1996; Huisman, 1996; Morash, Bui & Santiago, 2000; Pressier, 1999; Rimonte, 1989). Scholars have suggested that immigrant women are not often familiar with the criminal justice system and have less access to legal and social services for victims of domestic violence (Orloff, Jang & Klein, 1995). Immigration laws can also affect women's responses to intimate violence because women whose legal status depends on their partners are isolated by power dynamics that can prevent them from seeking assistance from the legal system (Orloff et al., 1995).

Despite the important effects of culture, race/ethnicity, and social contexts on women's diverse experiences, studies of the use of criminal justice services among intimate violence victims have failed to address the issues of social and cultural differences that may affect domestic violence victims' decisions to rely on the formal system to solve the problem. Particularly, the immigration context, in which language barriers, cultural differences, or ethnic solidarity may affect women's use of the criminal justice system to deal with intimate violence, has been largely neglected in scientific research.

To fill the gap in the literature, this study examined the experiences of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence. The study focused on understanding the criminal justice process in intimate violence cases and how the interactions between class, gender, culture, and ethnicity within the context of immigration resettlement can facilitate or impede women's use of the criminal justice approach to avoid violence. The goal of the study was to improve knowledge of women's diverse experiences and provide inputs for policy makers to design effective interventions. It is also my hope that findings from the study will sensitize criminal justice practitioners and social service agencies to the diverse needs of intimate violence victims who come from different social, racial/ethnic, and cultural backgrounds and provide them with appropriate resources to escape intimate violence.

CHAPTER 1: LITERATURE REVIEW

Vietnamese in the United States

One of the fastest growing immigrant groups in the US, Vietnamese began immigrating to the US in large numbers in 1975, after the end of the Vietnam War (H. Nguyen & Haines, 1996). Most Vietnamese Americans came to the US during the last 25 years and are foreign-born. As first-generation immigrants, Vietnamese Americans are more likely to be influenced by Vietnamese cultural values and practices. The legacy of war that caused their journey to the US also has an impact on their lives in the new land. To understand Vietnamese-American women's experiences with the criminal justice system as victims and offenders of intimate violence, it is important to look at the migration history and cultural background of the Vietnamese-American group from which they are a part.

Migration History

The intense involvement of the United States in the Vietnam War has led to the immigration of more than a million Vietnamese to America in the twenty five years following the victory of Vietnamese communists. Beginning with the first major group of 125,000 Vietnamese refugees coming to the US in the early 1975, the Vietnamese American population in the US has increased substantially over time and has become the fastest growing ethnic group in the US during the last two decades (H. Nguyen & Haines, 1996). By the time of the 1990 Census, more than 600,000 Vietnamese had been resettled in the US and become the sixth

largest Asian-American group (US Census Bureau, 1993). Less than ten years later, by 1998, the number of Vietnamese resettled the US had reached more than a million, and Vietnamese Americans have become the third largest foreign-born Asian-American population (US Census Bureau, 1997; US Department of Justice, 1999).

Vietnamese came to the US from a variety of social, religious and ethnic backgrounds. They also came in different periods, each of which had its unique features. The first major exodus of Vietnamese to the US occurred in 1975 after the collapse of South Vietnam (Do, 1999). This group included many South Vietnamese military officers, government officials, and professionals who, along with their families, were evacuated by air or boat from South Vietnam during the communist take-over. They were generally well educated and had more exposure to Western culture than those who migrated later (Do, 1999; Gold, 1992). Most of them left because of their fear of communism and their concerns about their fates under the new regime: possible imprisonment or even execution as well as expected loss of social status and political freedom (H. Nguyen & Haines, 1996).

The second major wave of Vietnamese refugees to the US began in 1978 and continued sporadically through the 1980s. This group of Vietnamese refugees consisted of those who escaped Vietnam by boats, hence the name “boat people.” Many of this group were ethnic Chinese, including business or merchant class families and working class people who had lived in North Vietnam for generations (H. Nguyen & Haines, 1996). Most of them left Vietnam through “unofficial-departure” organized unofficially by the Vietnamese authorities by

paying a certain amount of gold for a place in a often over-crowded boat. For those who were not ethnic Chinese, clandestine escapes by sea in small, unsafe boats were often their route out of Vietnam (Gold, 1992; H. Nguyen & Haines, 1996).

Discrimination and its severe economic consequences fueled the second wave of refugee exodus. Ethnic Chinese left because of racial and economic discrimination occurring after the Sino-Vietnamese conflict and the border war of 1979 (Gold, 1992); some even were forced or “asked” to leave by the communist government (H. Nguyen & Haines, 1996). Religious leaders and their followers (Christians and Buddhists) escaped to avoid religious persecutions (H. Nguyen & Haines, 1996).

Others left because life had become hard and unbearable to them and held no future for their children (H. Nguyen & Haines, 1996). Those who were released from re-education camps and those who were associated with the former government suffered severe discrimination that had economic consequences. Many were forced to go to the new economic zones where their lives became so hard and hopeless that they came back to the cities as illegal residents. They could not get jobs and sufficient rations for necessities from government stores, and their children were deprived of the opportunity for college education (H. Nguyen & Haines). Thus, it became common for Vietnamese parents to sacrifice everything in order to enable their children to escape the country, with a result that children and young people were a major segment of those escaping by boats in the late 1970s (H. Nguyen & Haines, 1996).

The second group of Vietnamese refugees spent many years in overcrowded refugee camps in Thailand, Hong Kong, the Philippines, Indonesia, and Singapore while waiting to be sponsored to the US (Do, 1999). The conditions in most of these camps were very hard: sanitary conditions were poor; people lived in cramped spaces; malnutrition was the norm rather than the exception, and there were no schools for children. In addition, there was a high incidence of sexual violence against women (rape) in the refugee camps as well as on their route of escape. The “boat rapes” were often committed by Thai pirates who frequently attacked these refugees’ boats as they tried to escape Vietnam via the South China Sea (C. Tran, 1997).

In 1979, the Orderly Departure Program (ODP) was created to provide a safer and legal route of exit for Vietnamese immigrants, and the ODP group of immigrants represented the third wave of Vietnamese migration. The program was initially for those with family ties to people already living in the US. It was later extended to Amerasian children who had been subjected to both official and popular abuse, and to former employees of American missions in Vietnam during the Vietnam War (H. Nguyen & Haines, 1996). The ODP program reduced, but did not halt, the flow of refugees leaving Vietnam illegally and dangerously on small boats.

More recently, a fourth wave of migration resulted from a program that was initiated in 1989 to allow the resettlement in the US of communist labor camp survivors (or re-education camp survivors). Many of these South

Vietnamese veterans had faced years of debilitating life in the camps and severe discrimination after their release (H. Nguyen & Haines, 1996).

After 25 years of immigration and resettlement, more than a million Vietnamese Americans, including American-born and foreign-born, have their presence in every state in the US. Despite the initial government attempt to disperse them throughout the country, secondary migration has led to heavy concentrations of refugees and immigrants in a few states in the West Coast and the South, including California, Texas, and Louisiana, where the climate is more moderate and Asian culture is more prevalent (Gold, 1992; H. Nguyen & Haines, 1996).

Cultural Backgrounds

Religious beliefs have exercised the most powerful influence in the formation of Vietnamese society (T. Tran, 1959). Vietnam's religious outlook, called *Tam Giao*, actually consists of three faiths: Buddhism, Confucianism, and Taoism. Despite the existence of Christianity that was introduced into Vietnam in the sixteenth century, these three schools of philosophy coalesced to form the core of the Vietnamese religious-cultural tradition (Gold, 1992; Kibria, 1993; L. Nguyen, 1987). In contrast to monotheistic Westerners, most Vietnamese find no contradiction in combining multiple belief systems (Gold, 1992). In some studies, Vietnamese Catholicism was treated as a form of "Confucianized Christianity" because it has been deeply influenced by cultural traditions derived from centuries of Buddhist, Taoist, and Confucianist practices (Nash, cited in Zhou & Bankston, 1998).

The essence of Buddha's teaching is contained in the concept of Karma (the law of causality) according to which the vicious circle of existence is renewal in the course of endless reincarnations, and the present existence is conditioned by earlier existence and will condition those that follow (L. Nguyen, 1987). As such, Buddhism emphasizes the principle of "good works" toward all living things; it argues for detachment from the material world and views wealth, power, and status as corrupting forces that cause suffering (Gold, 1992).

Taoism, which was founded by Lao Tse in China around 600 BC, emphasizes humility and renunciation of the material world (Gold, 1992). Although Taoism is currently regarded as a religion, Lao Tse thought of himself as a philosopher. His philosophy focused on the idea of a human being's oneness with the universe. The fundamental belief in Taoism is that since the law of the universe and nature cannot be changed, one should not try to change them; instead, one should be content to live with them and make the best of the situation (Do, 1999).

Confucianism, a philosophy of life rather than a religion, posits the patriarchal family as the ideal human institution (Gold, 1992). For hundreds of years, teachings of Confucius have been practiced in Vietnam and have become a code of conduct. It requires the sacrifice of the individual to the family and the state as well as each man's and woman's obedience to higher authorities: rulers, parents, husbands, and older siblings (Do, 1999; Gold, 1992; T. Tran, 1959).

The influence of Confucianism, Buddhism, and Taoism is reflected in many social practices and traditions. In the ancient Vietnamese society, there

was a prescribed social hierarchy in the amount of respect given to different classes. In this hierarchy, the scholar class was at the top, followed by farmers, manual workers (artisans or laborers), and merchants (Do, 1999). The importance of the scholar class is reflected in an old saying “A mandarin can help all his relatives.” The merchant or business class was often looked down on and was considered undesirable because business transactions were generally seen as involving dishonesty. Because achieving a high education was the way to achieve high status (the scholar class) and to be considered successful, education was revered in Vietnamese society (Do, 1999).

Vietnamese also place a high value on the art of peacefulness and living in harmony (Do, 1999). In any social interactions, open disagreements disturb the harmony of the group. As a result, Vietnamese tend to seek out peaceful resolutions and avoid confrontations. The importance of harmony and peacefulness is reflected in the Five Cardinal Virtues that all people are expected to practice. These include: 1) benevolence; 2) equity and justice; 3) polite and civil; 4) wisdom; 5) truthfulness.

One major fundamental difference between Vietnamese and Western culture is that the Vietnamese lifestyle is more orientated toward the family and the group. Vietnamese religious faiths, especially Confucianism, which emphasize collectivism and hierarchy in social interactions, also shape the Vietnamese family institution.

Family Traditions and Women's Status

The traditional Vietnamese family has been considered the most basic, enduring, and self-consciously acknowledged form of national culture among Vietnamese refugees and immigrants (Gold, 1992). Unlike the typical “nuclear” family in the US, the traditional Vietnamese family, which was seen as the most important of all social units in Vietnam, was a large, patriarchal, extended unit where people from three or four generations lived under the same roof and acted as a source of mutual support. The family was also an institution where individual problems and social conflicts could be resolved (Do, 1999; Gold, 1992).

The collectivist orientation of the traditional Vietnamese family stemmed from the influence of the Confucian philosophy that emphasized close family ties, hierarchy, and order in interpersonal relationships but did not stress independence and autonomy of the individual (Jamieson, 1993). Within the family, collective obligations and decision-making were encouraged. Because the individual was part of the family whose needs took precedent over the individual's needs, each member was expected to keep harmony, adhere to specified hierarchical positions, and comply with familial and social roles (Gold, 1992; Kibria, 1993).

Even though Confucianism stresses the obedience of females to males (Three Obediences), traditional Vietnamese women had a relatively favorable economic position in comparison with their Chinese counterparts, whose culture also incorporates the norms and values of Confucianism (Gold, 1992). Vietnamese women commonly handled financial affairs of the household, acted

as conservers on the family wealth, and were often jokingly referred to as “Noi Tuong” or “Chief of Domestic Affairs” (Gold, 1992; Kibria, 1993; Ta, 1981). The relative independence and autonomy of Vietnamese women resulted from their right of inheritance granted by Vietnamese ancient laws since the fifteenth century and their involvement in economic activities when men spent time studying, so they could move up to the scholar class, or when men fought at the battle fields in war times (Finnan & Cooperstein, 1983; Keyes, 1977; Ta, 1981).

Despite the fact that women in traditional Vietnamese society could enjoy some economic and property rights, their subordination to men was embedded across kinship, political, legal as well as economic institutions and reflected in various traditional ideals and practices. Traditionally, the birth of a boy was given greater importance than that of a girl; therefore, women who produced sons were given greater status in society and in their husbands’ families than those who were unable to have sons. Women who were unable to bear sons were stigmatized and suffered great shame and maltreatment by their husbands and in-laws because they were considered “defected” (C. Tran, 1997).

In the society as well as in the family, men’s and women’s behaviors were bound by different sets of rules and precedents based on Confucian teachings that basically dictated the subordinate of women to men (T. Tran, 1959). Men were to work outside the home and serve the community, and women’s lives were oriented toward the family and motherhood (T. Tran, 1959). A typical woman was expected to be married and educated in the way that made her a good housewife, perform her productive duty of carrying on the lineage, and devote her

life to her husband and children (T. Tran, 1959). Traditionally, most marriages were pre-arranged and most women had little to say about the choice of their mates (Jamieson, 1993). Because marriages usually involved the exchange of money and gifts from the man's family to the woman's family, a wife was often considered to be a property paid for by the husband and his family.

Various rules and ideologies were used to legitimate the inferior status of women by glorifying passivity and submission to male authority. For example, a model woman should possess the Four Virtues, which include good working habit, attractive appearance, polite speech, and exemplary conduct (L. Nguyen, 1987; Kibria, 1993); she should also follow the principle of Three Obediences, which says that a woman should obey and submit to their fathers when young, to their husbands when married, and to their oldest sons when widowed (Jamieson, 1993).

In addition to the Three Obediences and Four Virtues, suffering and persevering were also valued virtues for traditional Vietnamese women. The emphasis on enduring, suffering and persevering, which was in accord with the Buddhist belief in the acceptance of fate, was adaptive in Vietnamese traditional culture because it served to preserve harmony and order in the family. Vietnamese folklore often dramatizes and glorifies the ideal wife as someone who is completely devoted to her husband, her children, and her two sets of parents. Her primary mission in life was to be completely selfless and to care for everyone but herself. Her complete devotion was measured by her numerous self-

sacrifices, and her ability to endure and persevere under the worst mistreatments and circumstances (C. Tran, 1997).

The idealized image of a “good woman,” which was used to create a double standard held for judging the sexual conduct of men and women, conveyed to women a message that their submission to men would have positive results and was a good thing they should strive to attain. Embedded in the Four Virtues was the unwritten rule that women must “retain their purity” before marriage (C. Tran, 1997). At the same time, such standards were not expected of men. Traditionally, Vietnamese men were allowed to be sexually promiscuous before and after marriage. It was not uncommon for Vietnamese men to have open and/or frequent affairs with more than one woman. In fact, traditional legal codes sanctioned polygamy, which was held as a mark of affluence and prestige and was usually practiced by wealthy men (Kibria, 1993). However, unwealthy men also had affairs that were used to demonstrate their manly prowess and superior male status in society. Such a double standard for judging the sexual conduct of men and women is reflected in the popular old saying, “A man could have five wives and seven concubines, but a woman could have only one husband.”

Women were also completely absent from all political and leadership positions; only men were heads of towns and family groups (Kibria, 1993). While Vietnamese women could participate in ancestral rituals, they were not given the authority to be ritual heads who were responsible for maintaining the lineage assets, making entries in the family genealogies, approving major

decisions such as marriages or divorce, and arbitrating various disputes which might occur among members within the lineage (Kibria, 1993).

The subordination of women to men is also reflected in Vietnamese ancient laws that treated women more harshly than men. The laws punished offenses committed by the wife against the husband with the same severity as crime committed by children or grandchildren against parents or grandparents, or as offenses committed by slaves or serfs against masters (Ta, 1981; Vu, 1971). When men and women committed the same crime, women were punished more severely than men were. Particularly, wife beating was legally sanctioned as long as no injuries resulted, but husband beating was severely punished. Exile was often the penalty for women who struck their husbands. The dominant position of the husband was also evident in the stipulation in ancient laws that the husband could repudiate his wife on several grounds, such as childlessness, lasciviousness, refusal to serve and obey parents-in-law, jealousy, or incurable diseases (Ta, 1981; Vu, 1971).

Immigrant Family Life: Cultural Continuity and Change

Growing up in a country with a culture different from that in the United States, Vietnamese immigrants have brought their traditional cultural norms and practices to the new land. Not surprisingly, many Vietnamese continue to uphold the traditional Vietnamese family as the preferable basis of social organization in the US (Gold, 1992).

However, Vietnamese culture and the traditional Vietnamese family have undergone tremendous changes in the nineteenth and twentieth centuries. For one

thing, the long history of multiple wars has altered the basic structure of the Vietnamese traditional family. Because many male members were absent from home or killed in war times, it was difficult to maintain the expected ancient traditions and practices (Do, 1999). In addition, urbanization and contacts with western culture during French colonization and the Vietnam War also undermined some old manners and customs in the traditional family (Gold, 1992). The experience of refugee migration and cultural transitions further challenges the homeostasis of the traditional Vietnamese family. The migration process not only requires that new arrivals learn a different language and customs, it also disrupts the continuity of family life and norms because new values ultimately affect how family members relate to each other (C. Tran, 1997).

For many Vietnamese immigrants, a challenge to the integrity of Vietnamese culture and identity in the US, and changes in the relations of men and women are central to the experience of disorder that accompanies settlement in the US (Kibria, 1993). Vietnamese Americans view American culture as extremely corrosive to traditional Vietnamese patterns of gender relations. It is apparent that the traditional role of the Vietnamese woman and her relationship with her husband according to Confucian norms and values clash with American culture that support the equality of men and women.

Settlement in the United States has altered the power dynamics between husbands and wives due to a profound loss of economic and social status among men and increased opportunities for the growth of women's power (Gold, 1992; Kibria, 1993; L. Nguyen, 1987). Because of limited language and occupational

skills, discriminatory requirements of experience and certifications in the US, or an ethnic minority status, many Vietnamese immigrants cannot obtain employment that is commensurable with their education and training in Vietnam (Gold, 1992). This is particular true for a large number of former military officers who have skills that are not marketable in the US.

Men's downward mobility is accompanied by a role reversal and a shift of power in the family. In most cases, the husbands' salaries alone are not sufficient to meet the high cost of living, and the wives have to work to contribute to the family economy. As in Vietnam, women often engage in a variety of income generating activities, but different from traditional Vietnam, the economic contributions of women to the family budget rise relative to men's contributions. Women even can contribute more partly because women's jobs, such as house cleaner, hotel maid, and food service worker, are more readily available than male oriented, unskilled occupation, and partly because women are willing to work in menial jobs to support the family while men may attempt to find professional employment which is less available for new immigrants (Gold, 1992).

Although the process of migration has shifted the gender balance between Vietnamese men and women, this shift in power still remains conservative, as male authority is rarely openly challenged. Vietnamese immigrant women can participate in informal networks that counteract male abuses while simultaneously espousing and supporting the traditional ideology of gender relations as well as the fundamental structure and coherence of the traditional

Vietnamese family (Kibria, 1993). They may be less enthusiastic about the patriarchal Vietnamese family traditions than are their male counterparts, but they also view economic protection from men and officially sanctioned authority of parents over children as attractive and beneficial for themselves (Gold, 1992; Kibria, 1993).

Because the allegiance and deference to the patrilineal family system can give women significant important advantages and reward in their old age, Vietnamese immigrant women often try to maintain the patriarchal family structure (Kibria, 1993). They also fear the disruptive effects of assimilation to American culture on men's and children's obligations to the family (Kibria, 1993). For one thing, the survival of most Vietnamese immigrants depends heavily on the cooperative household economy. For example, the practice referred to as patchworking is the bringing together and sharing disparate resources commonly found in Vietnamese American households and requires close ties of men, women, and children in the family and their activities toward the kin group (Kibria, 1993). In addition, Vietnamese traditional family ideologies uphold not only the economic obligations of men to the family but also those of children. As part of their filial obligations, children are expected to provide economic resources to parents and other family elders (Kibria, 1993).

In summary, Vietnamese have come to the US under different situations and from a variety of social, religious and ethnic backgrounds. Resettlement and adaptation have created changes in gender practices and altered the power dynamics in many Vietnamese-American families. However, Vietnamese-

American women still support and rely on some Vietnamese traditional values to bargain for their power in the family. As it will be showed in later sections, a woman's migration history, her socioeconomic background, and the influence of both Vietnamese and American cultures on her present life have had an important impact on her experience with the criminal justice system as victims and offenders of intimate violence.

For many Vietnamese Americans, one of the special features of American life is the prohibition of domestic violence and criminal justice policies dealing with domestic violence. The next section will examine the traditional criminal justice response to domestic violence in the US, changes in American criminal justice policies dealing with domestic violence during the last two decades, and the effects of these changes on women's experiences of and responses to abuse.

Criminal Justice Responses to Intimate Violence in the US

The Problem of Intimate Violence in the US

During the last few decades, studies have provided evidence of a dark side of family life that contradicts the view of the family as a safe haven (R. P. Dobash & R. E. Dobash, 1979; Heise, Pitanguy & German, 1994; Straus & Gelles, 1986; Walker, 1979). In the US, intimate violence is a widespread phenomenon. The first national survey of family violence conducted in 1975 reported that 28 percent of interviewed women experienced at least one instance of physical assault during their current marriage (Straus & Gelles, 1986). By the most conservative estimate, one million women suffer non-fatal violence by an

intimate partner each year (Bureau of Justice Statistics, 1995). Another estimate is that 4 million women experience a serious assault by an intimate partner within a 12-month period, and that nearly one third of adult women experience at least one physical assault by an intimate partner during adulthood (American Psychological Association, 1996).

Violence against female intimate partners has been considered the leading cause of serious physical and emotional injuries and a major risk factor for murder of women (Bureau of Justice Statistics, 1995; Stark & Flitcraft, 1992). A recent report indicated that nearly 30 percent of murdered women whose relationships with the perpetrators were known were killed by an intimate partner, such as spouse, ex-spouse, boyfriend, and ex-boyfriend (Bureau of Justice Statistics, 1995). For many women, however, the psychological effects of abuse are even more devastating than physical assaults. Fear, anxiety, fatigue, post-traumatic stress disorder as well as sleeping and eating disturbance are common long-term reactions to violence (Heise et al., 1994). In addition, battered women are much more likely than non-battered women to attempt suicide and go on to abuse alcohol or drugs (Heise et al., 1994).

Despite its serious consequences, violence against wives and intimate partners did not receive attention from the criminal justice and legal systems or the public until the 1970s. The following section will describe traditional criminal justice responses to domestic violence and changes during the last three decades as well as the effects of these changes on efforts to combat domestic violence.

Traditional Criminal Justice Responses to Intimate Violence

Until the late 1960s and early 1970s, the criminal justice response to domestic violence reflected a pattern of indifference. Although by the end of the nineteenth century, wife beating had become illegal in most states, law enforcement agencies did not respond to domestic violence in the same way they responded to assaultive behavior committed by strangers (R. P. Dobash & R. E. Dobash, 1979). The most noticeable aspect of police practices was a lack of arrest in domestic violence cases (Sherman & Berk, 1984). The notion of the preciousness of the family, the sanctity of the home, and the inferior status of women, especially married women have contributed to this lack of concern (Binder & Meeker, 1992).

In the late 1960s, amidst the civil rights movement for social change, the issue of domestic violence began to get attention from women's advocates who asked for government interventions to eliminate domestic violence (Binder & Meeker, 1992). The demand for intervention in domestic violence coincided with the period when the psychoanalytic and family system theories, which tended to favor a non-adversarial approach, such as mediation, to family problems became popular (Ellis, 1993). In accordance with the high expectation in the 1960s and early 1970s that the social sciences would contribute to the solution for ongoing problems in society, clinical psychologists and family-system theorists, who endorsed mediation and joint counseling as the most effective and appropriate responses to domestic violence, suggested that police should rarely make arrests and should mediate the disputes to reduce the risk of escalation of violence and

separation (Sherman & Berk, 1984). Thus, the early efforts to enhance the police response to domestic violence took the form of family crisis intervention through mediation and counseling (Sherman & Berk, 1984). The approach of mediation and counseling received approval from the Department of Justice, which provided funds to police departments nationwide to train law enforcement officers in counseling and mediation techniques when handling domestic calls (Sherman, 1988). By 1977, a national survey of police agencies with 100 or more officers found that over 70 percent of agencies reported having a family crisis intervention training program in operation (Wylie et al., cited in Sherman & Berk, 1984).

However, the mediation approach was criticized by those who argued that mediation not only failed to protect women from subsequent violence, but also perpetuated their continued victimization (Ellis, 1993). The flaw of the mediation approach was that it ignored the unequal relationship between men and women, assumed that the responsibility for wife assault was shared by the husband and the wife, and facilitated the signing of agreements that legitimate wife abuse (Ellis, 1993). The mediation and joint counseling approach was also criticized for allowing batterers to deny their criminal behavior and justify their actions by claiming that they were provoked by their victims (Wanless, 1996).

By the 1970s, the mediation and counseling approach fell into disfavor (Feder, 1999). Many criticized the approach as being too soft on domestic violence offenders (Sherman, 1988; Friedman & Shulman, 1990). At the same time, advocates for battered women were asserting that women victims of

domestic violence received less protection from the police than their non-domestic-assault counterparts because of a lack of arrest for domestic assaulters (Feder, 1999). Parnas's (1967) study of Chicago police's response to domestic calls found that police officers often talked out the disputes, threatened the disputants and then left; they might have asked one of the parties to leave the premises, but making an arrest rarely occurred. Surveys of battered women who tried to have their domestic assailants arrested showed that arrest occurred in only 3 to 10 percent of the cases (Roy, 1977; Langley & Levy, 1977). Surveys of police agencies also found explicit policies against arrest in the majority of the agencies surveyed (Hart, cited in Sherman & Berk, 1984; Emerson, cited in Sherman & Berk, 1984; Patrick et al, cited in Sherman & Berk, 1984).

There have been many different explanations for the apparent reluctance to intervene in domestic disputes and violence on the part of law enforcement agencies. First, police perception of the nature of domestic violence and the status of women influenced police training and policies dealing with violence against wives or female intimate partners (R. P. Dobash & R. E. Dobash, 1979; Jaffe et al., 1993). Although a considerable proportion of all calls for assistance received by the police concerned problems occurring in the family, very little time and attention was devoted to domestic disputes in police training programs (R. P. Dobash & R. E. Dobash, 1979). Because police policies did not view domestic violence as a real crime unless it involved weapons and severe injuries, the training tended to discourage arrests (R. P. Dobash & R. E. Dobash, 1979). For example, the training manual issued in 1967 by the International Association

of Police Chiefs proposed various types of responses to domestic disputes, all of them oriented toward avoiding arrests.

For the most part these disputes are personal matters requiring no direct police action. Once inside the home, the officer's sole role is to preserve the peace. . . . In dealing with family disputes, the power of arrest should be exercised as a last resort. The officer should never create a police problem when there is only a family problem existing (cited in R. P. Dobash & R. E Dobash, 1979, p. 210).

Besides the police, other entities also endorsed this view. For example, the American Bar Association stated in 1973 that police "should engage in the resolution of conflict such as that which occurs between husband and wife . . . without reliance upon criminal assault or disorderly conduct statutes" (cited in Walsh, 1995, p. 98). Accordingly, law enforcement agencies which viewed domestic violence as a private matter rather than real crime assumed that domestic problems should and would be dealt with by other social agencies or civil remedies (R. P. Dobash & R. E. Dobash, 1979). Police officers were also encouraged by the American Bar Association to divert wife assault cases, which were considered appropriate for diversion, along with neighbors' squabbling over loud stereos and indiscreet dogs, away from the criminal justice system in order to relieve court overloads (Fleming, cited in Jaffe, 1993).

Second, police officers' perceptions of women and the nature of domestic violence, which were claimed to be shared by the society, also affected by police responses to domestic violence (Hilton, 1993; Websdale, 1995). Police decisions to arrest and press charges were often based on police officers' assessment of the circumstances relating to the incidents. Police officers' assessments were

affected not only by their training, but also by their individual beliefs (R. P. Dobash & R. E. Dobash, 1979; Websdale, 1995). Male police officers' attitudes toward arrests may be affected by their identification with the husband and by the notion of the sanctity of the home (Jaffe et al., 1993; Websdale, 1995). Police officers who believed that "a man's home is his castle" may be less inclined to arrest and press charges against wife assaulters (Jaffe et al., 1993). Research found that police treatment of victims was related to their own approval or use of marital violence; officers who approved domestic violence or who used violence at home against their wives or intimate partners tended to avoid intervening in domestic violence cases (Stith, 1991; Websdale, 1995). Other scholars also believed that responding officers, who were usually male, typically sided with the male offenders, and this taking of sides reinforced a cultural norm stressing male superiority (Martin, 1978, R. P. Dobash & R. E. Dobash, 1979). In addition, most police officers also believed that women could easily leave the abusive relationship if they wanted to, and they felt that battered women voluntarily selected violent partners and chose to remain in an abusive relationship (Ferraro, 1989; Websdale, 1995).

Furthermore, police response to domestic violence was also influenced by police perception of the risk of injury to police officers. This perception was reinforced by findings from studies showing that intervention into family disputes was particularly dangerous and was the single most frequent cause of police death (A. R. Robert, cited in Jaffe et al., 1993). Although the National Institute of Justice tried to refute this view by releasing a 1986 Research Brief showing that

injury to officers dealing with wife assault cases was much lower than earlier studies would lead one to believe, police officers still tended to avoid intervening in domestic violence incidents (Jaffe et al., 1993).

The traditional judicial response to domestic violence reflected the same pattern of indifference evidenced in the practices of law enforcement. In principle, the prosecution of wife or intimate-partner assaulters would reflect the state's intolerance of domestic violence. However, prosecutors have been criticized for their disinterest in domestic violence cases (R. P. Dobash & R. E. Dobash, 1979; Fagan, 1988; Ford, 1983). Prosecutors often viewed the problem of domestic violence primarily as a civil and personal matter requiring neither arrest nor judicial response (R. P. Dobash & R. E. Dobash, 1979). In some jurisdictions, court officials may not have filed an official charge, but instead pursued quasi-judicial remedies to demonstrate to the husband who had assaulted his wife that his behavior was unacceptable. For example, it was found during the 1960s that prosecutors in Washington, D. C. often conducted informal hearings, wrote out mock divorce papers, and produced official-looking complaints for "failure to do rights," all in an attempt to deter the offenders while avoiding arrests (R. P. Dobash & R. E. Dobash, 1979, p. 219).

Critics also indicated that prosecutors often discriminated against married women who pursued charges against their own husbands for assault. When husbands were charged, they were likely to be charged with a less serious offense, such as disturbing the peace or common assault rather than assault or aggravated assault (R. P. Dobash & R. E. Dobash, 1979). Research also found

that some prosecutors set up obstacles to prosecution by insisting that the complainants return after “cooling off,” or by charging fees for filing criminal complaints (Ford, 1983; Dunford, Huizinga, & Elliott, 1990). Others required victims of domestic violence to sign charges to show their willingness to cooperate with the prosecution (Cahn, 1992). However, Ford and Regoli, (1993) argued that victims’ non-participation might be a self-fulfilling prophecy attributable to the practices of criminal justice professionals. According to Ford and Regoli (1993), when prosecutors tested the victims’ commitment to following through the process, they might give the victims reasons for not pursuing charges; if the victims still selected to proceed, they might feel that the prosecutors would not support them.

Studies also showed that prosecutors were often unresponsive to complaints of wife assault, even to the point of further victimizing battered women when they made these women feel responsible for their own victimization (Ford, 1983; Lerman, 1986). In addition, charging decisions in domestic violence cases were found more likely to be associated with the evaluation of the victims’ and defendants’ personal attributes than with legal criteria (Schmidt & Steury, 1989). Prosecutors were more likely to charge in cases when victims suffered serious injuries and when defendants had negative characteristics, such as alcohol and drug use habits. Conversely, negative victim attributes that called into question a woman’s status as a victim could reduce the chance of filing charges (Rauma, 1984). Consequently, many women victims felt little support in seeking

prosecution of their partners because of the unwillingness of prosecutors to treat their cases seriously (Ford, 1983; Walker, 1979).

Similar to the police and prosecutors, most trial judges did not view wife beating as a criminal behavior; instead, they viewed attacks by a husband as being justified by the wife's provocation (R. P. Dobash & R. E. Dobash, 1979). Therefore, the most common sanction disposed for wife assault was issuing a peace bond which was primarily a civil action instituted in the fourteenth century (R. P. Dobash & R. E. Dobash, 1979). When a criminal sanction was applied, it was likely to be very light. Fines, probation, deferred and suspended sentences, and admonishment were principal sanctions for wife assaulters (R. P. Dobash & R. E. Dobash, 1979).

In summary, although criminal justice responses to domestic violence varied among state law enforcement agencies and judicial systems because of an absence of a national policy, literature indicates that the general patterns of police and judicial practices reflected a lack of criminal approach to domestic violence. The result was a dearth of arrests, prosecutions, and criminal sanctions. However, major changes in criminal justice response began to emerge in the early 1970s.

Changes in Criminal Justice Responses to Intimate Violence

Pro-arrest policies.

Since the 1970s, changes have occurred in the police response to domestic violence. For example, the Training Manual issued by the International Association of Chiefs of Police in 1976, which reflected a response to the

demand for change, recommended that police deal with domestic violence in the same manner that all assaults were dealt with (IACP, cited in Zalman, 1992).

The new policy was justified as follows:

A policy of arrest, when the elements of the offense are present, promotes the well being of the victim. Many battered wives who tolerate the situation undoubtedly do so because they feel they are alone in coping with the problem. The officer who starts legal action may give the wife the courage she needs to realistically face and correct her situation (IACP, cited in Zalman, 1992, p. 81).

Changes in the criminal justice response to domestic violence have been attributed to a number of factors, including the women's movement, law suits against criminal justice agencies, research, and legislation. During the 1970s, the women's movement challenged social indifference toward domestic violence and brought the issue to the forefront of public attention (Hilton, 1989). Advocates of battered women gathered and exposed the public to information about wife abuse from various types of court records and agencies' statistics to gain recognition of wife assaults as a major social problem (Binder & Meeker, 1992). Feminist groups and other advocates for battered women criticized the police approach of mediation and counseling to domestic violence because the police "put too much emphasis on the social work aspect and not enough on the criminal" (Langley & Levy, 1977, p. 218).

Both the women's and the victims' rights movements were asserting that women victims of domestic assault received less protection from the police than their non-domestic assault counterparts. This assertion was supported by research showing that the victim-offender relationship was more important than

the severity of crime in accounting for the likelihood of arrest (Black, 1978). The feminist critiques were bolstered by a study showing that for 85 percent of spousal homicides, police had intervened at least once in the preceding two years; for 54 percent of the homicides, police had intervened five or more times but made no arrests (Police Foundation, 1976, cited in Sherman & Berk, 1984). Consequently, feminist advocates of battered women and victims' right groups were vocal in their support of a more punitive approach by the system.

The emergence of the domestic violence issue coincided with a period of judicial activism and the expansion of rights, including victim's rights, during the 1970s (Zalman, 1992). Amidst this atmosphere, women's groups and victims of domestic violence began to bring individual lawsuits and class action lawsuits against police departments. The lawsuits alleged denial of equal protection under the law when the police failed to respond vigorously to assaults perpetrated upon women by husbands or intimate partners (e.g., *Bruno v. Codd*, 1976; *Scott v. Hurt*, 1976; *Thomas v. Los Angeles*, 1979). Although two class action lawsuits, *Bruno v. Codd*, 1976 and *Scott v. Hurt*, 1976, were settled out of the court, they established the responsibility of police to provide protection to battered women (cited in Ferraro, 1993).

Scholars also considered the *1984 Final Reports of the US Attorney General's Task Force on Family Violence* as a major catalyst for more vigorous actions dealing with domestic violence (Hirschel, Hutchinson, & Dean, 1992; Jaffe et al., 1993; Zalman, 1992). The *Report* (US Department of Justice, 1984) identified a potential flaw in the mediation approach to domestic violence and

recommended a control and criminal approach to domestic violence. According to the *Report*, mediation assumed some equal culpability between the parties to a dispute, and the assumption of equal culpability and the failure to hold the offender accountable for his action gave him no incentive to reform. Thus, rather than stopping the violence and providing protection for the victim, mediation may inadvertently contribute to a dangerous escalation of violence (US Department of Justice, 1984, p. 23). Concerned with the inability of the mediation approach to end violence and with the arguments that the rights of victims were violated, the *Report* advocated arrest as the appropriate police response to wife assault. As the *Report* stated, “The legal response to family violence must be guided primarily by the nature of the abusive act, not the relationship between the victim and the abuser” (US Department of Justice, 1984, p. 4).

Successful public protest and lobbying also led to government funding for research and the development of professional interests in studying the problem of domestic violence (Hilton, 1993). The movement toward arrest as the preferred policy for domestic violence cases, particularly cases of wife assault and violence against intimate partners, was fueled by results of the Minneapolis Experiment (Sherman & Berk, 1984). The study found that among men who had assaulted their wives, those who had been arrested were less likely to assault their wives again than those who had been separated from their wives for a brief period of time or those who had received counseling, (Sherman & Berk, 1984). Although the researchers themselves and others pointed out some problems with the study, including inadequate sample size, inadequate controls over the treatments,

interview effects, and lack of generalizability (Binder & Meeker, 1988; Lempert, 1989; Sherman & Berk, 1984), the experiment significantly changed the policies of police departments nationwide (Sherman & Cohn, 1989). An investigation of police policies in cities with populations of more than 100,000 found a fourfold increase from 1984 to 1986 in the number of departments that had begun adopting pro-arrest policies in response to misdemeanor domestic assaults. Many of the surveyed departments indicated that their policies had been influenced by the Minneapolis Study (Sherman & Cohn, 1989).

Warrantless-arrest policies.

Although many police departments had changed their responses to domestic violence toward the pro-arrest policy, a pattern of under-enforcement continued, and domestic violence was rarely treated as a crime except in the most brutal cases (Feder, 1999). Besides individual police officers' beliefs about domestic violence and the status of women, two organizational factors were found to be a major impediment to the enforcement of the pro-arrest policy. First, police officers trying to climb the career ladder were more likely to get recognition for arrests in high-profile criminal cases, such as armed robbery or homicides, but not for their efforts to eradicate wife assault (Langley & Levy, 1977). Therefore, a lack of priority given to domestic violence cases and the system of rewards were seen as contributing to police officers' reluctance to intervene in domestic violence cases (E. Buzawa & C. Buzawa, 1985; Langley & Levy, 1977).

The second impediment to an arrest response was legal constraints on the police. Unlike the law of felony arrest, the law of misdemeanor arrest allowed the police to take a defendant into custody only when the officer had witnessed the incident (Sherman, 1988). Lacking his or her actual observation, the officer needed to obtain an arrest warrant. Because most domestic violence incidents were treated as misdemeanors, this necessarily meant that for most domestic violence calls, the police did not have legal authority to make an immediate arrest (Sherman, 1988). If the police relied solely on a victim's report, they also had to worry about civil liability if the victim later recanted her testimony (E. Buzawa & C. Buzawa, 1985). To overcome this impediment to pro-arrest policies, new laws were passed to allow the police to make warrantless-probable-cause arrests for misdemeanor domestic assaults and to protect the police from civil liability when handling domestic calls (E. Buzawa & C. Buzawa, 1985).

Mandatory-arrest policies.

Despite changes in state laws making it easier for police to arrest in misdemeanor cases, there remained a widely held belief that the police were still under-enforcing the law (Feder, 1999; Wanless, 1996). New mandatory-arrest laws and policies were enacted to address the problem.

A number of factors have been viewed as contributing to the mandatory-arrest policies. Advocates for battered women continued campaigning for the enforcement of arrest policies in domestic violence cases through lawsuits and pressures exerted on legislators (Wanless, 1996). Women's groups were seen as a driving force behind the enactment of mandatory arrest laws in many states,

including Oregon, Iowa, Missouri, and New Jersey (Wanless, 1996). Litigation against police departments throughout the country and the desire of states to shield themselves from potential liability for not providing adequate police protection to battered women also significantly changed laws and police practices toward mandatory arrest policies in dealing with domestic violence cases (Jaffe et al., 1993; Ferraro, 1993; Walsh, 1995; Wanless, 1996). In the mid-1980s, the court ruling in a highly publicized domestic violence case, *Thurman v. the City of Torrington*, 1984, got attention from police departments nationwide. The court ruled that police officers “are under an affirmative duty to preserve law and order, and to protect the personal safety of persons in the community.” This affirmative duty required a police officer to protect the personal safety of all persons in the community, and failure to do so was a denial of the victim’s constitutional right to equal protection of the law (*Thurman v. City of Torrington*, 1984, p. 1526-1527). In this case, the Torrington Police Department was held liable for injuries caused to a battered wife and was ordered to pay \$2.3 million to the victim for its failure to respond effectively to her requests for help.

Political and financial pressures led to changes in training, policies, and legislation throughout the country (Ferraro, 1993). As of 1987, 6 states had mandatory arrest for domestic assaults, and 7 states had mandatory arrest for violation of restraining orders (Ferraro & Pope, 1993). By 1990, about 110 cities had domestic violence intervention programs that mandated arrest (Koss et al., 1994); by 1995, 15 states and the District of Columbia had enacted mandatory arrest laws for domestic violence cases (Wanless, 1996). Some states even

imposed additional responsibility on police officers, requiring them to ensure the victim's safety if an arrest was not made (Jaffe et al., 1993). In addition, in response to the perception that there was an unabated epidemic of domestic violence and other forms of violence against women, Congress also passed the Violence Against Women Act that was part of the 1994 Federal Crime Bill signed into law in September 1994. The Act contains a provision authorizing the Attorney General to make grants available to state and local government to implement mandatory or pro-arrest programs (Wanless, 1996).

Prosecutorial innovations.

The same vigor has been used in changing state laws to facilitate prosecution and punishment. For example, the California legislature created a separate section of the state's Penal Code in 1977 devoted to abuse of a cohabiting partner (Binder & Meeker, 1992). Following the recommendations of the Attorney General's Task Force on Domestic Violence in 1984, many states began to change their laws to facilitate prosecution of wife assaulters and increase punishment for repeat spouse assaulters.

Prosecutors' disinterest in domestic violence has been well documented (see Ford, 1983; R. P. Dobash & R. E. Dobash, 1979; Ford & Regoli, 1993). Prosecutors often cited high rates of attrition caused by the victims as a principal reason for their unwillingness to prosecute wife assaulters (Ford & Regoli, 1993). Estimates were that the majority of battered women (50 percent to 80 percent) would drop charges either by requesting dismissals or by failing to appear in courts as witnesses (Ford, 1983). Literature on domestic violence has identified a

number of factors that accounted for the high attrition rates of such cases. First, some critics contended that criminal justice personnel, including prosecutors, lacked commitment to enforce domestic violence laws (E. Buzawa & C. Buzawa, 1990; Schmidt & Steury, 1989; Hart, 1993; McLeod, 1983). Because many prosecutors questioned the wisdom of state intervention in familial relationships, prosecutors' attitudes and behavior tacitly and overtly discouraged victims from pursuing criminal justice interventions in domestic violence (R. P. Dobash & R. E. Dobash, 1979). Secondly, prosecutors often failed to understand the harm and dynamics of women battering, thus lacking awareness of the intimidation by batterers to deter their victims from pursuing charges and why battered women wish to drop charges (Eaton & Hyman, cited in Corsilles, 1994).

Organizational goals and incentives also influence decisions to forgo or terminate prosecutions. Prosecutors often feared that scarce prosecutorial resources would be stretched beyond limits and wasted in pursuit of unwinnable cases due to victims' non-cooperation and an unreceptive judicial audience for wife assault cases, especially in sentencing deliberations (Fagan, Friedman, Wexler & Lewis, 1984). While domestic abuse cases were not treated with the same level of seriousness as other crimes, trying domestic cases without favorable victims' testimony hardly coincided with the bureaucratic goals of achieving higher conviction rates (Corsilles, 1994). Critics believed that by not rigorously pursuing domestic violence cases, prosecutors contributed to victims' ambivalence about the criminal justice process (Cahn, 1992; Ford, 1983). On the other hand, it was also found that victims often forgave or acceded to batterers'

demands, thereby failing to cooperate with the system (Goolkasian, 1986). The interplay of these two factors was viewed as serving to perpetuate the problem of aborted prosecutions (Corsilles, 1994).

In 1984, the US Attorney General's Task Force on Family Violence outlined several recommendations for prosecutors in response to problems involved in the prosecution of domestic violence. These included organizing prosecutorial activities to ensure an effective response to the complainants and relieving victims of appearance in courts (Ford & Regoli, 1993). The recommendation affirmed the state interest in controlling domestic violence. Underlying these recommendations were the assumption that prosecutions could protect victims from repeated violence (Corsslles, 1994).

Following these recommendations, two prosecutorial innovations, the prosecutor-filing-charge and the no-drop-charge policies, were created in an attempt to provide more effective services for victims of domestic violence (Cahn, 1992; Corsilles, 1994; Ford & Regoli, 1993). Under the prosecutor-filing-charge policy, prosecutors were required to file charges in place of the victim in domestic violence cases in the same manner as in other criminal cases. It was assumed that when prosecutors were responsible for signing charges, a strong message would go to the abuser, making it clear that his action was a crime against both society and the victim (Cahn, 1992). In contrast, the victim's decision to file charges would create an opportunity for the abuser to intimidate her and keep her from pursuing the case (Cahn, 1992).

In response to high rates of attrition in domestic violence cases, the no-drop-charge policy was established. The new policy aimed at regulating the use of prosecutorial discretion in instances where the victim declined to participate and emphasized the prosecutor's decisions to charge and pursue charges by ignoring the victim's desire to drop charges (Cahn, 1992; Corsilles, 1994). In the no-drop policy, victims were the witness for the state; even when victims reconciled with the defendants, the state still pursued its case. By 1994, four states (Utah, Wisconsin, Florida, and Minnesota) had passed legislation encouraging the use of no-drop policies. Although the number of jurisdictions applying new approaches is not known, research indicated that prosecutors across the country have changed their practices to prosecute more domestic violence cases (American Bar Association, 1997; American Prosecutors Research Institute, 1996). New approaches, including victim support and safety programs, and protocols for case management, screening, and charging, have been applied in an attempt to bring more domestic violence offenders to justice (American Prosecutors Research Institute, 1996; Cahn, 1992).

Penalty enhancements.

Concerned over the failure of the criminal justice system to punish wife abusers and protect victims of domestic violence, many states enacted new laws in an effort to improve the court response to wife assault. By 1989, 8 states had made domestic violence a specific criminal offense (Carlson & Nidey, 1995). Several other states had cross-referenced their domestic violence statutes with existing assault statutes to create a specific category of assault which could result

in court mandated treatment, jail terms, and penalty enhancement for repeated offenders (Carlson & Nidey, 1995). In response to the devaluation of domestic cases in mainstream courts, specialized courts have been created to ensure consistent application of sanctions and relief in cases involving domestic violence (Fagen, 1996).

Personal protection order.

State and federal domestic violence laws are premised on an understanding that a two-pronged legal approach of concurrently pursuing the civil and criminal processes is necessary to effectively curb domestic violence (Klein & Orloff, 1999). First, the civil form of legal relief, which is often referred to as a personal protection order (or a restraining order), protects victims from ongoing violence before the abuse comes to the attention of the police or prosecution. Second, domestic violence incidents must be handled as a crime (Chaudhuri & Daly, 1992; Klein & Orloff, 1999). This two-pronged approach enables the state to punish perpetrators of intimate violence in criminal courts, while simultaneously allowing abuse victims to receive the civil relief they need by filing for a protection order in a civil or family court. Recently, most jurisdictions also allow police officers to contact a judge and issue emergency protection orders when intimate violence has occurred (Klein & Orloff, 1999).

Protection orders and emergency protection orders have been considered as playing an essential role in curbing domestic violence by allowing the courts to intervene in violent relationships at an early stage, before the violence escalates and becomes more dangerous. Protection orders have been also seen as a way to

empower victims by providing the protection they need to leave their abusers (Klein & Orloff, 1999). Traditionally, civil protection orders were primarily enforced by conducting a contempt hearing for any alleged violation. Recently, a growing number of jurisdictions have made the violation of a protection order, or an emergency protection order, a crime that is subject to arrest or mandatory arrest, and can be prosecuted in criminal courts (Chaudhuri & Daly, 1992; Klein & Orloff, 1999).

In summary, literature shows that substantial changes in criminal justice policies and practices dealing with domestic violence have occurred during the last 20 years. As mentioned in the previous section, there has been a lack of uniformity in criminal justice policies. Although there has been a trend toward a criminal approach to domestic violence consistent with the view that domestic violence is a criminal behavior, police policies dealing with domestic violence have ranged from pro-arrest to mandatory-arrest. Similarly, prosecution innovations, which mostly depended on financial resources, varied from prosecutor-filing-charge to no-drop-charge approaches, and from using protocols for screening and charging domestic violence cases to creating victim's assistance program aimed at facilitating prosecution. Sentencing policies also were different from states to states, and can be any combinations of jail terms, probation, and mandatory treatment. The next section will assess the effects of these changes on criminal justice agencies, offenders and victims.

Effects of Changes in Criminal Justice Response to Intimate Violence

There has been a great deal of discussions and empirical studies about the effectiveness of new criminal justice policies. These discussions and studies of the effects of new policies have focused on three general areas: 1) effects on the behavior of criminal justice agencies, 2) deterrent effects, and 3) effects on the behavior of domestic violence victims with regard to their preference for using the criminal justice system to end violence.

Effects on the behavior of criminal justice agencies.

Proponents of new enforcement policies have asserted that mandatory arrest will clarify the role of police in domestic violence cases, help guarantee each victim an appropriate response from the criminal justice system, and relieve police officers from the role of family counselor (Wanless, 1996). Without mandatory arrest, the assistance victims receive when they call the police will depend upon the particular views and prejudices of the responding officers. Proponents of mandatory arrest policies have also argued that mandatory arrest will prevent police prejudice from affecting the arrest decision (Wanless, 1996). Under this view, the race or class of the abuser often influences the arrest decision. Minorities are arrested in disproportionate numbers when police have complete discretion; White or upper class abusers are less likely to be arrested. Bias can prevent police officers from making an objective arrest decision, leaving the victim unprotected and the batterer unpunished (Wanless, 1966).

For proponents of new prosecutorial policies, the no-drop policy that precludes victims from influencing the prosecution process will force prosecutors

to take cases seriously and establish that domestic violence is really a crime against society (Corsilles, 1994). Prosecutors will no longer cite “victim non-cooperation” as a legitimate reason to dismiss a case and will have to utilize police investigation resources more fully and apply evidentiary rules to these “victimless prosecution” cases more creatively (Corsilles, 1994).

Research found that warrantless-arrest and mandatory-arrest policies substantially increased the arrests of wife assaulters. For example, the percentage of reported wife assaults resulting in arrests doubled, from 24 percent in 1984 to 47 percent in 1986, after the implementation of pro-arrest policies in half of all urban police departments (Cohn, 1987). After the State of Washington implemented a mandatory arrest law in domestic violence cases in 1984, there was a 520 percent increase in arrests in Seattle in the first 6 months of 1985 over the same period in 1984; in the 2 years following the institution of a mandatory-arrest policy in Alexandria, Virginia, 83 percent of domestic violence incidents to which police responded resulted in arrests (Cahn, 1992).

Similarly, new prosecution policies, prosecutor-filing-charge and no-drop policies, resulted in an increased number of charges against wife and intimate-partner assaulters. For example, in San Francisco, after a new policy for prosecution of felony domestic violence cases was implemented in 1983, filing in domestic violence cases increased by 136 percent; positive dispositions, in which the court retained jurisdiction over the defendant, increased by 171 percent (Cahn, 1992). In Indiana, case dismissal rates ranged from 10 to 35 percent compared to 50 to 80 percent dismissal rates in jurisdictions that did not adopt a

no-drop approach (Ford & Regoli, 1993). In Milwaukee, after the state applied the no-drop policy for misdemeanor domestic violence cases in 1995, the rates of accepting domestic violence cases for prosecution jumped from 20 percent to 80 percent (Davis & Smith, 1995).

Policies aimed at enhancing penalties for domestic violence offenses had complex results. Changes in penalty could include a mandatory jail term, mandatory participation in a batterer's education program, and penalty enhancements for repeat offenders (Carlson & Nidey, 1995). These changes were aimed at insuring that individuals convicted of domestic violence received sentences commensurate with the seriousness of their offenses. Research showed that while those convicted of domestic assault received greater penalties under new policies, conviction rates, especially for aggravated assault cases, declined considerably; cases also became more complex and time-consuming (Carlson & Nidey, 1995).

In sum, research indicated that new policies did change the behavior of criminal justice agencies. Changes were evident in the increases in number of arrests, proportions of cases prosecuted, and more severe penalties imposed on domestic violence offenders. However, evidence also showed that in some instances, fewer cases could go to trials, and convictions became harder to obtain due to victims' uncooperative behavior. These outcomes were attributed to a number of factors. First, under new policies, suspects of domestic violence cases often chose to go to trial hoping to avoid conviction because if they plead guilty they would automatically receive a mandatory harsh sentence. Secondly, the

cooperation of victims to secure convictions, which had been often difficult to obtain, became harder to get under the mandatory penalty policies (Carlson & Nidey, 1995). The decreasing certainty of conviction may send perpetrators and victims' of domestic violence a message opposite to that intended by those who support mandatory penalties.

Effects on batterers' behavior.

Mandatory arrest laws have been viewed by their proponents as an effective weapon to fight and to stop domestic violence and signify that society finally recognizes that domestic violence is a crime (Walsh, 1995; Wanless, 1996; Stark, 1993). There has been, however, no consistent research findings regarding the positive effect of arrests on batterers' behavior. While a number of studies found that arrests reduced battering (Sherman & Berk, 1984; Dutton et al., 1992; Pate & Hamilton, 1992), other studies found that arrest was not effective in deterring subsequent assaults (Hirschel et al., 1992; Berk et al., 1992; Dunford et al., 1990), or arrest had no long term effects (Sherman et al., 1992). Moreover, some studies found that arrests may increase hostilities, especially when offenders were quickly released from custody (Goolkasian, 1986). Research also found that the effects of arrest were contingent on the offenders' employment status, race, and marital status (Berk et al., 1992; Sherman et al., 1992). Short-term effects were found among men who were White, employed, or married; but violence increased after arrest among those who were unemployed, school dropouts, unmarried, or African Americans (Sherman et al., 1992). Berk

and colleagues (1992) found that arrest only had deterrent effects on employed batterers.

Advocates of no-drop-charge policies also asserted that the no-drop-charge policies would positively affect the batterers' conduct toward their victims (Corsilles, 1994). No-drop-charge policies would convey to batterers that their behavior would no longer be tolerated by the state and would be prosecuted and punished by law. In addition, when victims could no longer control the case under the no-drop-charge policy, their batterers would cease to harass them (Corsilles, 1994). Without the no-drop policy, abusers would be more likely to intimidate their victims and control charge decisions (Cahn, 1992).

There has been evidence that prosecution does reduce subsequent violence. Ford and Regoli (1993) found that prosecution reduced violence by almost 50 percent during a 6-month follow-up. Fagan, Friedman, Wexler and Lewis (1984) also found that prosecuted batterers had lower re-arrest rates than those not prosecuted, but there was a reduction of violence for cases involving low levels of prior violence and injury. Contrary to the expectation of proponents of the no-drop-charge policy, the policy did not have a greater deterrent effect than the drop-permitted policy (Ford & Regoli, 1993). Research showed that a drop-permitted policy reduced the chance of continuing violence more than the no-drop option (Ford & Regoli, 1993). Ford & Regoli (1993) explained that under the drop-permitted policy, women victims were empowered to take control of events in the relationship with their partners. Some could use the possibility of abandoning prosecution as a resource in bargaining for their security. Others

were empowered by the alliance they formed with more powerful individuals, including the police, prosecutors, and judges.

Court-mandated treatment for domestic violence has become increasingly prevalent, and mandatory treatment was found to be the most popular option because it was consistent with battered women's desire to see their spouses getting help (Ford & Regoli, 1993). Despite its popularity, the effectiveness of batterers' treatment has not been examined in rigorous scientific studies (Chalk & King, 1998; Davis & Taylor, 1999). The findings from the few studies completed are inconclusive. Ford and Regoli (1993) found that the chance of a man assaulting his partner in a short period of time was essentially unaffected by whether he faced harsh punishment or rehabilitative treatment. On the other hand, Davis & Taylor (1999) found evidence that treatment worked and that the effects of treatment were substantial (see Davis & Taylor, 1999 for a review of literature on batterers' treatment programs). Dutton and colleagues (1992) also found arrests combined with court-mandated treatment for assaultive behavior significantly reduced recidivism.

With regard to the effect of protection orders and emergency protective orders, research found that the effectiveness of protective orders in controlling male violence depended on the circumstances and men's history of violence (Chaudhuries & Daly, 1992; Grau, Fagan & Wexler, 1984). Protection orders did not reduce verbal and emotional abuse but did reduce violence in cases where the original violence was not severe; women who had been severely battered were not effectively protected from future violence by protective orders (Grau et al.,

1984). Chaudhuries and Daly (1992) also found that obtaining these orders increased police responsiveness to calls and decreased women's chances of being abused again. Studies, however, also showed that a majority of protection orders (60 percent) were violated within a year of their issuance, and despite calls to police to report the violations, arrests were rare (Harrell & Smith, 1995).

In sum, there is no consistent evidence of the deterrent effects of new criminal justice responses to domestic violence. Depending on the characteristics of the offenders and the context of violence, mandatory arrest, prosecution, enhancement penalty, and protection orders have been found to reduce violent behavior of some but not all men. Although a few studies have explored the relationships between recidivism and employment and race (Berk et al, 1992; Sherman et al., 1992), overall there has been a lack of analysis and discussion of race, class, and gender dynamics that may affect both the enforcement of the law and offenders' violent behavior. Such research would dramatically improve understandings of whether and how criminal justice policies dealing with domestic violence are effective or have negative results.

Effects on victims' behavior.

There has been a general agreement among activists for battered women that a shift from the definition of domestic violence as a private problem to a view of domestic violence as a criminal activity had taken place, and this shift has been beneficial to battered women (Bowman, 1992; Cahn, 1992; Ferraro, 1993; Wanless, 1996). With regard to law enforcement practices, the mandatory arrest policy has been regarded as a positive feature because it removes the

decision to arrest from the victim's control (Wanless, 1996). Under this view, victims of domestic violence, who are dominated by their abusers due to inherent imbalance of power in the relationship, should not bear the burden of indicating their preference for arrest in front of their assailants (Wanless, 1996).

Research, however, showed that not all victims of domestic violence embrace changes in criminal justice policies dealing with domestic violence. Studies indicated that many victims did not call the police (Rimonte, 1989; Hackler, 1991). For example, studies in the 1980s and early 1990s (Kantor & Straus, 1990; Smith & Klein, 1984) estimated that only six or seven percent of husband-wife assaults were even reported to the police, and only one in four or five victims desired arrest. Recent statistics showed that women victims reported the violence to the police half of the time when injury was involved, but they were less likely to report when they did not sustain injury (Bureau of Justice Statistics, 1995). Another estimate is that only 20 percent of domestic violence cases are reported to the police by women victims (Dutton, 1995).

Scholars have also pointed out the problem of dual arrests in which the victim is arrested along with her abuser (E. Buzawa & C. Buzawa, 1993; Walsh, 1995; Wanless, 1996). Some jurisdictions added the terms "primary physical aggressor" or "self-defense" in their mandatory arrest laws, allowing officers to arrest only the individual determined to be the primary aggressor and disallowing arrest of an individual who is determined to be acting in self-defense, but many states did not incorporate these terms in their mandatory arrest laws (Walsh, 1995). Dual arrest was viewed as not only failing to deter abusers and protect

victims, but also revictimizing battered women by forcing them to undergo the same arrest procedures as their abusers (Wanless, 1996). Consequently, battered women subjected to arrest may be dissuaded from ever calling police in the future (Wanless, 1996).

For a number of scholars, mandatory arrest policies are a simplistic solution to a complex problem because they tend to ignore the victim's needs for counseling, protection, and support services as well as the offender's needs for rehabilitation (Armstrong, cited in Wanless, 1996; E. Buzawa & C. Buzawa, 1993). Some have also been concerned with unintended consequences of mandatory arrest policies implemented in communities known for poor police-community relations in which victims may be deterred from calling the police by fear of racial discrimination (E. Buzawa & C. Buzawa, 1993).

Proponents of no-drop policies in prosecution argued that new policies would be highly effective at reducing high case attrition rates and facilitating the cooperation of victims (Corsilles, 1994). Data obtained from a number of jurisdictions indicated that in jurisdictions with proactive prosecution programs, including victim support services and no-drop policies, victims fully cooperate with prosecutors in 65 percent to 95 percent of cases (McLeod, 1983).

There have been concerns, however, about the side effects of no-drop policies for prosecution and enhanced penalty policies. Victim's advocates, and even some prosecutors, feared that the prosecution of some domestic violence cases would expose battered women to retaliation by their abusers (Corsilles, 1994). Because prosecutors could not guarantee victims' safety, no-drop policies

that used subpoenas to compel victims to testify could potentially subject the victims to further victimization (Gwinn & O'Dell, cited in Corsilles, 1994). Victims' safety may be further endangered if no-drop policies inadvertently lead to battered women refraining from calling the police (Buzawa & Buzawa, 1993).

Findings from research also suggest that no-drop policies might not be successful in increasing victims' cooperation with judicial processes. For example, a study in Milwaukee showed that after the implementation of no-drop policies for prosecution, cases flooded court. However, few cases could come to trial due to lack of victims' cooperation (Davis & Smith, 1995). Carlson and Nidey's (1995) study of penalty enhancement for domestic violence offenders also found that convictions were difficult to get because of victims' uncooperative behavior.

No-drop policies and enhanced penalties were also seen as undermining battered women's empowerment (Ford & Regoli, 1993). Many victims turn to the criminal justice system for help in ending domestic abuse but still want to continue the relationship with their partners (Lerman, 1986). Therefore, policies that require the victim to testify against the defendant and a jail sentence for the latter may produce results contrary to the wishes of the victim. By denying victims of intimate violence the ability to make choices for themselves and their children, no-drop and mandatory-penalty policies may revictimize them (Carlson & Nidey, 1995).

In summary, proponents of new criminal justice responses dealing with domestic violence, including mandatory arrest, no-drop charges, and mandatory

sentencing, believed that new policies would curb domestic violence and thereby benefit women, but other scholars have questioned the effectiveness of new policies in serving the needs of domestic violence victims. Research showed that many victims, following contacts with the police, prosecutors and the court, realized that the system had limited capacities and investments in helping them or providing meaningful relief from their abusers (Erez & Belknap, 1998). Similar to studies of the deterrent effect of new policies, research on the effects of new policies on victims' behavior, satisfaction and safety failed to take into account women's different locations in the hierarchies of race/ethnicity, class, and gender to understand their reactions to violence.

Particularly, no study of the complex array of contemporary criminal justice policies has focused on immigrant women in general and Vietnamese immigrant women in particular. Besides language barriers, women's migration history, legal status, and unique cultural and family traditions may have a strong impact on women's experiences with the criminal justice system as victims or offenders of intimate violence.

Gaps in the Literature of Domestic Violence

There has been a great deal of research on specific policy changes as well as their effectiveness in dealing with intimate violence. New criminal justice responses, which are intended to increase arrest, prosecution, conviction, and sentencing, have been viewed by their proponents as providing victims of domestic violence with improved protection and safety. The legal approach to domestic violence depends not only on the action of criminal justice agencies but

also on the action of victims to report violent incidents to the police and cooperate with the system as witnesses for successful prosecutions. Therefore, changes have been made with an expectation that new policies would promote victims' use of the criminal justice approach and cooperation with the system.

More than one decade after new approaches to domestic violence were implemented, evidence from research suggests that new policies might not be successful in promoting domestic violence victims' use of, and cooperation with, the criminal justice system to end violence (Bureau of Justice Statistics, 1995; Davis & Smith, 1995; Ford & Regoli, 1993; Carlson & Nidey, 1995). A sizable body of literature has been devoted to the discussion of reasons leading to victims' lack of reliance on the criminal justice system (see E. Buzawa & C. Buzawa, 1993; Wanless, 1996; Corsilles, 1994; Walsh, 1994; Mills, 1996; Hart, 1993; Ferraro & Pope, 1993; Davis & Smith, 1995). Scholars have recognized that battered women are different from most crime victims because of their relationship with the assailants (Ferraro, 1993; Mills, 1996; Corsilles, 1994; Wanless, 1996). Not only is there a direct emotional bond between the woman and her husband or lover, but they are also tied in a myriad of connections, including children, finance, legal status, and community (E. Buzawa & C. Buzawa, 1993; Ferraro & Pope, 1993). Therefore, the desires of victimized women are complex, depending on their particular experiences, and treating victimized women as a common group ignores their many differences and situations (E. Buzawa & C. Buzawa, 1993; Mills, 1996). Radford and Stanko (1991) even suggested that the current criminal justice response may be appealing

to White, middle-class women but does not address the concerns of intimate violence victims who belong to different social classes and race/ethnic groups.

Although research has recognized a lack of reliance on new criminal justice approaches among victims of domestic violence, few empirical studies examined factors associated with women's diverse help-seeking behaviors under new criminal justice policies (e.g., Ferraro, 1993; Ferraro & Pope, 1993; Fernandez et al, 1997; Ford, 1983). In addition, scholars have been aware of an unintended consequence of mandatory arrest policies that lead to the arrests of abused women who use force for self-defense, but there is no research exploring how the system treats women who have been arrested.

Studies of domestic violence have begun to shift away from the single-risk-factor approach in favor of models that examine the interactions of factors across individual, social, and cultural domains (Crowell & Burgess, 1996). However, the ways in which cultural practices, race/ethnicity, social class, economic opportunities, legal status and social networks interact with intimate relationship and women's response to intimate violence have received only scant attention in the study of the dynamics of family violence (Chalk & King, 1998).

Scholars have long perceived that knowledge of women's experiences is incomplete if it does not include an understanding of women's locations in the hierarchies of class, race, and gender that shape women's lives (Harding, 1991; Baca-Zinn & Dill, 1994; Lamphere, Zavella & Gonzales, 1993; Spelman, 1988). According to Baca-Zinn and Dill (1994), race, class and gender create a matrix of domination that women of color experience and resist on three levels: 1) personal

biography; 2) the cultural context created by race, class, and gender; 3) the systematic level of social institutions. For example, immigrant women may suffer higher rates of battering than US citizens because they are not familiar with, and have less access to, legal and social services, or because they may believe that the protection of the US legal system do not apply to them (Orloff et al., 1995). In addition, battered women who are not legal residents, or whose immigration status depends on their partners, are isolated by cultural and power dynamics that can prevent them from leaving or seeking assistance from the legal system (Orloff et al., 1995). Undocumented women may fear being reported to immigration authority by law enforcement or social service personnel, and a lack of English skills can prevent meaningful communications between a woman and social service or criminal justice agencies (Orloff et al., 1995). Given special situations of immigrant women, a failure to consider their experiences has created a gap in domestic violence literature and made the knowledge of social phenomenon incomplete.

During the last three decades, the number of immigrants to the US has increased substantially as a result of the 1965 Immigration Act that dismantled the national quota system and opened the door to renewed migration to the US (Rumbaut, 1996). Among the major immigrant groups are Asian immigrants who accounted for 45 percent of total immigrants to the US during the 1980s and early 1990s (Fix & Passel, 1994).

With a large increase in the number of Asian immigrants to the US, intimate violence among Asian Americans began to get attention from the

research community. A number of studies have been conducted to examine the prevalence, causes, and contexts of intimate violence in different Asian groups (Dasgupta & Warriar, 1996; Rimonte, 1989; Merhotra, 1999; Singh & Unnithan, 1999; Abraham, 1999; Bui & Morash, 1999; Yoshihama, 1999). Literature on domestic violence has also recognized the effects of peculiar social contexts, including culture, languages, and ethnic community, on family dynamics, and immigrant women's experiences of and responses to abuse (Preisser, 1999, Rimonte, 1989, Huisman, 1996; Dasgupta & Warriar, 1996). However, no study has examined the experiences that immigrant women have with the criminal justice system as victims and offenders of intimate violence.

To fill the gap in the literature on domestic violence and women's experiences, this study examines the experiences of Vietnamese American women with the criminal justice system. The study focuses on understanding the criminal justice process in intimate violence cases and various conditions that facilitate or impede women's use of the criminal justice approach to avoid intimate violence.

CHAPTER 2: THEORY AND METHOD

Theoretical and Methodological Orientation

Theory and methodology are closely interrelated. Methodology refers to a theory of how research should proceed, including accounts of how a general structure of theory finds its application in particular scientific disciplines (Harding, 1987). Research method is a technique for or a way of proceeding in gathering evidence (Harding, 1987). Social scientists often select methodologies aimed at guiding research processes in an attempt to either adequately answer the questions arising from a theory, or to produce a body of knowledge consistent with the theory (McCall & Becker, 1990). In this section, I discuss feminist standpoint theory, the practice-based theory of gender relations, and the qualitative-case-study method that I used to study the experiences of Vietnamese-American women with the criminal justice system.

Feminist Standpoint

The feminist standpoint approach has become a defining characteristic of feminist research. Standpoint theory, which is rooted in Marx's view that social being determines consciousness, places an emphasis on the locations of informant groups relative to the social institutions and individuals involved in social problems (Hartsock, 1983). The feminist standpoint approach focuses on gender differences, as well as differences in social situations between men and women, and uses women's experiences as a starting point for the analysis of social problems (Harding, 1991). Because the production of social knowledge has been

predicated on a universe grounded on men's experiences and relationships, the opening up of women's experiences allows social scientists to access social realities of women's lives previously unavailable or repressed (D. Smith, 1990; Harding, 1991). Dorothy Smith (1990) has asserted that feminist research should be done from the standpoint of women, beginning from women's ordinary, everyday experiences. By taking up a standpoint in women's original and immediate knowledge of the world and by knowing a socially constructed world from within, women's standpoint discredits the claim that it is possible to constitute an objective knowledge independent of the researcher's situation (D. Smith, 1990).

An important characteristic of the standpoint approach is to "give voice" to the silenced group and facilitate their own discoveries (Gorelick, 1991). "Giving voice" is rooted in the symbolic interactionist tradition that recognizes a hierarchy of credibility in the creation and dissemination of knowledge. As such, it emphasizes the actor's interpretation and understanding of the situation (Gorelick, 1991; McCall & Wittner, 1990). For symbolic interactionists, subjectivity is central to the understanding of social actions because people interpret their situations and act in terms of the meanings or perspectives they develop within particular situations and from specific positions within organizations or groups (McCall & Wittner, 1990). For feminists, women are authoritative speakers of their own experiences, thus "giving voice" has been seen as a progressive development of feminist theory (Gorelick, 1991).

However, the direct experience has its limitations, and therefore “giving voice” has been seen as not enough (Gorelick, 1991). Because sexism is deeply internalized and buried beneath the conscious level, and because experience itself is shaped by social relations, there are hidden aspects of women’s oppression that women may not be able to reveal by themselves (McKinnon, 1987; Maguire, 1987; Harding, 1991). A lack of cumulative knowledge on the part of women research participants makes the role of the researcher different from that of the research subject. Dorothy Smith (1987) has recognized the important role of social scientists in producing knowledge of the sources of women’s experiences because these do not lie within the scope of everyday practices.

In order to have a position count as a standpoint, rather than a claim, the researcher must begin at an objective location, women’s lives, look at the world from the perspective of women, and make use of observations and theory (Harding, 1991). Because women are situated in different social hierarchies of class, race, and gender, an analysis of racism must start from the standpoints of members of minority groups; classism from the standpoint of lower class members, and sexism from the standpoint of women (Gorelick, 1991). However, knowledge production and theory making must go beyond the notion of a fragmentary sciences and a hierarchy of standpoints (Harding, 1986, p. 473). The differences of diverse groups of women and the processes of sexism, classism, and racism creating these differences must be discovered to understand how they connect to each other (Gorelick, 1991). As the structure of oppression is multifaceted, knowledge of the conflicts constructed within the hidden

oppression must be based on both experience and theory (Gorelick, 1991). The next section will discuss the practice-based theory of gender relations that I used to understand the experiences of Vietnamese-American women with the criminal justice system.

Practice-Based Theory of Gender Relations

Scholarship on gender suggests that women's experiences are products of social interactions and unequal gender relations (Scott, 1986). In a gender-stratified society, women and men are assigned different kinds of activities and, consequently, have different experiences. Therefore, in order to understand women's experiences, including their responses to victimization, there is a need for analysis of both the individual subject and the structure of gender relations that govern women's lives. The distinctive feature of the feminist approach to knowledge is the focus on women's situations in a gender-stratified society (Harding, 1991). Feminist research has used gender differences as resources and women's lives as a starting point for analysis to provide a gendered understanding of all aspects of human lives.

Although concerns with gender as an analytic category had already emerged in the late 20th century, gender viewed as a system of *social practices* and sexual relations did not appear until recently (Connell, 1996; Scott, 1986). Connell (1987, 1996) has observed that besides human beings, social organizations and practices are also gendered. In other words, the structures and operations of the economy and the labor market, the state, social and global institutions as well as human patterns of emotional relationship (cathexis) have

been established based on the gendered division of labor and power. As a basis for social practices and relations, gender is conceptualized as far more than an individual trait somehow connected with bodily differences between men and women. Rather, gender is a constitutive element of *social practices* and relationships based on perceived differences between the sexes. As such, gender provides a way to decode meanings and helps understand the complex connections among various forms of human interactions (Connell, 1996; Scott, 1986).

As Connell (1987) has suggested, the practice-based theory of gender relations consists of at least three interrelated basic elements: 1) the structure of production, 2) the structure of social power, and 3) patterns of emotional relationship between men and women (cathexis). The inclusion of these three elements enables the framework to recognize the interweaving of personal life and social structure.

With regard to production, the practice-based theory of gender relations posits that in a gendered-stratified society, such as the US, production is characterized by the gendered-division of labor and the exclusion of women from opportunities for the accumulation of wealth (Connell, 1987). Women have been traditionally assigned to unpaid housework and been financially dependent on men. When women work in the paid-labor market, they often work in low paying-jobs and possess low occupational statuses relative to men's.

The state and various social, political, and religious institutions form the system of social power. These institutions have the authority to formulate ideals,

define morality, and establish policies in order to reinforce and sustain the power of men and the subordination of women (Connell, 1987). The system of social power, often imposed in and through culture, and the division of labor help create and support a pattern of emotional attachment that emphasizes heterosexual relationships (Connell, 1987).

The culturally constructed pattern of heterosexual attachment dictates social norms that govern the roles of men and women. These social and cultural norms define, within a given context, behaviors considered as appropriate and socially acceptable for individuals in various social roles, such as husband and wife, male/female partner, father, and mother (Raj et al., 1999).

Because gender is a way of structuring social practices in general, not a special type of practice, it is often involved and interacts with other social structures, such as class, race, and culture (Connell, 1996). Feminist scholars have long recognized the interrelation between race, class, and gender (Spellman, 1988; Alexander & Mohanty, 1997; hooks, 1984). With racism, classism, and compulsory heterosexuality in American society, the oppression faced by white middle class women is not the same as that faced by women of different social classes and races/ethnicities (Alexander & Mohanty, 1997). Lamphere and colleagues (1993) have used the notion of “social locations” to specify the ways in which economic structure and the labor market interact with class, ethnicity, culture, and sexual preference to shape women’s different experiences. Harding (1991, p. 179) has also stated, “There are no gender relations per se, but only gender relations as constructed by and between classes, races, and cultures.” The

practice-based theory of gender relations is consistent with the feminist standpoint approach in that it focuses on gendered practices embedded in social interactions and processes to understand women's experiences.

The practice-based theory of gender relations can help us understand the experiences that women have as victims and offenders in the criminal justice system. First, the gendered-division of labor can have an impact on women's response to domestic violence and their use of the criminal justice approach to avoiding future violence. For women who depend on men financially, prosecution may lead to the imprisonment of their providers, thus eliminating or reducing their financial resources (Ferraro, 1993). Even when a battered woman wants a prosecution but has few financial resources, she would find the participation in the prosecution of her abuser costly because of her absence from work, the arrangement for child care, and transportation fees for multiple trips to the courthouse (Hart, 1993). Women who depend on economic support from their husbands or partners may not have financial resources to fight for justice when they are involved in the criminal justice system as offenders. If convicted, they may lose the custody of their children because of their financial inability to support them.

Second, the system of social power, represented by the state and other social, political and religious institutions, can also influence the ways battered women cope with violence. Because gendered practices in other institutions interfere with family life, women's experiences of and responses to violence are not solely based on the power dynamics within the family (Connell, 1987). For

example, some religious institutions assign a secondary status to women, encourage women to obey their husbands and stay in family relationships, or discourage women from testifying against their abusive husbands (Ferraro & Pope, 1993). The normative definition of femininity, which is based on the general inferior status of women, emphasizes women's compliance with the subordination and accommodation to the interests and desires of men (Connell, 1987). Therefore, many women may hesitate to take legal action against their male partners.

As part of the system of social power, the practices of criminal justice agencies that fail to protect women or take their needs seriously may discourage women from using criminal justice services to deal with intimate abuse. Research has shown that many women did not feel satisfied with criminal justice practices because the system did not provide meaningful relief from their abusers (Erez & Belknap, 1998). Literature on domestic violence indicates that battered women are much more likely than other victims to be revictimized after the assaults that gave rise to the intervention of the criminal justice system (Hart, 1993; Harrell & Smith, 1995). Pressure from abusers and fear of reprisal have forced many battered women to drop the request for personal protection order. Research also showed that a majority of protection orders were violated by the abusers within a year following their issuance, and although calls to the police because of violation were high, arrests were rare (Harrell & Smith, 1995).

Policies that do not take into account gender relations can also be problematic for women. Under mandatory arrest policies, women who do not

want their partners to be arrested may refrain from calling the police when violence occurs (Caputo, 1988). In addition, women who use force for self-defense can be arrested. Because of the cultural image of women as docile and submissive, women who use force may be seen as deviating from the gender norms and may receive especially harsh treatment.

Public welfare and immigration policies can also have an impact on women's experiences of violence. Welfare has been seen as a main opportunity for women to break their dependence on men and exercise power by relying on the state (Piven, 1990). Changes in welfare policies that limit financial support for women may increase women's dependence on their male partners as well as the threat of harms caused by domestic violence (Pearson, Thoennes & Griswold, 1999). Similarly, strict immigration laws and policies regarding legal residency in the US can affect the responses to violence among women without legal residency in the US but married to a legal resident. In recent years, the government has toughened immigration laws, making it more difficult for these women to gain permanent residency (Thompson, 1999). When women have to rely on men for financial support and the completion of paperwork to acquire legal residency, threats of abuse may become more potent, and the chance to leave an abusive relationship may be reduced (Chin, 1994).

Additional effects on women's response to violence are the norms of heterosexuality and the ideology of romantic love. For many women, relationships and family units are important because marrying and maintaining intimacy are highly valued by the state and religious institutions, and because

divorce and separation are considered a failure that should be avoided (Ferraro & Pople, 1993; Schechter, 1982; Corsilles, 1994). Thus, when violence occurs, women may avoid leaving, but rather stay in the relationship. In addition, influenced by a romantic ideology, many women embrace a cultural image of intimate relationships as havens of shared love and commitment, especially when their male partners fulfill some aspect of the image, adding to these women's hope for change (Ferraro & Pope, 1993). For women who do not want, or are not ready, to leave their intimate partners, using the criminal justice approach to domestic violence may be seen as a threat that can disrupt the relationship.

Finally, race and class relations as well as culture can also affect women's experiences. Although the family has been seen as an arena of patriarchal oppression, the family is also seen as a site of resistance to the dominant society (Dill, 1988; Glenn, 1986; hooks, 1984). Research found that immigrant women shared an understanding of their cultural distinctiveness with men of similar class and ethnic background and often viewed family ties as resources that support ethnic solidarity (Gabaccia, 1994). For many immigrant women, in the midst of changes resulting from migration, women's traditional sources of support and power (e.g., the support of the extended family and power over children) may be lost (Kibria, 1993). Loneliness combined with racism may exacerbate a woman's fear of seeking help outside her community, thus promoting family and community solidarity (Hart, 1993; Rasche, 1988; Huisman, 1996). A lack of English skills also prevents women from learning about resources available for them or from communicating with the formal system. The traditional cultures

that immigrants brought with them to the US can also prevent women from seeking help from outside the family and the community (Rimonte, 1989; Rasche, 1988).

In this study, a feminist standpoint used within the theoretical framework of gender relations helped facilitate a contextual understanding of the experiences that Vietnamese-American women had with the criminal justice system. Women's voices and women's interpretations of their own experiences were used to understand how the gendered practices of various socioeconomic, political and cultural institutions shaped women's experiences with the criminal justice system.

Qualitative-Case-Study Method

Literature has suggested that research methods on human beings can affect how these persons will be viewed (Berg, 1998). When humans being are studies in a statistical aggregated fashion, there is a danger that conclusions may not fit reality (Mills, 1959). Qualitative research is a form of inquiry that help explain and understand human behavior and their meanings within their natural settings (Merriam, 1998). Since meanings are constructed through personal experiences and often difficult to quantify, qualitative research technique provides a means of accessing unquantifiable facts about people (Berg, 1998). This approach also places social interactions, processes, and changes at the center of analysis, emphasizing situational and structural contexts of social phenomena and human behavior that the survey method of quantitative research may not be able to capture (Strauss, 1987).

Rooted in symbolic interactionism that views meanings as constructed through human interactions and personal experiences, thus mediated through the investigator's own perceptions, qualitative research emphasizes the importance of relying on research participants' perspectives to understand reality (Merriam, 1998; Strauss, 1987). According to Blumer (1969), meanings are derived from the social process of human interactions and personal experiences, thus allowing people to produce various realities. Because qualitative methods emphasize meanings and subjective interpretations of social phenomena, they are highly appropriate for dealing with multiple realities and able to construct a holistic reality based on diverse experiences (Lincoln & Guba, 1985). The qualitative method also recognizes the importance of relying on subjects' own interpretations of experiences; therefore, it is consistent with the principle of feminist standpoint that recognizes the importance of the researched's "voices."

As a form of inquiry, qualitative research can be used for interpretive research, field study, grounded theory, or case study (Merriam, 1998). For the purpose of the present study, *case study method* refers to an intensive description and analysis of a single unit or bounded system (e.g., an individual, group, and community), or a single issue that can provide a rich and holistic account of a social phenomenon (Merriam, 1998; Reinharz, 1992). The case study method, which emphasizes social processes and contexts, is used for studies of special cases or groups that are seen as "outliers" and, thus, are often excluded in quantitative research. Its scientific benefits lie in its ability to open the way for discoveries and serve as the breaking ground for insights and hypotheses that may

be pursued in subsequent studies (Berg, 1998). Because data for case studies are often rare, this method can help elucidate the upper and lower boundaries of social phenomenon and allow for an understanding of a broader range of human experiences that may not be included in research seeking generalization by using hypothesis testing (Merriam, 1998).

Case studies are also important for understanding women's various experiences (Reinharz, 1992). Cases studies of women's experiences are particularly necessary both as models for future generalizations and as raw data for future secondary analysis, comparative studies, and cross-cultural studies (Reinharz, 1992). Although case studies cannot establish generalization, they have great heuristic value and can be used to invalidate prior generalizations and suggest new research directions.

A qualitative-case-study method is particularly appropriate for the present study. The technique of in-depth interviewing has allowed for collecting rich information on social interactions and social processes. Information, obtained through in-depth interviews, on the effects of culture, social structures, and the process of resettlement and adaptation on Vietnamese immigrant women's experiences with the criminal justice system as victims and offenders has facilitated a contextual analysis of women's experiences. Open-ended questions have also help produce information needed to understand women's behavior and their meanings within their social settings on the basis of their own interpretations. Furthermore, because the qualitative method emphasizes processes and interactions, it has allowed for an understanding of the changing

power dynamics experienced by Vietnamese-American women and a view of these women as agencies who made decisions according to their own judgment of the situations.

The case study method is also appropriate for studying domestic violence among Vietnamese Americans. As a young immigrant group, most Vietnamese began to arrive in the US only during the last 25 years (Gold, 1992). While domestic violence in the mainstream society has been an important topic for social science research during the last 30 years, domestic violence among Vietnamese Americans has not received much attention from the research community. A lack of research on domestic violence in Vietnamese-American families may be due to the dearth of criminal justice records attributed to the group's small population and low report rates among Vietnamese Americans. An exploratory study of domestic violence in Vietnamese-American families (Bui & Morash, 1999) suggested that the majority of victims did not call the police when violence occurred. Because of rare contacts with the criminal justice system, thus few criminal justice data, the inclusion of the Vietnamese-American group in studies using the random sampling technique and seeking generalizations is very unlikely. The case-study method has permitted the collection of rare data and allowed for a contextual understanding of the experiences that Vietnamese-American women have with the criminal justice system.

In summary, a case-study method that emphasizes social processes, meanings, and contexts is consistent and complementary with a qualitatively analytic approach and a feminist standpoint within the practice-based theory of

gender relations. A qualitative-case-study method has allowed for an in-depth and contextual examination of the experiences that Vietnamese-American women have with the criminal justice system. It is my hope that an understanding of social, institutional, and cultural processes that shape the peculiar experiences of Vietnamese women will contribute to the body of knowledge of women's experiences and allow for generalizations that are not ethnocentric.

Method for the Study

This study examined the experiences of Vietnamese-American women with the criminal justice system when they were involved in intimate violence.¹ Specifically, the study sought the answers to the following questions:

1. To what extent do Vietnamese-American women rely on the criminal justice approach to deal with violence by an intimate partner?
2. What are socioeconomic, political, and cultural factors affecting Vietnamese-American women's decision to use criminal justice services?
3. What are experiences that Vietnamese-American women have with the police, prosecutors, judges, and defense lawyers when they are involved in intimate violence as victims and offenders?
4. What are consequences of using the criminal justice approach to deal with intimate violence?

1. In this study, the term "Vietnamese Americans" is used to indicate Vietnamese in the US, regardless of their immigration status.

5. What are the perceived solutions to domestic violence among Vietnamese Americans in general and Vietnamese-American women who are involved in intimate violence in particular?

Concept Definitions

Intimate violence.

In this study, the terms “intimate violence” and “intimate abuse” were used interchangeably to indicate physical abuse or the use of force or threats of force by a person against his or her intimate partner, including husband/wife, boy/girlfriend, ex-husband/wife, and ex-boy/girlfriend. This definition was used to be consistent with criminal laws in the US dealing with physical abuse (domestic assault and battery). In Michigan, for example, domestic assault is defined as any willful attempt or threat to inflict injury and any intentional display of force such as it would give the victim reason to fear or expect immediate bodily harm; a battery is defined as unlawful application or force to another person (Glenn, 1994). The term “emotional abuse” was used when the abuse did not involve the use of force.

The criminal justice approach to domestic violence.

For the purpose of the study, the criminal justice approach to domestic violence was defined as the use of arrest, prosecution, conviction, and punishment. For example, victims of domestic violence who use the criminal justice approach may call the police when violence occurs, provide information to the police and prosecutors during the investigation, and appear in the criminal court as witnesses. Depending on jurisdictions, victims of domestic violence may

fill out and sign a victim statement that describes physical attacks and injuries they suffer and that may be used by the police, prosecutors, and the court as evidence against the batterers. In addition, victims of domestic violence may request a personal protection order (PPO) issued by the court to protect themselves from future violence by their abusers. Theoretically, a PPO can facilitate the monitoring of the abuser's behavior by the criminal justice system because the violation of a PPO can result in arrest and prosecution for contempt of the court. Furthermore, some jurisdictions also organize victims' assistance programs affiliated with the police department and the prosecutor office in an attempt to encourage victims to participate in, and to assist them to go through, the criminal justice process. Victims' assistance programs may provide interpreters for victims who do not speak English, explain criminal justice process, provide emotional support, and assist victims who are in needs of obtaining financial relief and legal counsel for divorce or child custody.

The Setting

Although there is no existing official information on characteristics of the Vietnamese-American population at the state level, literature on immigration resettlement suggests that socioeconomic conditions and the adaptation of Vietnamese Americans differ across states, depending on available resettlement programs and funding (Office of Refugee Resettlement, 1993). In addition, criminal justice policies dealing with domestic violence also vary across states and police departments. In order to explore women's diverse experiences with abuse in different immigration resettlement and criminal justice contexts, I

collected data for the study in four different Vietnamese communities representative of four geographical areas in the US. These included: 1) Orange County, California (the West Coast); 2) Houston, Texas (the South); 3) Boston, Massachusetts (the East Coast); 4) Lansing, Michigan (the Midwest).

The Vietnamese community in Orange County (California), with the nickname "Little Saigon," is the nation's largest Vietnamese-American community. It was estimated that one of every four Vietnamese immigrants to California since the 1975 had headed for Orange County (Martell & M. Tran, 2000a). From 1990 to 1996 almost 45,000 legal immigrants from Vietnam arrived in Orange County, adding to the last official count of 71,000 Vietnamese in Orange County from the 1990 Census (Martell & M. Tran, 2000a). With more than 100,000 Vietnamese residents and more than 2,000 small businesses concentrating in four cities, including Westminster, Santa Ana, Garden Grove, and Anaheim, Little Saigon has become the commercial and spiritual capital of the Vietnamese-American community in Southern California.

Vietnamese Americans in Orange County have followed the traditional path to resettlement and integration for new immigrants to the US. The pattern begins with a core neighborhood in which businesses become surrounded by homes occupied by new immigrants. As the community matures, and the immigrants and their children prosper, they move out of the neighborhood and integrate into the general community (DeWilde, cited in Martelle & M. Tran, 2000a).

During the last 25 years, the profile of the population in Little Saigon has changed. Many of the first-wave Vietnamese immigrants who came mostly from South Vietnam's privileged and military ranks expanded their residency from the core neighborhood in Westminster to far more affluent regions, including Fountain Valley, Irvine, Fullerton, and Pomona, leaving the area for new arrivals who often came from lower socioeconomic strata. From 1986 to 1996, nearly two-thirds of Vietnamese immigrants in Orange County were students, unemployed, or retired. Laborers and manufacturing workers made up the largest single employment category, accounting for about 10 percent of immigrants (Martell & M. Tran, 2000a).

Despite the traditional path of the community growth and an assimilation pattern reflected in the abandonment of the Vietnamese language among children of immigrants, Vietnamese Americans in Little Saigon, particularly the first-generation immigrants, still retain strong ties to the language and culture of their homeland. A recent media poll showed that almost all Vietnamese in Little Saigon (93 percent) viewed themselves as more Vietnamese than American, and two thirds were more comfortable speaking Vietnamese than English (M. Tran, 2000). Because the assimilation to American culture may create changes that strike at the heart of Vietnamese traditions of family and generational hierarchy, Vietnamese Americans in Little Saigon considered assimilation a very serious problem facing the community, only behind crime but above concerns about discrimination and the job market (Martell & M. Tran, 2000b).

Vietnamese-language news and entertainment media are seen as the greatest force conserving Vietnamese culture in Orange County. A recent survey of Vietnamese American in Orange County showed that 80 percent of the respondents said that they received some or all of their news from Vietnamese newspapers or magazines; more than half listen to Vietnamese-language radio every day, and three fourths of the young watched Vietnamese videos at least once a week (Martell & M. Tran, 2000b).

Despite a large concentration of Vietnamese residents in four adjacent cities (Westminster, Garden Grove, Anaheim, and Santa Ana), and numerous social services for the general Vietnamese population in the area, services for Vietnamese victims of domestic violence are scarce. There is no women's shelter that has Vietnamese staff located in or near Little Saigon. Although Little Saigon has a large counseling program for Vietnamese batterers, it has no program to help Vietnamese battered women. Within the criminal justice system, many Vietnamese Americans have worked for the police force in Orange County for many years, but only one city (Garden Grove) has a Vietnamese male police liaison whose responsibility includes providing assistance for all Vietnamese victims, including victims of domestic violence. Although interpretation services for those who cannot speak English are provided at different stages in the criminal justice process (the police and the court), all Vietnamese interpreters, including those who assist female victims of intimate violence, are male. Furthermore, there is no Vietnamese staff working in victims' assistance programs at Orange County courts.

The second site for my study is the Vietnamese community in Houston, Texas. Located in a southern part of Texas, next to the Gulf Coast, Houston has become the home for many Vietnamese immigrants since 1975. The Vietnamese community in Houston experienced a rapid increase in population during the last 10 years with new immigrants from Vietnam and secondary migrants from other states. At the time of the 1990 Census, about 32,500 Vietnamese immigrants had resettled in Houston (US Bureau of Census, cited in H. Nguyen & Haines, 1996). By 1999, the number of Vietnamese Americans in Houston had reached 52,500, making the Vietnamese community in Houston the third largest in the nation (Scott Gold & M. Tran, 2000). Besides an increase in population, Vietnamese community in Houston also expanded geographically. With an initial concentration around downtown Houston, Vietnamese businesses and residents have moved outward to the southwest region of Houston to create a large Vietnamese business center similar to the Little Saigon center in Orange County, California.

Like those in Little Saigon, Vietnamese media in Houston with more than a dozen of radio stations, newspapers and magazines, and a Cable TV network, are a major part of the Vietnamese community life. However, unlike Orange County's tightly knitted enclave, Vietnamese residents and businesses in Houston are less concentrated but more mingled with other ethnic groups in the local area.

Although smaller than Little Saigon in size, the Vietnamese community in Houston has more services for Vietnamese victims of intimate violence. A large women's center with Vietnamese staff is located at the heart of downtown

Houston and near the Vietnamese business center. There are also many Vietnamese in the police force, and Vietnamese police officers often provide interpretation services in person or on the phone for those who have contacts with the police but cannot speak English. Particularly, the Houston Police Department has a Vietnamese woman police liaison whose responsibility is providing assistance for Vietnamese victims of domestic violence. Vietnamese staff in the police force and the women's center also contact Vietnamese staff in other social service agencies, including the court and social welfare offices, to coordinate their services for Vietnamese victims of domestic violence.

Another site for my study is a small Vietnamese community in Lansing (Michigan). Because of cold weather, few Vietnamese immigrants chose Michigan to resettle. Although there are no available official statistics for the Vietnamese-American population in Lansing, estimates by leaders in the local Vietnamese community were that 3,000 to 4,000 Vietnamese immigrants have resettled in Lansing since 1975.

Despite a small Vietnamese population, the Vietnamese community in Lansing also has some resources to serve the special cultural needs of its population. The community has its own Catholic church and Buddhist temple where Vietnamese residents can meet together and participate in many cultural activities. There are also a few services for Vietnamese victims of domestic violence. Interpretation assistance for those who cannot speak English is coordinated by the court and a local refugee service agency. In addition, a victim

assistance program also has a Vietnamese volunteer who often assists Vietnamese victims who have language difficulties.

The fourth site of the study is the Vietnamese community in Boston, Massachusetts. Located in the East Coast, Boston has cold weather similar to that in Lansing. However, the Vietnamese community in Boston has experienced an increase in population during the last ten years due to a good labor market in the local area. By the time of the 1990 Census, almost 10,000 Vietnamese immigrants had chosen Boston and its surrounding areas as their home. By 1999, it was estimated that almost 12,000 Vietnamese had resettled in greater Boston, an increase of 20 percent (Scott Gold & M. Tran, 2000). Most new Vietnamese immigrants live and do their businesses in Dorchester, a small city located in the outskirts of downtown Boston. Dorchester contains a small Vietnamese enclave but Vietnamese Americans are often to mingle with the mainstream population.

Although the Vietnamese community in Boston is much smaller than Little Saigon, its residents can access many more services for Vietnamese victims of domestic violence. An Asian women's shelter in Boston is a main service provider for Vietnamese women who experience domestic violence. In addition, other agencies, including the Boston Police Department, health care and refugee resettlement agencies, also have domestic violence units staffed with Vietnamese employees who provide counseling, interpretation and referral services for Vietnamese victims of domestic violence. Similar to those in Houston, Vietnamese staff in different agencies also coordinate their services to serve the diverse needs of Vietnamese victims of domestic violence.

With regard to domestic violence policies, all four locations apply mandatory arrest policies that require law enforcement officials to make arrests without warrants when there is evidence that domestic violence has happened. However, there are differences in terms of the level of rigidity in the implementation of mandatory arrest policies. For example, Orange County is more likely to apply “zero-tolerance” under mandatory arrest policy while law enforcement officers in Houston to some extent take into account women’s preference for arrest.

There are also variances in court proceedings of domestic violence cases as well as the levels of punishment for domestic violence offenders in these four locations. Cases are processed more quickly in California and Lansing than in Houston and Boston. Domestic violence offenders in Orange County also receive harsher treatment. A sentence of three years on probation, one to three months of community services, and 52 weeks on counseling for the least severe case (first-time misdemeanor domestic violence cases) is typical. On the other hand, punishment for a similar offense in Lansing and Houston is a combination of 6 months on probation and 15 weeks of counseling.

With regard to restraining orders, a trial judge in domestic violence cases in Orange County can issue a restraining order against an intimate violence offender on the basis of his or her judgment regardless of the victim’s request; if the victim does not want the restraining order issued by the judge, he or she has to request its removal. On the other hand, victims in Houston can obtain an emergency restraining order via police officers who respond to the victims’ calls

and who will contact a judge on behalf of the victims. In Lansing and Boston, victims must go to the family court to request a restraining order.

In summary, the four sites of the study have many differences in terms of population sizes, degrees of ethnic integration, the salience of Vietnamese culture in community life, criminal justice policies regarding domestic violence, and services provided for Vietnamese victims of domestic abuse. As revealed in the next chapters, these differences have an impact on the experiences that Vietnamese-American women have with the American criminal justice system.

Sample and Data

Data for the study were drawn from two major sources: 1) in-depth interviews with a *core sample* of Vietnamese-American women who were involved in intimate violence as victims and offenders, and 2) *surveys* of a sample randomly selected in the general Vietnamese-American population. In addition, a third component of data collection process focused on social and legal services for Vietnamese-American women involved in intimate violence.

Core sample and data.

Consistent with the feminist standpoint approach that emphasizes the locations and the perspectives of study participants as essential for understanding social phenomenon, a major source of data was interviews with Vietnamese-American women who were involved in domestic violence with an intimate partner, including husband, ex-husband, boyfriend, and ex-boyfriend. Given the nature of the qualitative-case-study method that aimed at providing an in-depth and comprehensive understanding of a social phenomenon, I used the purposive

sample technique to select a core sample for the study. In order to identify factors associated with women's decisions to use criminal justice services, I selected both women who had contacts with the criminal justice system and those who did not. Women who had contacts with the criminal justice system included victims and offenders.

Different techniques were used to select women participants for the core sample. The majority of women participants (23 women) were recruited through referrals from victim service agencies, including a victim assistance program (in Lansing), two women's center (in Boston and Houston), a batterers' counseling program (in Orange County), and a public law center (in Orange County). The rest of the women participants were recruited through referrals from my acquaintances (4 women) and my requests for participants during two Vietnamese radio talk shows in Houston and Orange County (7 women). These efforts yielded a core sample of 34 Vietnamese-American women.

In-depth interviews with 34 women participants were guided by a semi-structured questionnaire consisting of both closed- and open-ended questions. Closed-ended questions were used to collect demographic information, and open-ended questions for information related to the contexts of family lives, women's experiences of and responses to abuse, their perceptions of and experiences with the criminal justice system as victims and offenders, their feelings about the intimate relationship with their abusers, and perceived and actual consequences of using criminal justice services to deal with violence.

Depending on the situation of each woman participant, interviews took two to three hours. The majority of interviews (28 interviews) were conducted face-to-face.² I also conducted 6 interviews via telephone according to the request of the women participants. All interviews, except one, were conducted in the Vietnamese language. In one interview, Vietnamese was mingled with English because the woman participant was not fluent in Vietnamese but still preferred to use Vietnamese in the conversation.³ The interviews were recorded in writing in Vietnamese, and Vietnamese interview transcripts were translated into English for data processing. Since there were Vietnamese terms and idioms that could not be translated into English without losing some original meanings, both the Vietnamese and English versions of interview transcripts were used for analysis.

Survey sample and data.

Since a large number of Vietnamese immigrants came to the US after the 1990 Census, demographic information from the 1990 Census may not reflect characteristics of the current Vietnamese-American population. Therefore, surveys of a random sample of Vietnamese immigrants were conducted to obtain up-to-date demographic information of Vietnamese Americans. At the same time, the surveys were used to understand the perceptions of Vietnamese

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2. I conducted 20 interviews in Lansing, Houston, and Orange County. Eight other interviews were conducted in Boston by trained interviewers who worked for a project studying the dynamics of wife abuse among Vietnamese Americans in Boston.
 3. Many Vietnamese do not consider English as appropriate for conversations between Vietnamese. A Vietnamese who use English to talk with other Vietnamese is seen as arrogant.

Americans about domestic violence and criminal justice interventions into the problem. These two types of information were used as a baseline to assess the representativeness of the core sample.

The random sample of Vietnamese Americans was selected in the same four locations where the core sample was selected (Orange County, Houston, Boston, and Lansing). The number of survey participants in Orange County and Houston were proportionate with the sizes of Vietnamese-American populations in each location, but over-sampling was applied in Boston and Lansing to obtain a sample size large enough for statistical analysis.⁴ A number of survey trials were conducted to estimate response rates. Based on the estimated response rates, potential participants in each area were randomly selected from a list of all Vietnamese surnames found in each local telephone directory. The actual response rate was highest in Houston (45 percent), followed by Orange County (40 percent) and Boston (38 percent); the lowest response rate was in Lansing (36 percent).

The survey, which was guided by a questionnaire using mostly closed-ended questions and one open-ended question, was conducted by telephone in either Vietnamese or English, depending on the preference of the respondents. For each household represented by a telephone number, one adult (over 18 years old) was asked to participate in the survey. The questions were designed to

4. According to a recent estimate by the Los Angeles Time, more than 102,000 Vietnamese-Americans live in Orange County, almost 53,000 in Houston, and 12,000 in Boston. The Vietnamese population in Lansing was estimated by Vietnamese community leaders as being between 3,000 and 4,000.

collect up-to-date information on respondents' demographic characteristics (age, gender, marital status, time spent in the US, immigrant status and generation, education, employment, and income) and their perception of intimate violence occurring in Vietnamese-American families and criminal justice approaches to the problem. Each interview took 20 to 30 minutes. Overall, 440 surveys were conducted with 224 participants in Orange County, 145 in Houston, 40 in Boston, and 32 in Lansing. This sample size was large enough to produce results with a margin of error of 5 points at the confidence level of 95 percent.⁵

Community sample and data.

Feminist scholars have emphasized the reliance on women subjects' experiences to understand social phenomena (Gorelick, 1991; Harding, 1991; Smith, 1990). However, the views of those who are knowledgeable of community life and who have contacts with women involved in intimate domestic as victims and offenders can provide additional understanding of the social and cultural contexts in which battering and responses to abuse occur. Writing about rape, R. Campbell (1996, p. 39) reasons that people who advocate for rape victims can provide unique information because they stand with "one foot in the world of the . . . victims and one foot in the world of community help systems, and carry the responsibility of mutual translation."

5. Assuming that the population is infinite or larger than a couple of thousands, the formula for the size of a survey sample representative of the studied population is as follows: $n = Z(\alpha/2)^2 [(\pi)(1-\pi)]/B^2$ where α is the level of confidence; B is the margin of error; π is population proportion. Given a margin of error at 5 points, a level of confidence at 95 percent, and a conservative estimate of population proportion at .5 (50 percent), the sample

For the present study, information about the legal settings and social services for Vietnamese-American women who were involved intimate violence was important to understand women's experiences with the system as victims and offenders. This information was drawn from 11 interviews conducted with Vietnamese Americans who worked in social service agencies, the criminal justice and legal systems, and the media. Most respondents participated in face-to-face interviews each of which lasted about an hour. The interviews were unstructured but oriented toward talking about the criminal justice process in intimate violence cases, domestic violence policies, legal and social services for victims and offenders of intimate violence in each local area. A majority of participants also participated in one or two follow-up telephone interviews. I also relied on information obtained through my volunteer work for a victims' service agency in Lansing, Michigan.

My ethnic background and my personal experience with immigration and resettlement process actually facilitated and improved the data collection process and the quality of the information that I gathered. As a Vietnamese who grew up in Vietnam, I could speak the language of the study participants and understand their culture. Using Vietnamese, and sometimes a mix of Vietnamese and English as it was commonly used among young Vietnamese Americans, and understanding Vietnamese culture facilitated the interview process and helped me understand the subtle nuance of the participants' responses, especially when they

size $n = (1.96)^2 [(0.5)(1-.5)]/(0.05)^2 = 384$ (Agresti & Finlay, 1996, Chapter 5, *Proportions Inference: Estimation*).

were related to issues considered as taboo in Vietnamese culture, such as sexuality.

The rapport that I had with the study participants also resulted from my personal experience with migration and resettlement. As a first-generation immigrant, I had experienced many difficulties faced by most Vietnamese immigrants, including language barriers, cultural shock, economic hardship, and isolation. Because most respondents also grew up in Vietnam and came to the US as adults, my experience with migration and resettlement helped me quickly develop a good rapport with the respondents, thus facilitating the interview process.

Analytical Procedure

I used both quantitative and qualitative techniques to analyze data for the study. When it was appropriate, information obtained from in-depth interviews was quantified. Quantitative analysis was used to: 1) examine demographic characteristics of the survey sample and the core sample, 2) examine perceptions of Vietnamese Americans about domestic violence and criminal justice approaches to the problem, and 3) determine the representativeness of the core sample.

For qualitative analysis, I used three different but related coding techniques, including open coding, axial coding, and systematic coding, to analyze qualitative data obtained from 34 interviews with women in the core sample and 11 participants in the community sample (see Strauss, 1987). *Open coding* was performed by thoroughly examining each interview transcript to

reveal concepts that seemed to fit the data. Both *sociology codes* and *in vivo codes* were used. I used my knowledge of the field under study (domestic violence and immigration) to create *sociology codes*. Based on the language of the respondents, *in vivo codes* were created. To protect the anonymity of the study participants, a pseudonym was assigned to each participant in the core sample.

I performed *axial coding* by analyzing *codes* that had been previously created in open coding to identify core categories and sub-categories of the main axes of research questions. The main axes included: 1) the extent to which Vietnamese-American women rely on the criminal justice system to deal with domestic violence, 2) factors associated with women's decision to use criminal justice services, 3) women's contacts with the criminal justice system as victims and offender of intimate violence, 4) consequences of criminal justice intervention, and 5) the perceptions about solution to the problem among Vietnamese Americans and women who are involved in intimate violence.

While doing *axial coding*, I also performed *systematic coding* by analyzing categories as well as sub-categories and relating them to the theoretical framework of the study. The analysis of *axial coding* and *systematic coding* focused on the relationships between categories as well as between categories and sub-categories. I also included and analyzed categories and sub-categories that were not related to the theoretical framework to assess its value in helping explain social phenomena (see Appendix 1 for more explanations of data coding and the list of coding categories and sub-categories).

Sample Characteristics

Core sample.

Thirty-four in-depth interviews were conducted with Vietnamese-American women in four areas, including Orange County (10 women); Houston (9 women); Boston (8 women); Lansing (7 women). By the time of the interviews, all of the women had experienced physical and emotional abused by an intimate partner, and 6 women had been also charged with a domestic offense.

All of the women were born in Vietnam, but they were all different in many aspects. The age of the women ranged from 20 years to 58 years with the median of 40 years. Eight women (23.5 percent) were in their twenties; another eight (23.5 percent) were in their thirties, eleven (32.5 percent) were in their forties, and seven (20.5 percent) were in their fifties.

The majority of the women came to the US as adults. Nineteen women (56 percent) arrived in the US when they were in their twenties and thirties, and seven (20.5 percent) came when they were over forty years old. Only eight (23.5 percent) came when they were less than 20 years old. With regard to ethnicity, most of the women were Vietnamese. Only four were Amerasian, and one was Chinese-Vietnamese (see Table 1).⁶

6. The term "Amerasian" is use to indicate a person whose mother was Asian and whose father was an American who served in American missions in Asian countries.

Table 1.

Core Sample: Ethnicity, Actual Age, and Age at the Time of Resettlement

	Actual Age	Age at the Time of Resettlement	Ethnicity	Number (%)
Median	40 years	27 years	Vietnamese	29 (85%)
Age Group	Number (%)	Number (%)	Amerasian	4 (12%)
Under 20	-	8 (32.5%)	Chinese-Vietnamese	1 (3%)
From 20 to 29	8 (23.5%)	10 (29.5%)	Total	34 (100%)
From 30 to 39	8 (35.5%)	9 (26.5%)		
From 40 to 49	11 (32.5%)	5 (14.5%)		
50 and over	7 (20.5%)	2 (6%)		
Total	34 (100%)	34 (100%)		

Women participants came to the US in different situations and by different means. Twelve women (35 percent) escaped Vietnam, either by themselves, with their parents, or with their husbands, and arrived in a country in Southeast Asia before being allowed to enter the US. Four women (12 percent) came to US because they were Amerasian. Eleven women (32 percent) accompanied or were sponsored by their husbands and six women (18 percent) accompanied or were sponsored by their parents to the US. Only one woman (3 percent) came to the US before 1975 as a student (see Table 2).

The time the women had lived in the US ranged from 1 to 28 years. For the majority (20 women or 59 percent), each had been in the US less than 10

years; for nine other women (26.5 percent), each spent from 10 to 20 years in the US; for the last five women (14.5 percent), each had been in the US for more than 20 years (see Table 2). Of 34 women, 14 (or 41 percent) all ready obtained American citizenship; 13 (or 38 percent) were US permanent residents, and 7 (or 21 percent) were legal aliens (see Table 2).

Table 2.

Core Sample: Types of Migration, Time in the US, and Legal Status

Type of Migration		Time in the US		Legal Status	
	Number (%)		Number (%)		Number (%)
Escape	12 (35%)	Less than 10 years	20 (59%)	US Citizen	14 (41%)
Amerasian	4 (12%)	From 10 to 20 years	9 (26.5%)	Permanent Resident	13 (38%)
Dependent of Husband	11 (32%)	From 21 to 30 years	5 (14.5%)	Legal Alien	7 (21%)
Dependent of Parents	6 (18%)	Total	34 (100%)	Total	34 (100%)
International Student	1 (3%)				
Total	34 (100%)				

There was diversity among the women in terms of their relationships with their abusers and length of relationships. A majority of the women (18 women or 53 percent) started their intimate relationships (marriage or living together) in the US; 15 women were married in Vietnam (44 percent), and 1 woman got married in a refugee camp. Most women had same-ethnic partners; five had partners who

were of different ethnic backgrounds, including Chinese-Vietnamese, Laotian, Iraqi, and American.

The lengths of women's relationships ranged from 1 year to 35 years. Sixteen women (47 percent) had a relationship shorter than 10 years; for nine other women (26.5 percent), each had a relationship that lasted between 10 to 20 years; nine other women (26.5 percent) had a relationship longer than 20 years. At the time of the interviews, about half of the women (16 women or 47 percent) were legally married or had a live-in boyfriend; 12 women (or 35 percent) were separate from their partners, either legally or because of a restraining order; six women (or 18 percent) were divorced (see Table 3).

With regard to children, most of the women (30 women or 88 percent) had children. Of these women, 14 women had 1 child; 7 women had 2 children; 6 women had 3 children, and 3 women had more than 3 children. The majority of these children (65 percent) were under 18 years old (see Table 3).

The level of educational achievement and English proficiency of the core sample was lower than in the general Vietnamese-American population. Only 9 percent of the core sample had a college degree (earned in the US) compared to 23 percent of the survey sample (reported below) and 17.5 percent of the Vietnamese American population at the 1990 Census (reported in Rumbaut, 1996).

Table 3.

Core Sample: Types of Relationship, Length of Relationship, and Children

Type of Relationship		Length of Relationship		Children	
	Number (%)		Number (%)		Number (%)
Husband/wife	14 (41%)	Less than 10 years	16 (47%)	No children	4 (12%)
Boy/girlfriend	2 (6%)	From 10 to 20 years	9 (26.5%)	1 child	14 (41%)
Divorced	6 (18%)	From 21 to 30 years	7 (20.5%)	2 children	7 (20.5%)
Separation	12 (35%)	More than 30 years	2 (6%)	3 children or more	9 (26.5%)
Total	34 (100%)	Total	34 (100%)	Total	34 (100%)

Most of the women did not understand English very well. Only three women (or 9 percent) considered their English as good, and two thirds of the women (62 percent) considered their English as weak. This proportions were lower than those in the survey sample reported below (41 percent and 22 percent respectively). However, the proportion of women in the core sample who had English difficulties was similar to that in the general Vietnamese-American population at the 1990 Census (61 percent) (see Table 4 and Table 7).

Despite their lack of language skills, the majority of the women worked (24 women or 71 percent), and most of the working-women worked in manual jobs (18 women or 53 percent); only two women worked as professionals (6 percent). The employment rate of the core sample was also similar to that of the

survey sample reported below (69 percent), but the survey sample has a higher proportion of professionals (22 percent) (see Table 4 and Table 8).

Table 4.

Core Sample: Education, English Proficiency and Occupation

Education		English Proficiency		Occupation	
	Number (%)		Number (%)		Number (%)
ESL and Vocational	20 (59%)	Good	3 (9%)	Not working	10 (29%)
Didn't finish HS	5 (14.5%)	Average	10 (29%)	Manual jobs	18 (53%)
High School	3 (9%)	Weak	21 (62%)	Clerical	1 (3%)
College, no degree	2 (6%)	Total	34 (100%)	Technician	1 (3%)
Associate degree	1 (3%)			Professional	2 (6%)
Bachelor	3 (9%)			Business	2 (6%)
Total	34 (100%)			Total	34 (100%)

Survey sample.

Telephone surveys were conducted with 440 participants including 246 women (56 percent) and 194 men (44 percent). Most of the participants were born in Vietnam (97 percent); only 11 participants (3 percent) were born in the US. The majority of respondents (56 percent) were married; 33 percent were single; 9.5 percent were separate or divorced, and 2.5 percent were widows (see Table 5). The age of the participants ranged from 18 years to 75 years with a mean of 40 years. Their age at the time of resettlement in the US ranged from 0 year (those who were born in the US) to 69 years with a mean of 29 years. The time

they had lived in the US ranged from 1 year to 30 years with a mean of 11 years (see Table 6).

Table 5.
Survey Sample: Place Birth, Sex, and Marital Status

Place of Birth		Sex		Marital Status	
	Number (%)		Number (%)		Number (%)
Vietnam	429 (97.5%)	Male	194 (44%)	Single	145 (33%)
US	11 (2.5%)	Female	246 (56%)	Married	243 (55%)
Total	440 (100%)	Total	440 (56%)	Other	52 (12%)
				Total	440 (100%)

Table 6.
Survey Sample: Age and Time in the US

	Actual Age	Age At the Time of Resettlement	Time in the US
Range	18 to 75 years	0 to 69 years	1 to 30 years
Mean	40 years	29 years	11 years

As for educational attainment, employment, and occupation, 11 respondents (2.5 percent) were born in the US and did not have formal education in Vietnam. One hundred respondents (24 percent) had not finished and 176 respondents (42.5 percent) had completed high school in Vietnam; only 40 respondents (1 percent) had a college degree or higher degree earned in Vietnam. Less than half of all respondents (49 percent) had some formal education in the US, including 100 respondents (24 percent) who had a college degree or higher,

77 respondents (19 percent) who had some college education, and 19 respondents (5 percent) who had finished, and 8 respondents (2 percent) who had not completed, a high school education (see Table 7).

With regard to English proficiency, one third of all respondents (137 respondents) said that they had an average level of English proficiency; less than one third (127 respondents) considered their English as good, and only 41 respondents (10 percent) said that their English was very good. On the other hand, a quarter of all respondents (92 respondents or 22 percent) considered their English as weak, and 16 respondents (4 percent) said that they did not understand any English at all (see Table 7).

Table 7.
Survey Sample: Education and Language Proficiency

Education (N = 414)			Language Proficiency (N = 413)	
	In Vietnam Number (%)	In the US Number (%)	English Proficiency	Number (%)
No formal education	10 (2.5%)	210 (51%)	Very Good	41 (10%)
Didn't finish HS	100 (24%)	8 (2%)	Good	127 (31%)
High School	176 (42.5%)	19 (5%)	Average	137 (32%)
College, no degree	58 (14%)	48 (12%)	Weak	92 (22%)
Associate degree	30 (7.5%)	29 (7%)	Not at all	16 (4%)
Bachelor and higher	40 (10%)	100 (24%)	Total	413 (100%)
Total	414 (100%)	414 (100%)		

About employment and occupation, 97 respondents (23.5 percent) were professionals; 40 respondents (10 percent) were technicians; 122 respondents (30 percent) were manual workers; 15 respondents (3.5 percent) worked in clerical jobs; 31 respondents (7.5 percents) were self-employed; 65 respondents (16 percent) were students; 13 respondents (3 percent) were retirees; only 27 respondents (6.5 percent) were unemployed (see Table 8).

Table 8.
Survey Sample: Occupation and Income

Occupation (N = 410)		Income (N = 396)	
Types of Occupation	Number (%)	Groups of Income	Number (%)
Professional	97 (23.5%)	Over 35,000	106 (27%)
Technician	40 (10%)	25,001-35,000	50 (12.5%)
Clerical	15 (3.5%)	15,000 - 25,000	78 (20%)
Manual laborer	122 (30%)	Under \$15,000	93 (23%)
Self-employed	31 (7.5%)	No income	69 (17.5%)
Student	65 (16%)	Total	396 (100%)
Retired	13 (3%)		
Unemployed	27 (6.5%)		
Total	410 (100%)		

Community sample.

The community sample consisted of 11 Vietnamese Americans, including 7 women and 5 men, who worked in different occupations, but all had some contacts with either victims or offenders of intimate violence. Of

11 participants, two were hosts of two Vietnamese radio talk shows, one in Houston and one in Little Saigon; three were counselors for batterers' counseling programs in Boston and Orange County; two were coordinators of two victim service agencies in Houston and Boston; two were police liaisons in Boston and Houston; one was a social worker in Orange County, and one was defense lawyer in Orange County (see Table 9).

Table 9.
Community Sample: Occupation, Sex, and Location

Occupation	Sex		Location		
	Male	Female	Orange County	Houston	Boston
Talk Show Host	-	2	1	1	-
Police Liaison	1	1	1	1	-
Defense Lawyer	1	-	1		
Batterers' Program	2	1	2	-	1
Victims' Services	-	2	-	1	1
Social Worker	-	1	1	-	-
Total	4	7	6	3	2

CHAPTER 3: FINDINGS

For Vietnamese-American women, law prohibiting domestic violence in the US is a new resource to deal with intimate violence. Calling the police when violence occurs, working with the criminal justice system during the criminal justice process, and obtaining a restraining order to prevent future attacks from husbands/partners are a few ways that women can use to respond to violence at home. However, literature on domestic violence suggests that Asian-American women in general and Vietnamese-American women in particular do not often rely on the criminal justice approach to deal with intimate violence (Rasche, 1989; Bui & Morash, 1999).

As people are expected to conform to the group's norms, a lack of reliance on the criminal justice system on the part of Vietnamese-American women to avoid abuse may reflect the general view of the group toward intimate abuse and the criminal justice approach to the problem. Because Vietnamese family traditions and traditional gender practices emphasized women's subordination to men, Vietnamese Americans may not see intimate violence as a real crime, thus they may not consider the criminal justice approach to wife abuse as appropriate. On the other hand, women's behavior, including their help-seeking behavior, can be a product of social interactions that affect women's choice of approaches to deal with violence. In order to understand help-seeking behavior among Vietnamese-American women, it is important to explore attitudes of Vietnamese Americans toward the criminal justice approach to intimate violence as well as

various structural and cultural forces that may affect women's reliance on the criminal justice system to avoid abuse.

Perceptions of Vietnamese Americans about the Criminal Justice Approach to Intimate Violence

During the last two decades, there have been substantial changes in criminal laws dealing with domestic violence. Under the consensus approach, crimes are actions that violate social norms about appropriate behavior, and criminal laws reflect social values and are created to reinforce them (Stalans & Lurigio, 1995). Many of the changes in legal norms and practices regarding wife assaults during the last 20 years or so were initiated by efforts of the women's movement and feminist groups that campaigned for a criminal justice approach to wife assault (Corsilles, 1994; Hilton, 1989; Pleck, 1987, Wanless, 1996). For many Vietnamese Americans, laws and policies dealing with intimate abuse in the US are new features of American life that may not consistent with Vietnamese family traditions and gender practices that emphasized conciliation and women's subordination to men. Yet, the process of adaptation can change attitudes of Vietnamese Americans toward violence in the family and their approaches to the problem.

A survey was conducted with a sample of 440 Vietnamese Americans to understand their perceptions about intimate violence and criminal justice approaches toward the problem in the US (see Chapter 2 for the description of the survey and sample characteristics). In the survey, intimate violence was defined as the use of force or threat of force by a person against his or her intimate

partner, including husband/wife, girl/boyfriend, ex-husband/wife, and ex-girl/boyfriend. Respondents were asked about their perceptions of intimate violence in their communities and their awareness of law and policies dealing with the problem. The survey also obtained information about their attitudes towards government interventions into intimate violence and various criminal justice approaches to the problem, including arrest, prosecution, and different forms of punishment applied to intimate violence offenders.

Results of the survey showed that Vietnamese Americans had a positive attitude toward government interventions into intimate violence. A majority of respondents (72 percent) viewed intimate violence as a problem in their communities; 41 percent considered the problem as serious or very serious, and 31 percent considered the problem as not serious. Most respondents (97 percent), regardless of their gender, were aware of the illegality of intimate violence in the US. With regard to their awareness of criminal justice approaches to intimate violence, 80 percent of respondents were aware of arrest policies, but a smaller proportion of respondents understood that those who committed domestic violence would be prosecuted (64 percent) and would receive criminal convictions (49 percent).

Despite differences in perceptions of the seriousness of the problem and in their awareness of criminal justice approaches, a substantial majority of respondents favored government interventions to stop domestic violence (mean = 4.5 on a 5 point scale where 5 indicated the highest level of support); women had

a significantly higher mean score than men (4.6 and 4.4 respectively).⁷ In addition, most respondents agreed that police should be called when domestic violence occurred (mean = 4.4), with no difference between men and women.⁸ With regard to specific approaches to deal with the problem, court mandated counseling received the highest support (mean = 4.4), followed by arrest (mean = 4.0), fines and probation (mean = 3.8), and criminal prosecution (mean = 3.5); a jail term received the lowest support from respondents (mean = 3.3).

In summary, although Vietnamese Americans came from a country with different cultural values regarding family relations, they had favorable attitudes toward the view that intimate violence is a social problem, and they supported criminal justice approaches in majorities of situations. The degree to which these positive attitudes were consistent with abused women's help-seeking behavior, and what factors affect women's reliance on criminal justice approaches to avoid abuse will be examined in next sections.

Vietnamese-American Women's Experience with the Criminal Justice System as Victims

For many Vietnamese-American women, the process of resettlement in the United States has opened new possibilities that had been previously unavailable or traditionally suppressed in their country of origin. Educational and

7. In a 5 point scale, 1 = strongly disagree (in all situations); 2 = disagree (in most situations); 3 = somewhat agree (in some situations); 4 = agree (in most situations); 5 = strongly agree (in all situations).

8. Sixty-two percent of respondents strongly agreed, and twenty-six percent agreed, with the statement, "Do you agree that the government should intervene to stop domestic violence?" Sixty percents of respondents strongly agreed, and twenty-four percent agreed, with the statement, "Do you agree that the police should be called when domestic violence occurs?"

employment opportunities can help Vietnamese-American women increase their economic power. Gender practices that emphasize the principle of gender equality can also help improve women's status in the family. Particularly, domestic violence laws and policies have been created to help women avoid violence at home. However, many Vietnamese-American women still experience physically abused by their husbands/partners. This section examines how Vietnamese American women rely on the Criminal Justice to avoid intimate violence.

Women Victims' Experiences of Intimate Violence

As expected, given the purposive sample, all 34 women who participated in the study experienced many forms of abuse by their husbands/partners, but their experiences of abuse varied. Most of the women suffered both physical and emotional abuse; one woman experienced only emotional abuse. The majority of women who began their married lives in Vietnam experienced abuse in both countries, and even in refugee camps where they were waiting to be accepted as immigrants to the US. For two women, physical abuse stopped when they came to the US, but emotional abuse increased.

Physical and emotional abuse by husbands/partners took many forms. Physical abuse could range from throwing and destroying things in the home or things belonging to wives/partners, to threats of physical attacks (threats to hit and to kill wives/partners or wives/partners' relatives), and actual physical attacks (slapping, kicking, choking, punching, whipping, pushing, and forcing wives/partners to have sex). In some situations, weapons, including a gun, knife,

hammer, wooden stick, and electric cord, were also involved. The most frequent forms of emotional abuse by husbands/partners included swearing and yelling at wives/partners, calling their names and calling wives/partners stupid and crazy in front of others. Some men hurt themselves or threatened to commit suicide to force their wives/partners to satisfy their demands. Some women also experienced harassment and stalking by their ex-husbands/partners after separation and divorce.

Many women also fought back against their husbands/partners' physical attacks. While only a few women resorted to physical force to fight back, many other women used words. The most common forms of verbal fights were swearing and yelling, using bad words, or calling name.

A majority of the women suffered physical injuries resulting from abuse. The most common forms of injury were bruises, scratches, black eyes and swellings, but many women also had more severe injuries, including dislocated joints, broken teeth, bleeding, and internal injuries. In many situations, severely injured women did not get medical attention because they did not want other people know about the problems. Two women in the study were beaten so severely that they couldn't walk for several days but did not go to the hospital to see doctors. Abused women were taken to the hospital or the emergency room only in extreme cases where they passed out or had heavy bleeding.

Most women also experienced stress and depressive symptoms resulting from physical and emotional abuse, including loss of appetite, insomnia and constant headaches. For some women, abuse caused unbearable stress that led to

attempts to commit suicide. As one woman, whose husband often destroyed things in the home when the couple had conflicts, explained:

I didn't get physical injuries, but my mental health became deteriorated. . . I attempted to commit suicide several times. I told him [her husband], "If you want me to die to satisfy you, I will die, but do not make the home look like hell like this." (TX1)

Migration to the US has changed women's experiences of abuse in some ways. For a few women participants, physical abuse got worse, or only began, when the couples came to the US. However, many other women who had been abused in Vietnam experienced less physical abuse, and more emotional or verbal abuse, once they arrived in the US. They attributed these changes to the domestic violence law in the US. As these women explained,

He [her husband] began to physically abuse me after he was released from the re-education camp. Once we arrived in the US, he did not physically abuse as much as he had done to me in Vietnam. Probably he learned from his friends that wife beating was illegal in the US. (BS104)

His physical abuse stopped because he was afraid of the law in the US, but threats and emotional abuse became worse. (BS101)

Awareness of the prohibition of domestic violence in the US also caused many husbands to change their attack strategies to prevent outsiders from knowing about the abuse. For example, instead of slapping into the face of their wives/partners where injuries could be seen by outsiders (the third party), many men hit their wives/partners in parts of the body where signs of injuries could be covered by clothes. As these woman explained,

He used to slapped and punched into my face. One time he kicked into my mouth and caused me two broken teeth and bleeding lips. This happened in the street. One passenger saw the incident, stopped his car and came to rescue me. The passenger attempted to call the police but I asked him not

to call. . . . After that incident, my husband didn't hit me in the face. Instead, he punched me in my chest and my back, or used a stick to hit me at my legs. (CA9)

He tied me on the bed and whipped me with an electric cord. He whipped me in the buttock, so that no signs of injuries could be seen by others. . . I got bleeding. He whipped me the next day, and the next day until I couldn't walk. (TX3)

In short, women who participated in the study experienced many forms of abuse, and many suffered severe abuse over years. However, most of them did not seek help from the police when violence began to occur, as it will be revealed in the following section.

Contacts with Law Enforcement

As expected, given the purposive sample, a majority of the women participants in the core sample had contacts with the police as victims of intimate violence. Of 34 women participants, 24 (70 percent) had contact with the police as victims. Nineteen women called the police to report violent incidents; two women asked their neighbors to call the police, and one woman went to the police station to ask for help. In two other cases, health care workers who learned about the incident from the victim and a store-owner who witnessed the abuse called the police to report the abuse despite the oppositions of the women.

Due to the nature of a purposive sample, a high report rate among abused women in this study may not reflect the report rate among women in the Vietnamese-American population. Data drawn from interviews with Vietnamese service providers and law enforcement officials suggest that report rates of domestic abuse among the Vietnamese-American population were much lower

than the rates among Vietnamese-American women in this study. Estimates by social service providers were that about 10 to 15 percent of intimate abuse incidents among Vietnamese Americans were reported to the police (H. Nguyen, personal communication, March 19, 2000).

Police arrest reports suggested even lower report rate of domestic violence among Vietnamese-Americans. For example, each year in Houston, a city of 1,750,000, including 60,000 Vietnamese Americans, the police made an average of 24,000 reports on domestic violence, of which 180 reports were made on domestic violence among Vietnamese Americans. In addition, there were 3,600 to 4,800 walk-in reports by abused women, of which three to five walk-in reports were made by Vietnamese-American women, who did not call the police when violence occurred but wanted to press charges later. Compared to the number of reports in the general Houston population, it appeared that the number of reports among Vietnamese Americans were disproportionately low. Vietnamese Americans in Houston were 5 times less likely to call 911, and 40 times less likely to make walk-in reports than their American counterparts. Given the report rates of 50 percent among the general population (Bureau of Justice Statistic, 1995), the report rates among Vietnamese Americans in Houston were minuscule. In Lansing, a city with 4,000 Vietnamese, police made less than 10 reports on intimate violence among Vietnamese Americans in the entire year of 1999.

Factors Affecting Women Victims' Decision to Seek Help from the Police

Data for the study suggests that women's decisions to seek, or not to seek, help from the police are not affected by a single factor. Instead, a combination of socioeconomic conditions, immigration status, cultural values, and emotional attachment interact with each other on different levels to influence women's help-seeking behavior. Because women possessed different social locations and resources, and experienced different levels of abuse, the salience of each factor in women's experiences with the police varies accordingly with their life's circumstances.

Economic conditions.

There has been a consistent agreement among scholars that women's economic dependency can have a strong impact on battered women's decisions to leave an abusive relationship or to rely on the criminal justice system for protection from future violence (R. E. Dobash & R. P. Dobash, 1979; Ferraro, 1993; Hart, 1993; Okun, 1988; Schechter, 1982; Strube & Barbour, 1983, 1984). Traditionally, economic dependency has been seen as a result of women's unemployment that causes women to depend on their husbands/partners' incomes to survive. Thus, women who are afraid that the arrest or imprisonment of their husbands/partners can cause a loss of income to their families may be reluctant to use the criminal justice approach to deal with abuse (Ferraro, 1993; Hart, 1993).

Recent studies, however, did not find the effects of unemployment on abused women's decisions to use the criminal justice system (Bui, forthcoming;

Fernandez et al., 1997; Johnson, 1990). Fernandez and colleagues (1997) have suggested using the concept of absolute and relative economic dependency to better understand women's help-seeking behavior. Absolute dependency occurs when a woman is unemployed and totally dependent on her husband for financial support. On the other hand, relative economic dependency can happen when a woman is employed but her husband/partner may earn more and be able to provide her with a higher living standard. It can also exist when a combination of a woman's income and the income of her husband/partner provide her a better financial situation.

My interviews with the women participants suggest that both absolute and relative economic dependency can negatively affect Vietnamese-American women's decisions to call the police for help when intimate violence happens. A number of women in the present study could not find suitable jobs because of language barriers, low levels of education, and a lack of vocational skills and, consequently, had to depend on their husbands/partners' financial support. For these women, the decision not to seek help from the police resulted from their fear that their husbands/partners would be arrested and their family incomes would be lost, as illustrated in the following cases:

I didn't want him to be in trouble with the law; I didn't want him to be arrested; I needed him to work to support the family. (BS107)

Since the new law [mandatory arrest], I didn't call [the police] because I didn't want him to be arrested. I depended on him [financially]. . . After I gave birth to my son, I got fat and couldn't work in the coffee shop any more. . . They only wanted to hire women with slim bodies . . . they looked more attractive, you know. I didn't have any vocational skills. . . I didn't

want to work in assembly line production because pay was low, and day care costs for my son would consume all of my earnings. (CA5)

After I had children with him I didn't try to call the police [when he beat me] because I thought that nothing could be solved. I had to depend on him to survive. Some of my friends told me to forget about his violence and not to call the police because it would be a shame when I called the police and continued to sleep with him. (TX7)

Women who worked and who had high levels of education were also reluctant to call the police to deal with intimate abuse. They were concerned with the negative consequence of the criminal justice intervention that could lead to family breakup and a loss of their current living. For some women, their dependence on husbands/partners can be a temporary strategy to pursue a higher education and professional career to improve their lives. As these women explained,

Without his income, I can still survive because I have my own [manicurist] business. However, things will be different. I will not be able to live in the house like this; I will probably have to share an apartment with other people, and this will be very inconvenient. (CA10)

Although I work, I still think that the financial situation of a family with two incomes would be more stable than that with only one income. If I left him, things would become very complicated because we had to divide properties, such as cars, houses, and other things. (CA1)

Although I work and can support myself, my financial situation will be worse without his income. When we share, costs of housing and food for each person will be cheaper. If we had a divorce, we would have to sell the house, and I wouldn't be able to buy another one. (CA3)

I have a [college] degree and I can support myself. However, I have a small child, and I am pursuing a professional degree [MBA]. It will be harder for me if I don't have his income during this time and have to work to support my child and myself. (LS2)

I didn't want him to be in jail when he just arrived in the US. I was afraid that if he were involved in the criminal justice system, he would have difficulties in finding jobs. (BS107)

Although economic dependency could affect the decisions to seek help from the police among women who wanted to stay with their abusers, it also had a negative impact on help-seeking behavior among women who already left the relationships. Because they still needed child support from their ex-husbands/partners to raise their children, many women did not want their ex-husbands/partners to be arrested.

For many Vietnamese-American women, a lack of ability to drive also caused them to become dependent on their husbands/partners to get around. Some women could not pass driving tests because of language barriers. Others, especially old women, could not drive because they were not familiar with the US highway system and driving in heavy traffic. Many women did not want their husbands/partners to be involved with the law and be arrested because they needed their help with transportation. As two women put it,

I couldn't drive. I had to depend on him when I had appointments with doctors whose offices were far away from my apartment, or when I didn't know the directions. (BS101)

Because I didn't understand English, I couldn't pass the driving test, and I had to depend on him. . . He took me to and from work. Without him, I don't know how I could go to work. (LS5)

In short, because of economic dependency, either absolute or relative, many women were reluctant to seek help from the police to avoid abuse. However, economic dependency could also interact with other factors, including

women's safety and the seriousness of abuse, and the effect of these interactions will be examined later in this chapter.

Abuser's prevention and fear of retaliation.

As a main purpose of the police is to enforce the law and protect the safety of citizens, victims of crime are expected to call the police to report criminal incidents to reduce the risk of further injury. However, there are victims who consider calling the police to report crime as a dangerous response to their victimization (Singer, 1988). Research suggests that because of perceived and actual physical and psychological vulnerabilities, victims of domestic violence are more likely than victims of other crimes to have a sense of danger and fear of reprisal by a spouse or other family member if the incident is reported (Berk et al., 1984).

For women in the present study, prevention by the abusers and fear of reprisal were among reasons for not calling the police for help. Some men prevented their wives/partners from calling the police by keeping them from using the phone or getting out of the house. Other threatened to use more severe forms of abuse against their wives/partners and/or wives/partners' relatives. Fear for their own safety and the safety of their relatives made many women reluctant to seek help from law enforcement. As these women explained,

When I attempted to call the police, his girlfriend held me back and didn't allow me to pick up the phone while he closed the door to prevent me from running outside. Later on, he disconnected the phone before he hit me. (CA2)

He told me that I would be in big trouble if I told other people about him beating me. If I tried to leave him or escape, he would kill me. (TX3)

I'm afraid of him and his revenge. He said that he would kill my brother because my brother had talked me into leaving him. (LS4)

Language barriers.

Literature on immigration resettlement in the US suggests that initial language barriers can affect most new immigrants from the least educated peasant to the most educated professional (Portes & Rumbaut, 1996). Learning English can have a strong impact on the process of adaptation to life in the new society because it is a basic step to enable new immigrants to participate in the new life, get an education, find a job, and obtain access to health care or other social services (Portes & Rumbaut, 1996; Roberts & Starr, 1989).

However, the abilities and the opportunities to learn English to overcome initial language barriers are not the same for all immigrants. Among women participants in this study, those who came to the US in their school years had more opportunities to study the new language in their basic education programs. Many other women did not learn English because of a variety of reasons. The most common reason for not studying English was a lack of time. As new immigrants who came to the US with no financial resources and little support from the government, many women had to work to support their families in the US and help relatives they left behind.⁹

9. Immigrants who came to the US under the sponsorship of their relatives do not qualify for government assistance. Resettlement assistance for Vietnamese refugees who came to the US in the 1990s was reduced substantially. The maximum time of government assistance applied for refugees who came in the 1990s was eight months, compared to three years for refugees who came in the late 1970s and early 1980s.

Women's traditional domestic responsibilities within the household in the US also took away from many women opportunities for self-improvement. Many women worked outside the home to contribute to their families but also had to fulfill their traditional role of homemaker. For women who did not work, housework and care of small children often consumed all of their time.

A lack of convenient transportation also discouraged many women from going to school to study English. Many new immigrants did not have money to buy cars. Because Vietnamese Americans used to live in a tropical climate, walking in snow and waiting for buses during the winter were truly ordeals. Although the weather in Houston and Orange County was similar to the weather in Vietnam, these two cities had limited public transportation services. As one woman in Houston explained, "You cannot do anything if you don't have a car here. It's just like you lose your legs, and you become cripple."

For a number of women, their mental health problems and lack of minimum basic education also prevented them from learning the new language. Immigration literature suggests that migration can produce profound psychological distress. The mental health of refugees and immigrants is often affected not only by their experiences of cultural shock in the new environment but also by the circumstances of their exit from the home country (Portes & Rumbaut, 1996). For many women participants, their routes to the US were often made through dangerous escapes involving pirates' violence and violent storms at open sea. Those who came to the US through official programs also experienced stress caused by the lengthy paperwork process and the uncertainty of getting exit

approvals. Upon arriving to the US, many felt overwhelmed by difficulties in the new environment. As one woman said, “I was worried about so many things that I couldn’t study. Words couldn’t stay in my head. They came through my right ear, then they left through my left ear.” In addition, women who had no opportunities to go to school in Vietnam could not attend an ESL (English as a Second Language) class that often required a minimum basic education in their native language and handwriting skills.

Language barriers can prevent abused women from learning about resources available for them and constrain their willingness to become involved with the American criminal justice and legal system (Berk-Seligson, 1990; Rasche, 1988; Rimonte, 1989). In the present study, English proficiency appeared to have a major impact on women’s decision to seek help from the police. Women who considered their English proficiency as good or very good were more likely than others to report abuse to the police (100 percent and 61 percent respectively). On the other hand, many women did not call the police simply because they could not speak English and because they lack knowledge about law in the US. As one woman explained,

I didn’t call [the police] because I couldn’t speak English. . . I didn’t know the law and didn’t know what would happen should I call the police.
(LS1)

Language barriers also caused many more difficulties with negative consequences during women’s interactions with the police and the court, as it will be discussed later in this chapter.

Immigration status.

Besides language barriers, immigration status has been a barrier to the use of the criminal justice system to avoid abuse among women who came to the US under the sponsorship of their husbands. Since the 1930s, US immigration policies have allowed US citizens to marry persons of foreign nationalities and sponsor their spouses to the US (Houston, Kramer & Barrett, 1984). However, the process of obtaining a US permanent residency through marriage has become harder and more complicated after the enactment of the Immigration Marriage Fraud Amendments in 1989. Under the new law, aliens married to US citizens will receive a conditional residency for two years and must file another petition with their US citizen partners at the end of the two-year period to gain lawful permanent resident status (Chin, 1994).

Although the main purpose of the Immigration Marriage Fraud Amendments is to prevent marriage for the sole purpose of immigration, the new law has inadvertently become a power tool for abusive spouses to use against their alien partners and children. Despite the fact that the law has changed to provide relief for battered spouses by creating a special “waiver” for battered immigrants and allowing them to finish the process of gaining a permanent resident status without their abusers’ help, many women are still intimidated by their abusers’ threat due their lack of understanding of the law (Chin, 1994).

Because of the requirement of the husband’s participation in the wife’s petition for permanent residency, Vietnamese women who were married to and sponsored by American citizens were often very reluctant to leave their abusive

husbands, or they did not seek help from the police. These women were afraid that they would be deported should their husbands refuse to file a petition for them to obtain a permanent US residency, as illustrated by the following cases,

I was afraid that he would retaliate [if I called the police] and no one could help me obtain a green card. (CA9)

I was afraid that he would divorce me and wouldn't help me with the paperwork to get a green card . . . He had told me that if he was arrested and jailed, I would be deported to Vietnam and would lose custody of my son. The lawyer [whom her sister had hired to help her] advised me to call the police when he beat me to have evidence for a divorce without being deported, but I couldn't call because he prevented me from reaching the phone. . . I felt very scared because I didn't know whether my sister and the lawyer could help me. (TX8)

Related to immigration status is the time immigrants have spent in the US. Literature has suggested that time is a factor helping immigrants adapt to and become familiar with American culture (Gordon, 1964). Data from the present study, however, showed that the length of US residency had no impact on women's help-seeking behavior. Women who had been in the US for less than 10 years were as likely as others to call the police to report abuse.

Emotional attachment.

In a gender-stratified society, social structure and culture create social norms that govern the roles of women and men, and define, within a given context, behaviors deemed appropriate for individuals in various social roles including husband/wife, male/female partner, and parents/child. As I have discussed earlier, Vietnamese family traditions were modeled on Confucian teachings that emphasized close family ties, as well as hierarchy and order in interpersonal relationships. Although Vietnamese culture and traditions have

undergone tremendous changes, the legacy still remains to affect women's help-seeking behavior.

Data analysis showed that, culturally appropriate behaviors for women, women's domestic responsibilities, and the traditional authority of parents over children made many Vietnamese-American women feel reluctant to seek help from the police. These women were concerned that the intervention of law enforcement into family matters and the arrest of their husbands/partners would diminish the authority of fathers over children. Some women also tried to avoid making their family problems become public because they were afraid of being criticized for not observing the cultural norms of family privacy. As these women explained,

I didn't call [the police] because I was afraid of reaction from friends and families on both sides. . . I didn't want other people to know about the problem. Under our [Vietnamese] family traditions, husband and wife should protect each other, and family matters should be solved by family members, not outsiders . . . Also, because of the Three Obediences and Four Virtues traditions, I was afraid that other people would criticize me for stepping out of the norms of women's appropriate behavior.(CA1)

When I talked with my mother [about the abuse], she told me not to call [the police]. She was afraid that when the police came, everybody in the neighborhood would know about the problem. She told me that a woman's life belonged to her husband, and that a woman should accept her fate and be patient to avoid family conflicts. (LS3)

I was a devoted Catholic and wanted to keep Vietnamese family traditions. I didn't want my children to live with separate parents, and I didn't want other people to criticize me for learning the American way [of life]. (TX1)

Under the influence of the ideology of romantic love and heterosexuality, Vietnamese-American women, either growing up in Vietnam or in the US, often expect to have an intimate relationship with men. Women who felt loved by their

husbands/partners were more patient and often maintained hope for changes in their husbands/partners' behavior, thus delaying reporting abuse incidents to the police. In addition, women who wanted to maintain the relationship and were concerned that police intervention could cause family break-up also avoided using the criminal justice approach to deal with abuse. As these women explained,

I didn't want to have a divorce. Other people would look at me and say that I was a "husbandless" woman. (TX2)

I didn't want a divorce or separation. I loved him, and I didn't want him to be in trouble with the law. After he hit me, he felt remorse. He kneeled in front of me, apologized and asked me to forgive him. I thought that he truly felt remorse and I didn't want to make him unhappy [by calling the police]. (CA9)

Many women in the study also experienced feelings of loneliness created by language barriers, culture differences, and a lack of family ties. Because of the dangerous nature of their escape to the US, many women had to leave behind in Vietnam their support network of close relatives, including parents, siblings, and children. For many women, a need for emotional support and avoiding loneliness was a major factor behind their decisions to seek and maintain an intimate relationship, as illustrated by one woman participant,

I married him because within an unfamiliar society, I need support from a man who can speak the same language as I do, and understand my culture to help me during crisis . . . I want to continue staying with him because I don't have any relatives here in the US, and I often feel lonely.

Safety and agency.

Literature on domestic violence has suggested that battered women's use of the criminal justice services increased with assault severity (Bui, forthcoming;

Gelles, 1976; Kantor & Strauss, 1990). Estimate was that two thirds of victims who experienced severe family violence would seek help at least once (Wauchope, cited in Hutchinson & Hirschel, 1998). Research also found that half of domestic violence victims who suffered injuries reported the abuse to the police, but the report rate was lower among abused women who did not sustain injuries (Bureau of Justice Statistics, 1995). Wauchope (cited in Hutchinson & Hirschel, 1998) also reported that it required over 10 episodes of serious assault before help-seeking behavior could exceed 50 percent.

An examination of data for the present study revealed that safety issues were a major factor affecting women's decision to call the police to deal with abuse. Most of the women who sought help from the police, except one, did not call the police when abuse began to occur. However, as abuse continued and escalated, in terms of severity and frequency, fear for their safety, and the safety of their children and sometimes of close relatives, caused these women to call the police to stop the violence. A majority of women who ever sought help from law enforcement (14 women or 64 percent) only reported one abuse incident, but other women called the police more than one time. Five women reported two incidents, three women called the police three times, and two other women reported four or five incidents. Some of these women were dependent on their husband for economic support. As these women explained,

I called the police to order him out of the house for my safety. (BS203)

Because I was so scared, I wanted the police to stop him from beating me and harming the children. (TX6)

He came home from work and talked with my 4-year-old son. He suspected that someone had come home the night before and he began yelling at me, and threatening to kill me and an imagined enemy . . . He put a knife at my neck as if he was going to cut my throat. I was terrified. When I got loose from him, I reached the phone and called 911. I had experienced his violence so many times, and for so long . . . since the time we got married [5 years ago]. I knew that my financial situation would be worse without his income, but I was not afraid of poverty as much as of being abused. After I called the police I went to work and made money. (LS3)

For many women, calling the police was initially not a practical approach to deal with domestic violence, but it was the last resort when other forms of assistance failed to solve the problem. As I have discussed earlier, a variety of factors, including economic dependency, fear of reprisal, language barriers, immigration status, and emotional attachment can make the use of the police to deal with domestic abuse an undesirable option for many women. Therefore, they may have tried other forms of assistance deemed more appropriate for their situations before turning to the police. As these women explained,

I didn't know whom in the families on both sides I could ask for help. I called my parents in Canada, but my mother said that I was a married woman, and I should belong to my husband's family. People in his family viewed wife beating as normal, and nothing was wrong with it. Because no one else could help, I had to call the police. (CA1)

I called and asked the police to take me out of this situation. I was so scared of him. I called the shelter first, but its staff told me that they couldn't come to take me. They advised me to call the police and ask them to take me to the shelter. . . [2 years later] He threatened to kill me and my whole family. I wanted to leave the relationship, so I went to the police station to ask for the protection of my family and myself. (TX3)

Interviews with women participants also revealed that, besides safety concerns, a desire to express agency or assertiveness was also a factor in their decisions to report abuse incidents to the police. Literature has suggested that

women, as members of the oppressed group because of their gender, do not always passively accept male domination (Kandiyoti, 1991). Rather, they often use different strategies, within a set of concrete constraints, to manage their lives in the face of their oppressions. Depending on different situations, Vietnamese-American women might have tried different coping mechanisms other than the criminal justice approach. They might have strategically accepted certain levels of oppression in exchange for emotional support, economic security, or a legal status in the US. When other mechanisms failed, or when they felt that coping strategies needed to be changed, government interventions became a resource for Vietnamese-American women to cope with intimate violence and assert their agency. Because the police represent power, many women took alliance with the police to empower themselves. As these women explained,

I called [the police] to warn him that I did not tolerate his violent behavior, and the police would protect me. (CA3)

I called the police to let him know that I could get him arrested. (TX2)

I was fed up with his unreasonable jealousy and violence, and I wanted the police to come and arrest him to teach him a lesson. (LS3)

When he beat me up, he also dared me to call the police. He told me that the police couldn't keep him in jail for long, but two or three days at most, then he would be released . . . I called the police to teach him a lesson, but he fled before the police came . . . The next time, when he threatened to kill me, I called 911 again. This time, I hid the [car] key, and he couldn't flee. He was arrested. (LS5)

He used to hit me in Vietnam and continued to hit me in the US. Because he didn't change, I had to call [the police] to warn him. I called [the police] to let him know that he could not hit me as he used to in Vietnam (LS6).

Women Victims' Interactions with the Police

Literature has suggested that police performance in domestic violence cases can have important implications for the victims in terms of safety; it can also have an impact on victims' decisions to access other services in the system, or continue to use police services in the future (Fischer & Rose, 1995; Brown, 1994). For example, police encouragement and explanations of victims' legal rights can be a factor that motivates battered women to access other legal and social services to protect themselves from further violence. Victims' perceptions of police performance are also determined by the consistency between victims' expectation and what the police have done to address women's needs and desires (Erez & Belknap, 1998). For Vietnamese-American women, language barriers and an immigrant and minority status can have a negative impact on their interactions with the police as victims of intimate violence.

Victims' preference for arrest.

Although mandatory arrest policies have been designed to provide more protection for battered women, many women victims of domestic violence still do not want their abusers to be arrested. Literature indicated that only about 20 percent to 25 percent of women who had reported abuse by husbands/partners to the police desired arrest (Kantor & Straus, 1990; Smith & Klein, 1984).

Data from the present study suggest that most Vietnamese-American women do not want the police to arrest their abusers. Of 24 women who had contacts with the police as victims, only 2 women wanted their husbands/partners to be arrested (8 percent). On the other hand, a majority of these women (17

women or 71 percent) only wanted the police to stop the violence, order their abusers to move out of the house for their safety, or calm their abusers down and explain to their abusers that they should not use force. Because the police represented power, some women only needed the presence of police at their homes at the time of the incidents with a hope that the presence of the police would deter their husbands/partners from doing harms. As one woman explained,

I expected that the presence of the police would deter him. I wanted the police to file a report and keep it in the file. I hope if he knew that his name was in police record, he would not use violence any more. (CA3)

Five other women (21 percent) felt confused about their preference for arrest. Although they thought that their abusive husbands/partners should receive some sort of punishment, they were also worried about the negative consequences of the arrests, including husbands/partners' losing employment and "losing face" with other family members and friends, and the possibility of increasing strain in the relationship. One woman wanted her husband to be arrested, but said "no" to the police when they asked about her preference for arrest.

To help husbands/partners avoid arrest, many women explicitly asked the police not to make the arrest. Other women changed the story, denied the abuse, and even lied to the police that they had used force, but not their husbands/partners, as illustrated in the following case,

After listening to my story, the officers asked my husband to stand facing the wall and handcuffed him immediately. I begged the police three times not to arrest my husband, but they didn't agree. Finally, I told them that I had hit my husband, but he hadn't hit me. At that point, the officers gave my husband two options: either leaving the apartment that night, or being arrested. Obviously, my husband agreed to leave home. (TX5)

A counselor for a batterers' counseling program reported that some women even intervened with the arrest by holding back their husbands/partners while the police attempted to take them out.¹⁰ Besides economic and emotional reasons, fear of racial discrimination was a major factor in women's efforts to keep their husbands/partners from being arrested.

Despite women's non-preference for arrest, the police arrested abusive husbands/partners in more than half of the cases (14 cases or 58 percent). It is also necessary to note that some of the incidents that did not result in arrests happened more than five years ago when mandatory arrest policies were not rigorously applied.

Communication difficulties.

Literature has recognized that there are communication problems in the contacts between limited-English speakers and law enforcement in the US (Shusta, Levine, Harris & Wong, 1995). A lack of language skills often makes it difficult or impossible for the victim to communicate effectively and provide necessary information that helps law enforcement officials understand the situation (Davis, 1985). The trauma caused by victimization further affects the victim's ability to speak English (Shusta et al, 1995). On the part of law enforcement officers, some may modify their English so that they will be better understood, but most officers often feel frustrated by language barriers and fail to slow down their speech and listen carefully (Shusta et al, 1995). A recent study showed that for immigrants with limited English, the language posed a greatest

10. The information provided by the counselor was drawn from police reports on police

hardship in their contacts with the criminal justice system (Davis, Erez & Avitabile, 1998).

Data from the study revealed that Vietnamese-American women shared with other immigrants language difficulties in their contacts with the police. Of 24 women participants who had contacts with the police, only 8 women had no language difficulties in their communications with police officers who responded to their calls. Although translation and interpretation could ease many difficulties in communication, only four women among those who had language difficulties received translation assistance, either in-person or via-telephone, by law enforcement agencies. The rest of these women had to depend on neighbors or relatives for help with translation or interpretation, or they had to manage the problem by themselves.

Poor communication and misunderstanding caused by language barriers often affected police performance, victims' perceptions of police work, and their help-seeking behavior in the future. Women with limited English proficiency were not able to explain clearly to the authorities their complicated situations as well as their expectations. Some women felt discriminated against because police officers did not pay attention to their family situations. Others thought that the police discriminated against them because they could not speak English well. As one woman explained,

Two weeks ago, one of his friends [her husband's friend] called and asked him to go gambling. I hated that. So, I called this man and swore at him on the phone. . . He then caused me troubles by calling the police, saying

responses to domestic calls.

that my husband needed to go to the emergency room. When the police came, they were angry and accused me of lying to the police. I tried to explain the situation, but I was so nervous that I couldn't know what to say . . . I tried to ask the police to advise my husband not to gamble, but they didn't do it. It seemed to me that they didn't support me. I felt they thought that people who could not speak English well did not deserve police protection. (TX7)

Although translation assistance can reduce communication difficulties for non-English-speaking people in their contacts with the authorities, it can create other kinds of problems. When a woman relies on an interpreter to communicate, there is no guarantee that what she says in her native language will be accurately translated into English without losing its original meanings. In addition, the interpreter can consciously change the story according to his or her perception of the situation and people involved. For many women in this study, relatives, neighbors, or friends often altered the stories to help abusive husbands/partners avoid involvement with the law. As these women explained,

I had called [the police] several times before. . . Because I couldn't speak English, I dialed 911 and said, "Help! Help!" When the police came, his children [with his former wife] helped with the translation. . . They told the police that I was crazy and nothing had happened. After listening to the children, the police left. Through this experience, I learned that because I couldn't speak English, I couldn't do anything [with his abuse]. (TX7)

Before the police took him [her husband] out of the house, he angrily looked at me and said that when he was released, he would kill me. One police officer asked my neighbor to translate what my husband just said to me. She [her neighbor] later told me that she was concerned with the possibility that my husband would be in deeper trouble with the law should she report exactly his statement. So, she told the officer that my husband said he hated me. (LS6).

Women who had to rely on other people for communications sometimes received unwanted results, as illustrated in the following case,

I could understand English but I did not speak English very well. So, I asked my friend to go with me [to a women's center] and help me with translation. My friend was a social worker and she said more things than what I wanted her to tell the center staff. On the basis of her report, the center staff found out that my husband had sexually abused my children, and later threatened to kill them when he was drunk. The center staff filed the report with the police, and my husband was arrested for child abuse. Since that time, I didn't see my friend again. (TX6)

Police referrals.

Domestic violence is a social problem that requires intervention from both social service and criminal justice agencies, each of which has individualized responsibilities. However, the diverse needs of victims and abusers require some cooperative efforts from different agencies in coordinating their responses to domestic violence cases (Johnson, Sigler & Crowley, 1994). The police have been viewed as a critical linkage between the victim and other social services deemed necessary for battered women to escape abuse, and police referrals to persons in battering relationship have become an importance element of police response to domestic violence (Ferraro, 1989; Belknap & McCall, 1994). A study of abused women in domestic violence shelters showed that almost half of respondents were informed of shelter services by the police, and a majority of respondents who were informed of shelter services indicated that police frequently provided transportation to the local shelter or gave them the shelter's phone number (Coulter et al., 1999).

Data from the present study suggested that police referrals could help Vietnamese-American women get needed services. Police officers who responded to domestic calls often helped women contact with victim assistance

agencies. My interviews with two victim service agents revealed that about 20 to 30 percent of their clients were referred to the agencies by the police (Q. Dang, personal communication, November 12, 1999; H. Nguyen, personal communication, March 20, 2000). However, in many other situations, police referrals seemed to be a routine but ineffective. This happened when police officers who responded to domestic calls gave non-English-speaking victims information materials written in English. In other situations, responding officers referred non-English-speaking victims to social service agencies where nobody could speak Vietnamese. One woman complained that the police had failed to take her to a refuge place she had requested.

When the police came, my husband had already fled the scene. I asked the police to take me to a women's shelter, but they took me and the children to a homeless shelter instead. . . I felt humiliated. . . Because I didn't feel comfortable staying at the homeless shelter, I left [the shelter] the next day and found a women's shelter nearby where I came to ask for help. (TX6)

In summary, data for the study showed that Vietnamese American women did not often contact the police to report intimate abuse. Those who did seek help from law enforcement only contacted the police after being abused many times. Economic conditions, education, English proficiency, emotional attachment, fear of reprisal, and severity of abuse interacted to affect Vietnamese-American women's decisions to report abuse to the police. The effects of these factors changed over time, accordingly to the progress of abuse. Generally, many women decided to seek help from law enforcement when other approaches to deal with abuse did not work, and when fear for their safety outweighed other concerns. Beside concerns for their safety, the desire to

express their agency was also a reason behind many women's decisions to call the police.

When Vietnamese-American women finally called the police for help, they also faced other problems as well. Many of them did not want their husbands/partners to be arrested, but the police made arrests in the majority of cases. Language barriers also created problems. A small number of women got interpretation assistance from law enforcement agencies, but many others had to depend on their relatives, friends or neighbors who often distorted details of the incidents. Difficulties in communication often caused misunderstanding about women's expectations on the part of the police and about police performance on the part of the women's victims. In addition, many women did not benefit much from police referrals because they did not appropriately respond to their needs.

Contacts with the Judicial System

Since the implement of new criminal justice responses to domestic violence, research has been conducted to understand how new policies are supported by the public and victims of domestic violence. In Stalan and Lurigio's study (1995), respondents wanted to hold abusive spouses legally responsible with guilty decisions when injuries were involved. When responding to a hypothetical case involving their spouses/partners, both men and women wanted counseling for their spouses more than they wanted probation or jail, but men were more likely than women to wanted jail for their spouses.

Studies of victims of domestic violence showed different patterns of responses. According to Davis and Smith (1995) and Ferraro (1993), the majority of abused women (from 65 percent to 80 percent) wanted charges dropped. In Ferraro's study (1993), only 16 percent of intimate victims cooperated with the prosecution but specifically stated that they desired help for their abusers rather than prison. In Erez and Belknap's study (1998), the overwhelming majority of the intimate victims claimed that they cooperated with the police requests for information and accurately presented to the police the abusive behavior of their abusers. In addition, about half of the victims appeared in court to testify for the cases. However, about two thirds of the victims thought that victims of domestic violence should be allowed to drop charges in order to improve their relationships (Erez & Belknap, 1998).

Data for the study indicated with Vietnamese Americans did not support the judicial approach to intimate violence cases as much as they supported police intervention. A substantial majority of respondents agreed that police should be called (83 percent and a mean score of 4.4 on a 5 point scale where 5 denoted strongly agreed), and arrests should be made (72 percent; mean = 4.0) in most domestic violence cases. On the other hand, a marginal majority (59 percent) respondents agreed with the prosecution approach to most domestic violence cases with a mean score of 3.5. In addition, a prison sentence received even a lowest support from respondents with a mean score of 3.3.

The lesser degree of support for the judicial approach may reflect a negative attitude among Vietnamese toward the legal approach for solving

problems in general and intimate violence in particular. Vietnamese traditional culture emphasized social harmony through mediation and conciliation. The avoidance of confrontation and litigation was evidenced in the old saying “*Di hoa vi quy*” (Conciliation is the best policy) (Ta, 1999). In addition, the Vietnamese have long suffered all kinds of judicial oppressions, including French colonial, feudalism, militarism, and communism. Throughout history, there were very few legal safeguards for those who were involved in the criminal justice system, and coerced confessions often led to a guilty verdict in the court with severe consequences for not only the convicts but also the convicts’ families. That historical legacy has resulted in the fact that most Vietnamese avoid being involved in the judicial process, as reflected in the old saying “*Vo phuc dao tung dinh*” (woe fall on those who have to go to courts) (Ta, 1999).

Although Vietnamese-American women share a common cultural legacy, they have different court experiences. As Vietnamese-American women begin their journeys in the judicial process as victims of intimate abuse, various economic, emotional, organizational and immigration-related factors affect their reluctance or their determination to follow through with the case. This section examines women’s experiences with criminal court proceedings as victims of intimate abuse. I also included women’s experiences with the family court for custody, child support, and restraining order cases because such cases are relevant to many battered women.

Factors Affecting Women Victims' Desires to Drop Charges

Women's cooperation with prosecution can be affected by many factors. Research showed that fear of the batterers, ineffectiveness of the system, concern for the children, and distrust of the criminal justice system have negative impacts on women's willingness to cooperate (Erez & Belknap, 1998). On the other hand, the safety and welfare of themselves and their family were factors that helped them to follow through with their cases (Erez & Belknap, 1998).

Data analysis revealed that a substantial majority of women in the present study wanted to drop charges against their husbands/partners. Of 14 women whose husbands were arrested and charged with a domestic offense, 11 did not want their husbands/partners to be prosecuted (79 percent). Some women asked the police not to press charges against their husbands/partners. Other went to offices of the district attorney to ask the prosecutors to drop the charges. Some women used economic reasons to justify their requests, but most of the women who wanted to drop charge denied the abuse or minimized the severity of abuse. One woman even tried to obtain a medical evaluation of her husband's mental illness to back-up her demand. Pressures from abusers and abusers' families, as well as economic and emotional dependency often caused Vietnamese- American abused women to request that charges against their abusers be dropped.

Pressure from abusers and families.

For women in the mainstream, fear of reprisal has been found as the most important factor that affects women's unwillingness to cooperate with prosecutors (Erez & Belknap, 1998). Data for the study indicated that besides

pressures from their abusers, pressure from other family members also have an important effect on Vietnamese-American women's decisions to drop charges. Growing up in a cultural tradition that emphasizes collectivism, many Vietnamese-American women often act not only in their own interests but also in the interests of other family members, including parents, siblings and children. Some abusive men threatened to harm their wives/partners' parents or siblings if their wives/partners didn't drop charges. Some parents also urged daughters to drop charges because they were concerned that interventions from the court would lead to the breakup of their daughters' families, make their grandchildren fatherless, and bring shame to the whole family. Fear of loneliness in the new country also forced many women to defer to the desires of their children or their abusers' families in exchange for emotional, and sometimes, financial support. As these women explained,

I requested that charges against him be dropped [her boyfriend] in two different incidents. For the first incident . . . because I loved him and also because I was afraid of him. I didn't want him to hurt anyone in my family. For the second incident . . . because I was afraid that he would kill my whole family. (TX3)

I only wanted him [her husband] to leave me alone, not to yell at me, not to caused family conflicts, not to hit me. After I realized that he couldn't change, I call the police to request a PPO to separate. I didn't want him to be prosecuted and go to court. . . His family already hated me and was alienated from me because I had called the police . . . I didn't want to suffer from his abuse, but I didn't want other people to hate me and blame me. Therefore, when his family asked me to drop charge against him, I agreed. . . But the judge didn't approve [my request]. . . He was sentenced to two years and a half in prison. His lawyer appealed the conviction and sentence decisions, and I went to the second trial to ask the judge to acquit him. This time, the judge agreed. . . (BS207)

My children wanted the charges against their father dropped, and I went to the court to do what they wanted. (LS6)

My mother urged me to pay for his bail and take him home. She said, "He is the father of your son, and you cannot leave him in jail." My mother was also worried about my husband being convicted and sentenced to prison, and my son would become fatherless. My husband also asked me to go to the court and request that the charge be dropped. I made the request to make my mother feel comfortable. (LS3)

Economic and emotional dependency.

The ideology of the marriage and romantic love has served a barrier that prevents women from leaving an abusive relationship (Ferraro & Pope, 1993). Research has shown that many battered women often say that they love their partners and their help-seeking behavior may reflect a desire to end violence but not the relationship (Ferraro & Pope, 1993). For women who do not want to leave their husbands/partners, prosecution can be seen as a threat that can disrupt the relationship.

For many Vietnamese-American women, besides a desire to maintain the relationship with their husbands/partners, being grateful or feeling indebted to husbands who had sponsored them to the US caused many of these women to request that charges be dropped. As these women explained their situations,

We just bought a house to prepare for our marriage, and I didn't want to do anything that would destroy our plan. (LS2)

Because we just got married two months ago, I didn't want him to be in trouble with the law. That would make our relationship worse. (LS1)

I asked the judge [prosecutor] to drop the charge because I loved him. He told me that if I loved him, I should ask the judge [prosecutor] to drop the charge. Therefore I denied the abuse when the judge [prosecutor] asked me about it. (LS7)

I didn't want him to be prosecuted and convicted. He had sponsored me to the US, and I didn't want to be ungrateful to what he had done to bring me here. (BS207)

Besides emotional reasons, many abused women were also afraid that a prosecution could lead to a loss of their family incomes resulting from the conviction and imprisonment of their the family providers. Even women who were already separated or divorced also need their abusers to work and pay for child support.

Immigration status.

Immigrants who are not US citizens may receive more negative consequences from their involvement with the criminal justice system than their American-citizen counterparts. Since the late nineteenth century, immigration laws have allowed the deportation of immigrants who commit heinous crimes (Kim, 1996). Recently, the Illegal Immigration Reform and Responsibility Act of 1996, Section 350, includes domestic violence offenses into the list of crimes that can be grounds for deportation of aliens. In the present study, women whose husbands/partners were not US permanent residents or US citizens were concerned with negative consequences of a criminal conviction that could cause their husbands/partners to be deported or denied American citizenship, as illustrated in the following case,¹¹

He [her husband] had applied for [American] citizenship and received the notice for an interview. He was afraid that the INS would be informed about his involvement with the law, and he would be denied American citizenship. So, he asked me to talk with the prosecutor to drop the charge.

11. The Illegal Immigration Reform and Responsibility Act of 1996, Section 350, provides that domestic violence is a ground for deportation of aliens.

I also had the same concerns as he did. So, I went to the court and asked that his charge be dropped, but the judge [prosecutor] did not approve my request. (LS3)

Women Victims' Cooperation with the Judicial Process

In the present study, husbands/partners of 12 women were prosecuted despite the fact that most women wanted to drop charges. Most of the women whose husbands/partners were prosecuted appeared at the pretrial hearings, partly because they wanted to ask that charges be dropped, and partly because they thought that they had to appear. Of 12 women whose husbands were prosecuted, only 5 attended the trials of their husbands/partners.

Reasons for not attending trials.

An examination of the data for the study suggest that, contrary to the population notion of non-cooperative victims, many women did not attend trials because the court did not ask them to appear. Of seven women who did not attend court hearings, only two failed to appear because they did not want to testify for the court. Three other women did not appear because they were told by court officials that they did not have to testify. One woman had attempted to attend the trial of her husband, but because the case were delayed many times, she could not continue going to court, and therefore she missed the trial. Another woman was not informed about the trial because her husband kept all court correspondence.

As these women explained,

My acquaintances told me that if I appeared in court, I would have to testify against him [her boyfriend], and he would receive more severe sentences. Therefore, I stayed home. (LS5)

I didn't attend his trial because I had decided to come back with him. (TX3).

I didn't know that I had to appear in court. He kept all letters sent to me from the court and didn't let me know. (BS601)

I went to the court two times, but the case was postponed. On the third court schedule, I didn't show up because I had to work. (TX6)

Economic resources can relieve women from a burden of confronting their abuser at the trials. Although in principle, prosecutors represent victims at trial courts, victims whose interests are not consistent with the interests of the prosecutors are not truly represented. A woman who wants her husband to be punished for his violent behavior but does not want to confront him at the court, can have a lawyer who represents her at the court, as illustrated by the following case,

I didn't want to confront him at the court. I hired a lawyer to represent me. I loved him, but I also wanted him to understand that I didn't accept his violent behavior, and he was responsible for it. . . . I also didn't want people to recognize me at the court because I was a well-known businesswoman in the community. (CA5)

The roles of social, victim, and legal service agencies.

Domestic violence literature has suggested that, regardless of the wisdom of "no-drop" policies, the ways battered women are treated by court officials and victim advocates who inform battered women about resources and services are pivotal for successful prosecutions (Cahn, 1992; Ford & Regoli, 1992). Positive and encouraging responses by court officials also play a considerably important role in women's decision to participate in the process (Erez & Belknap, 1998). Because of the unique situation of victims of domestic violence crimes, many

prosecutors often work closely with outside victim advocacy programs or have created such programs internally. The goal of these programs is to provide support for victims, encourage victim cooperation with the prosecution, and enhance case survival rates (Cahn, 1992). Victim advocates may help prosecutors by getting additional information on the history of abuse and the nature of the violence. They also provide support and counseling and explain the criminal justice system to the victim (Cahn, 1992).

My interviews with women in the core sample suggest that both social, victim and legal service agencies can have an important impact on Vietnamese-American abused women's participation in criminal proceedings by encouraging them to participate and providing them with resources that addressed their needs. Most of the women in this study who attended the trials of their husbands/partners followed the advice of victim advocates and legal counsel. As I have discussed earlier, Vietnamese-American women faced many difficulties with language barriers and lacks of understanding of the law that often made them feel confused, intimidated, and lost in the system. Many women also faced economic hardship and had to depend on their abusers' financial support. Those who felt confused about the consequences of their participation in the criminal proceedings were often reluctant to cooperate with the criminal court.

However, abused women who learned from victim advocates and legal counsels the benefits of attending trials were often willing to appear in court. Contrary to the common wisdom that only women who wanted to testify against their husbands/partners would attend trials, many women in my study appeared in

court to help their husbands/partners. They also saw their helping acts as a way to empower themselves by building an alliance with the court. Some women were willing to participate after they understood the benefits of their attendance.

As these women explained,

I attended the pretrial and the final trial to help him by saying good things about him . . . A victim' advocate advised me to attend his trial to have my say in the case, and I wanted him to understand that my say would affect his life. (LS2)

A victims' advocate encouraged me to go to the court and tell the judge what I wanted. She told me that my opinion may have some effect on the court decision . . . I wanted my husband to understand that I could have my say in the cases. So, I appeared in the pretrial and asked the judge for leniency on his behalf. (LS3)

I appeared in the court because my lawyer advised me to do so. I had filed for custody and child support, and he [the lawyer] said that my testimony against him would strengthen the custody and the child support cases. Also, because he [her husband] harassed me, and his girlfriend threatened to harm my family, my lawyer advised me to appear in court to give the judge enough information, so that he can make a right decision to protect me and my family. (LS7)

Public financial assistance can also have a positive impact on women's cooperation with the court. Welfare assistance has been seen as an opportunity for women to exercise power by relying on the state to break their dependency on men (Piven, 1990). In my study, many women avoided criminal justice interventions because they were afraid of negative economic consequences resulting from the arrest of their economic providers. However, many women felt comfortable with the criminal justice intervention and were not afraid of leaving their abusive husbands/partners after social service agencies helped them obtain

public assistance. As an abused woman who had a disabled child (paralyzed) explained,

My financial situation became worse after my daughter and I moved out. I had a lot of difficulties and was always worried about how to have money to survive. But enduring his abuse was even more difficult . . . Now I'm not worried very much. I have support from the government, SSI for my child, and assistance from other agencies. Now, I'm applying for housing, and I hope things would be better in the future. (TX5)

I'm receiving welfare benefits (SSI) now, but I'm worried about changes in welfare policies. If I didn't get welfare, I would have to depend on him financially. (BS107)

When I moved out, I had lots of [financial] difficulties. I had to pay rent and bills, and I had to work. However, I had more freedom and no longer lived in fear. . . Now, I don't have to worry so much about money because welfare benefits, child support, and earnings from my part-time job are enough to support my three children and myself. I also learned that the court had ordered child support money to be taken directly from his paycheck, so I don't have to worry about his failure to pay. (LS7)

Despite the positive impact of support from victim advocates and other social service agencies, only few women in the study received this important assistance. This was partly because victims' advocate programs did not reach out to serve the needs of this group of clients, and partly because they did not have staff members who could speak and communicate with Vietnamese-American clients.

Women Victims' Experiences of Court Proceedings

Data for the study indicated that Vietnamese-American women who participate in court proceeding also faced many difficulties caused by language barriers, including the lack of interpretation assistance and problems of

inaccurate interpretations. In addition, many women also experienced indifferent and insensitive treatment by court officials.

Lack of interpreter and problems with interpretation.

Literature has indicated that language barriers and lack of knowledge about court proceeding are among the most difficulties that immigrants often face in the court (Davis et al., 1998). Because court language is much more difficult than conversational language, immigrants who want to understand as much of the proceedings as an English speaker would must possess the same familiarity with English legal terms as a native English speaker (Moore & Mamiya, 1999). In addition, cultural differences in concepts of justice also cause difficulties for immigrants even when they are translated in the immigrants' native language (Davis et al., 1998). In order to help immigrants participate in court proceedings, the Court Interpreters Act was enacted in 1978 to provide interpreters to non-English-speaking defendants, litigants, and witnesses in federal courts, and by 1988, many states had initiated similar measures in state and municipal courts (Berg-Seligson, 1990, Moore & Mamiya, 1998).

Despite the importance of court interpreters, not all court participants who needed interpretation get assistance. Of 12 women in this study who went to pretrial hearings, 10 women (84 percent) had limited English proficiency, but only 1 received translation assistance provided by the court at the pretrial hearing. Among five women who attend trials, two received court interpretation assistance.

Besides a lack of resources, organizational views of how domestic violence cases should proceed affected the probability that an abused woman could get interpretation assistance. More often the court was not active in its task of providing court interpreters for non-English-speaking witnesses. Instead, victim advocate agencies often had to ask the court for translation assistance on behalf of abused women. However, requests for interpreters were not always honored due to a lack of resources. In addition, because the organizational goal was to seek prosecutions, victim advocates often refused to help women who wanted to drop charges against their abusive husbands/partners.

Those who did not have translation assistance had to depend on their relatives or manage the problem themselves. As a result, most of them did not understand much about what had happened at court hearings, and what the prosecutors or court employees had said to them. Even when they had questions, they did not know how to communicate with the prosecutors and other court officials. Some of the women explained their situations as follows,

The court didn't provide a translator for me. My 20 years old daughter helped me in the court with translation. I had asked the victims' advocate agency for help but they told me that they couldn't help me with the request to drop the charge. They could only help me to testify against him, to file for divorce or child custody. (LS6)

On the day of the pretrial, the victim advocate agency couldn't find a translator for me, and I had to ask my neighbor to help me in the court. . . My husband accepted his fault [pleaded guilty] and wanted me to ask for leniency on his behalf. I had planned to say good things about him, but at the court the judge didn't ask me or say anything to me. He asked my husband to return two weeks later. He didn't ask me to return and I didn't know why. I wanted to ask, but a woman working at the court told me that the hearing was over, and I didn't need to return . . . I didn't understand

English and the law, and my neighbor didn't either. So, both of us didn't understand much of what was going on at the hearing. (LS3)

Although interpretation assistance can ease language difficulties, other problems can arise. Because no one in the courtroom, other than the court interpreter, is able to speak both languages, the court interpreter is put in a position where he or she can choose between upholding the standards of ethics or undermining them, knowing that no one is able to learn about that. Therefore, inaccurate interpretation of testimony, and distortion of court materials have been the most frequent phenomenon in bilingual courtrooms (Moore & Mamiya, 1999). Conflicts of interest can pose another problem. When friends and relatives are interpreters, the court hears not what the party is saying but what the interpreters think the facts should be.

In domestic violence cases, gender of the interpreter can influence his or her task. A male interpreter may take the side with the male abuser and become biased against the female victim. A woman in the study reported that a court-assigned male interpreter in her case insisted that she should contact her abuser to notify him about the restraining order hearing. After the case was over, she learned that what the interpreter had told her was not what the law required her to do. As she explained,

After I filed a request for a restraining order, a [male] interpreter asked me to contact my ex-husband and tell him to appear at the restraining order hearing. Although I explained that I didn't want to contact him because I was afraid of his harassment and stalking, the interpreter repeated several times that I had to contact my ex-husband, or there would be no hearing. Finally, I had to ask a friend to call him and let him know about the hearing. Later, I learned from other people at the court that I should not have been asked to contact my ex-husband. (CA2)

Lack of knowledge about the law and court proceeding.

Besides language barriers, a lack of knowledge about the law and court proceeding creates further difficulties for Vietnamese-American women who have contacts with the American court system. Even when they do understand English, court objectives, procedures and proceedings may differ radically from the workings of the criminal justice system in their country of origin. Because both procedural and substantive laws are anchored in American social reality and culture, they may not be easily understood by Vietnamese Americans who came from a different culture.

A lack of knowledge of the law often has negative consequences in child custody and child support in relations to divorce and separation cases following intimate abuse incidents. Because abusive men often threaten to take away women's custody rights or refuse to pay child support as part of their control tactics, fear of losing custody and child support often causes abused women to defer to the demands from the abusive party. Lacking knowledge of the law can cause serious consequences, including losing custody and having to pay child support, as illustrated in the following case,

After I left, my husband filed for divorce. Before I received notification about the case, I was asked by the court to take a blood test, but I didn't understand why . . . No one explained this for me. At the divorce hearing, a Vietnamese man who appeared to be a court official asked me if I agreed to sign the divorce paper or not. I asked him whether I could see my son [whom she had left behind in Vietnam and was waiting to reunite with], after the divorce, but he didn't respond to my question. Instead, he told me firmly that I had to say "yes" or "no." I was confused and felt intimidated. So, I said "yes." Later, I learned that this man was a lawyer hired by my husband. I also learned that my husband didn't let me know that my 10-year-old son had come to the US and stayed with him, and that

the blood test was used to establish the proof of maternity that my husband used to ask me to pay for child support . . . I was not informed to attend the child custody case. Therefore, I lost the custody and didn't have legal visitation. I also had to pay for child support. Because the amount of child support was too high, I went to a refugee service agency and asked for help. They referred me to a public law center where one young lawyer worked with me in the child support case. Because I didn't understand her questions, I gave her wrong information that in turn didn't help reduce much of the amount of money I had to pay. I felt totally helpless. All bad things happened to me just because I didn't know English and the law. (CA2).

Interactions with court officials.

Besides being alienated by language barriers, some women also felt excluded from the system by the prosecutor's demeanor. Literature has long documented prosecutor indifference and unresponsiveness to women's complaints of domestic violence (Cahn, 1992; Ford, 1983; Ford & Regoli, 1993; Lerman, 1986). To address the problem of prosecutors' disinterest in domestic violence cases, the no-drop charge policy has been established to regulate prosecution discretion in cases where the women wanted to drop charges and declined to participate. After the implementation of no-drop policies, prosecutors have been found to be more active in prosecuting domestic violence cases (Davis & Smith, 1995; Ford & Regoli, 1993).

Data for the study showed that Vietnamese women who tried to help their husbands avoid prosecution by actively making contacts with the prosecutors and other court officials often felt alienated by the behavior of prosecutors and other court officials. Because the goal of the no-drop policy was to bring more domestic violence offenders into the court system, many prosecutors became indifferent and insensitive to the needs of intimate violence victims who

contacted them to ask that charges against their assailants be dropped. Many women felt that they were not welcome to the court. As one woman explained her case,

Although I didn't have problem with the language, I didn't understand much of the procedure because I didn't understand the law . . . When the prosecutor learned that I wanted to drop charge, he didn't want to talk with me. I tried to explain my situation but the prosecutor told me that it didn't matter whether I provided him information or went to the court to testify because he would prosecute and the court would try on the basis of the police report. (LS2)

Most women participants did not have much interaction with the court officials, including judges. Language barriers might be part of the reason, but it also might be due to the preconception of court officials that an abused woman who had wanted to drop charge could not be a useful witness and did not need to be part of the case and to appear at pre-trials and trials. Even women who had interpretation assistance did not have much communication with court officials through their interpreters. Most women did not understand the progress of the case, and several women even did not understand sentencing decisions. A few woman did not know that their husbands had been sentenced to probation until several months later when they were contacted by counselors from the treatment programs that their husbands/partners attended.

Women Victims and Restraining Order

In recent years, the restraining order has been used extensively in domestic violence cases because it is considered as playing an essential role in protecting

abused women from further violence.¹² Although a restraining order is a form of civil protection, its violation can result in mandatory arrest and criminal contempt punishable by imprisonment (Klein & Orloff, 1999). A recent study (Erez & Belknap, 1998) found that a majority of abused women requested a restraining order, but more than half of those who had obtained one thought that the order was not helpful in guaranteeing their safety.

Depending on the jurisdiction, a restraining order can be obtained in a civil or criminal court. The four jurisdictions where I conducted the study also have different restraining order policies. In Orange County, judges can grant a restraining order in a domestic violence case at pretrial and trial hearings regardless of the victim's request. On the other hand, abused women in Lansing and Boston must go to the family court to request a restraining order. In Houston, abused women can obtain emergency restraining orders through police officers who respond to domestic calls and who will contact a judge and ask him or her to issue an emergency restraining order.

Of 31 women participants who experienced physical abuse in the US, 10 requested restraining orders, and 17 did not. For another four women, the trial judges automatically issued restraining orders against their abusive husbands/partners, although these women did not request them.

12. Depending to different jurisdictions, a restraining order is also called personal protection order or PPO.

Factors Affecting Women's Decisions to Request or Terminate a Restraining Order

An examination of data for the study showed that the most common reason for not requesting a restraining order was a lack of understanding among Vietnamese American women about the availability of this service. Among 17 women who did not request restraining order, 10 women did not know what it was. Language barriers were part of the problem because many women could not understand materials written in English that law enforcement officers often gave them when they responded to their calls. In addition, information in materials given by the police might be too broad, and these women might need to have someone who could explain in more details the concrete benefits and consequences of restraining order.

Economic dependency, pressure from the family and the abuser, a desire to keep the family intact for the benefits of children, and fear of public knowledge about their family problems also prevented many women from requesting a restraining order or caused them to terminate an existing order. Because restraining orders created a separation between abused women and their abusive husbands/partners, women who did not want, or could not have, a separation were not likely to request one. Other women were afraid that the absence of their husbands at home would make other people aware of their family problems. As these women explained,

I wanted a PPO [personal protective order], but I didn't request it. My mother asked me to let him [her husband] go back home, and she didn't want me to stay in her home. If I left my husband, I had no place to live. (LS3)

I didn't request PPO because I need him to stay with me to take care of the baby when I go to work. I also need him to share the living cost. (LS5)

When the court asked me to appear for a permanent restraining order, he insisted that I shouldn't go. So, we lived together again. (BS101)

After I called the police, I requested a restraining order . . . Shortly after that, he asked me to terminate it. So, I went to the court and asked the judge to lift the order, and the judge agreed. (BS205)

I felt pity for him, and I felt regret. He sent letters and asked me to forgive him . . . he also cried. I felt sad and lonely, and I was afraid that my friends and his family would criticize me for kicking him out of the home. (BS101)

Some women did not want to deprave their children of emotional relationships with their fathers, as illustrated in the following case,

I didn't request a PPO. I need him to take the children to school because I cannot drive . . . The children also like him . . . Sometimes, he took them out to the restaurant or the park on weekends. If he was not home, the children couldn't enjoy these things. (TX7)

The Roles of Police Referral, Victim Services, and the Court

Data for the study showed that law enforcement, victim service agencies, and the court could have a major impact on Vietnamese-American women's use of a restraining order to prevent future violence. Most of the women who requested a restraining order received information about this service and its benefits from legal counsel and victim advocates who also provided assistance during the process of obtaining the order. One woman talked about her case as follows,

When he hit me and gave me bruises all over my chest, I didn't call the police because I didn't want him to be in jail. I told my co-workers and they took me to see health care staff at the company. Staff members at the health care center helped me obtain a restraining order . . . (BS101)

Judges, on the basis of their judgment of the case, could issue no-contact bonds (a form of emergency restraining order) at arraignment hearings and restraining orders against the abusive partners at pretrial hearings and trials. Women who learned about the restraining order and how it worked often used it to protect their own and their family's security, especially when they wanted to end the relationship. As these women explained,

After I realized that he couldn't change, I called the police to request a PPO to be separate. I only wanted him to leave me alone but didn't want him to be arrested. (BS207)

A victims' advocate explained to me about the purposes of the PPO and helped me obtain one. I didn't want to live with him any more, and I didn't want him to go to my home and my work to harass me. I also wanted to protect my mother and my siblings from his threats. (LS7)

Some women used restraining order as a way to empower themselves by making alliance with the court to transform the relationship.

I hoped that he would be afraid of the judge and stopped hitting me. I wanted to teach him a lesson. (BS101)

I didn't request a restraining order. The judge granted it as part of the no-contact bond, but I didn't request to remove it. I planned to keep the order for one year. If he felt remorse and learned the lesson, I would ask the judge to remove it. (CA5)

Half of husbands/partners (five husbands/partners) who had a restraining order issued against them violated the order. However, only one woman reported the violation. Another woman who was in a divorce case thought that the violation was mild (called to talk but did not threaten) and did not want to be involved in another court case against her husband. One woman was afraid of the retaliation by her abuser. Two other women violated the order themselves; one

let her husband return home, and the other continued to contact her husband through the phone and mails, but did not legally terminate the order. These women used the restraining order as a safeguard for their security while continuing to maintain the relationship. They explained their situations as follows,

He threatened to blow out my father's house if I reported [his violation] to the police. He told me that the police couldn't keep him in jail for long and for that reason I should not report his violation. (TX3)

Both of us violated the order because I allowed him to return home. . . He had no relatives in the area; he stayed with his friend and had a very difficult time. He was depressed, got sick and couldn't work. When the children learned that he was sick, they asked me to let their father stay in the house, so they were able to take care of him. I felt pity for him and agreed to let him in. However, I didn't ask the judge to remove the PPO. I wanted to use it as a warning to prevent him from hitting me again. I told him that if he hit me, I would call the police and he would be charged with a more severe offense. (LS6)

He called and sent me letters. I didn't report his violation because I wanted to talk with him. I didn't terminate the PPO because my lawyer told me to keep it, so that I could be qualified for a green card as an abused wife.

In summary, data for the study showed that as intimate violence cases moved into the judicial process, Vietnamese American women had both positive and negative experiences with the court. Although most Vietnamese-American women who had called the police to report abuse incident wanted to drop charges, many women received support from social and legal services to participate in pretrial hearings and trials. Because most Vietnamese-American women were not aware of the availability of a restraining order, information

provided by victim advocates and legal counsels also had an important impact on women's decisions to request a restraining order to prevent future violence.

Assistance from social and legal services also mediated the effects of socioeconomic conditions on women's participation in criminal proceedings. Welfare could provide low-income women resources necessary to break their dependence on their abusers, and legal and interpretation assistance could help women victims understand the criminal justice process and the benefits of participation. However, many Vietnamese-American women still faced problems created by language barriers and a lack of knowledge about the law. Inadequate interpretation services and insensitive and indifferent treatment by court officials made many women feel alienated and excluded from the process.

Vietnamese-American Women's Experiences with the Criminal Justice System as Offenders of Inmate Violence

After the implementation of mandatory arrest policy, scholars have pointed out the problem of dual arrests in which the victim is arrested along with her abusers (E. Buzawa & C. Buzawa, 1993; Walsh, 1995; Wanless, 1996). Under the mandatory arrest policy, police officers often take injury to the abuser as evidence of a "mutual combat," thus arresting and charging both the man and the woman. Although little is known about the trends in dual arrests since the implementation of mandatory arrest policies, a recent study indicated that dual arrest accounted for almost 30 percent of all arrests for intimate violence (Bui, forthcoming).

My interviews with women participants in the core sample indicated that 6 women were arrested, prosecuted, and convicted after their husbands/partners called the police to report the incidents. This section examines the criminal justice process experienced by Vietnamese-American women who were charged with a domestic offense. My analysis focuses on the interaction of a variety of structural, cultural, and political factors that affect the arrest, prosecution, and sentencing of abused women.

Women Offenders' Experiences of Intimate Abuse

Of 34 abused women participants, 6 were charged with a domestic offense. All of these women had experienced physical abuse by their husbands/partners before the incidents that led to their arrests. For two women who came to the US recently (less than three years), physical abuse happened only in Vietnam but did not occur in the US. For four other women who spent a longer time in the US (from 15 to 25 years), one experienced abuse in both countries, and three were abused after they started their relationships in the US. All six women experienced emotional abuse, which included neglect, threat to abandon, and denigrating.

These women did not report violent incidents to the police because of a variety of reasons. One woman fought back against her abuser, and one said that her husband only threatened her, but physical attacks did not actually occur. Another women did not report abuse because she depended on her husband to obtain a green card. One woman sought help from the police during the time when police's arrest decisions were often made on the basis of victims' request,

but she stopped calling the police after a mandatory arrest policy was implemented (in California) because she did not want her husband to be arrested.

Contacts with the Police

Police Arrest and Charge Decisions

My interviews with women in the core sample indicated that while most women who called the police to stop the abuse did not want their husbands/partners to be arrested (92 percent), most men called the police to arrest their wives/partners. Most women were arrested when police responded to their husbands/partners' complaints (83 percent), but only more than half of men were arrested when police responded to their wives/partners calls (58 percent).

Men's desire for wives/partners' arrests was reflected in their inaccurate reports about the incidents to the police and their fabrications of evidence to convince the police to arrest their wives/partners. Husbands' preferences for arrest were supported by police practices that made decisions to arrest and press charges on the basis of visible injuries and information provided by husbands/partners without further investigations. The parties who had visible injuries were considered victims, regardless of their contributions to the violent incidents. These women explained their situation as follows,

He asked me to move out after we had an argument . . . I prepared my luggage but he refused to give me the [car] key . . . I tried to take the key that he firmly held in his hand, but he pushed me back so hard that I fell on the floor. I got up and tried again but he raised his hand and grasped my arm. When I was able to take the key and tried to break my arm from him, I accidentally hit his eyebrow with the key and caused it to bleed. He became enraged, and yelled at me, 'You dare to hit me. I will call the police to arrest you and put you in jail.' . . . When the police came, they talked with each of us separately, took the picture of his injury and

arrested me. I was only aware that I got a big bruise in my upper arm once I was in jail. (CA8)

Because the police did not investigate to verify information given by the husbands/partners, some women could be arrested and charged on the basis of husbands' exaggerations and lies about details of the incidents.

After we arrived in the US, we often had conflicts and arguments. It seemed to me that he didn't care about me and my son . . . He often went to his parents' and siblings' party to drink and play games. Because I was afraid that he would abandon me and my son, I tried to keep him with me. One day, I invited his parents to have lunch at home. Before we started lunch, his sister called him to her house to play games. I asked him to stay home, but he didn't care. Very disappointed, I held a kitchen knife, pointed it to my stomach, and told him that if he left, I would commit suicide . . . His parents and other relatives intervened, took away the knife and left my home; he also left with them . . . Two hours later, when I stood in front of the house with my son, the police came, took away the child from my arms, arrested me and put me in the suicide watch section in the city jail . . . They did see a scratch on my stomach skin caused by the knife. Once in jail, I learned that my mother-in-law had called the police to report the incident. I was charged with a felony, that was "threatening a family member with a weapon [a knife]." CA6

He went out, drank, returned home, caused troubles . . . We argued against each other. . . He swore and yelled at me, and I threw a TV remote control at him but it failed to hit him. He then grasped my arms and tried to bang me to the wall. When I struggle to get away from him, my fingernails caused several scratches on his neck. He called the police to report the incident. He also told me that he would ask the police to arrest me and "would let you die in jail." I felt scared because I didn't have immigration paper with me. I asked him to let me flee before the police came, but he refused. He locked the door to prevent me from escaping while waiting for the police to come . . . One police officer talked with me in the bedroom, and the other officer talked with my husband in the living room. When the officer took me back to the living room, I saw two more officers. They told me that I was under arrest for attacking my husband with a weapon . . . When I asked them what kind of weapon they were talking about, my husband then opened a cabinet, took out a knife and said that I attempted to stab him with that knife . . . The officers didn't listen to my explanation; I was arrested and was charged with a felony. (CA9)

This happened because of his involvement in day-trading . . . That day, he blamed me for causing him to lose [money] while I was preparing dinner .

. . Tired of his blaming, I used a kitchen knife to tap several times on the door frame to express my anger and I told him to shut up. He saw my behavior as provocative, and he threatened to call the police to put me in jail. I dared him to call, and he did. When the police came, he reported that I attempted to attack him with a knife . . . I was arrested and charged with a felony [domestic assault with a weapon]. (CA10)

A lack of investigation also provided a context for husbands to retaliate against wives. Some women were arrested because of their husbands' lies to the police about injuries that these women had not caused, as illustrated by the following cases.

I suspected that he had committed incest with his daughter . . . On that day, we had an argument after I discovered that someone had entered my room and stolen my jewelry . . . At one point, I grasped a loaf of bread on the dinner table and threw it at him. Because I missed, I took one flat shoe and threw at him again. This time, the shoe hit his shoulder. He then went outside, and I went to my bedroom up stairs . . . About two hours later while I was sleeping, a police officer knocked the door and asked me to come down to talk . . . I learned from the officer that my husband had called the police and reported that I had beaten him and caused scratches and bleeding on his arm. I look around the dinning room and realized that all furniture was disturbed as if a big fight had happened here . . . I didn't understand why . . . After I told my version of the story, the officer examined the shoe, gave my husband an information package, and told him to contact the city court if he wanted to file a complaint. However, my husband was not satisfied with the officer's decision. So, another police officer was called. The new officer, after talking privately with my husband, said that I was under arrest for domestic assault . . . He didn't talk with me and didn't allow me to explain, but he ordered the other officer to handcuff me and take me to the police car without allowing me to change my nightgown. (TX4)

He [her husband] left and did not return home after we had an argument. Four days later, I received a phone call from the police asking me to contact them about an assault complaint against me. . . I learned that my husband had reported to the police that I had attacked him and caused him injuries, bleeding and scratches on his face. The police didn't listen to my explanation, and didn't ask me to the police station. They only talked with me on the phone. They pressed charge against me without talking with other witnesses . . . (CA7)

Women Offenders' Experiences with Police Process

Data for the study indicated that police practices regarding mandatory arrest policies and women's economic condition and support networks had an important impact on Vietnamese-American women experienced with police process as offenders of intimate violence. A majority of the women who were arrested had no difficulties in communication with the police. Two thirds of these women had spent more than 10 years in the US and could understand and speak English. Interpretation assistance was provided for two other women who had difficulties in speaking and understanding English.

Most of these women, however, felt that they were not treated fairly because the police did not listen to their versions of the story and did not conduct thorough investigations to verify information provided by their husbands/partners. Three women said that they were wrongly arrested and charged for offenses that they did not commit because their husbands/partners lied about the cause of the injuries or changed details of the stories. Three other women thought police decisions were unfair because they did not consider the contributions of their husbands/partners to the problems. In additions, many women also felt humiliated during the arrest process, especially when their needs were ignored. As one woman explained her situation as follows,

The police adjusted the handcuff so tightly that it caused scratches and bleeding at my wrists. When I asked them to loose the handcuff, they ignored my request . . . Once I was in jail, I needed hygiene tampons, but they also ignored my request. I felt that when I was arrested, I ceased to be a human being under their eyes. (CA9)

Women's economic condition and their support network could impact their experience of detention in unpleasant crowded jails. Because most of the arrested women could not depend on their husbands/partners to post bail for them, women who did not have financial resources or relatives and friends could not obtain pretrial release. Of five women who were arrested and detained in city or county jails, only one woman was released on bail posted by her husband. Relatives and friends posted bail for two other women. One woman was detained until the first pretrial hearing when she pleaded guilty and was released on probation; one woman could not obtain release pending trial because her husband did not pay for her bail, and she had no relatives or friends whom she could ask for help. As these women explained,

My husband didn't pay for my bail. Probably because he didn't have money and his parents didn't want to help. They didn't like me and they wanted him to divorce me. (CA6)

When I was in jail, I called to ask him to post bail for me, but he refused to talk with me . . . My brother had to find money to help me. I was detained three days and charged with a misdemeanor domestic offense. (CA8)

Both my sister and my husband contributed money to pay for my bail . . . I was detained two days and was released on bond. (CA9)

Two hours later [after the arrest], my husband came to the police station, admitted that he had lied to the police about my attempt to stab him with a knife and asked the police to release me, but he didn't post bail for me. Because the police did not agree, I was detained three days then was released after pleading guilty to the charge and being sentenced to probation . . . (CA10)

I called him from jail to ask him pay for my bail, but he didn't respond to my call. I had to ask my friend to help me. (TX4)

Women Offenders' Experiences with the Judicial Process

An examination of data indicated that a variety of structural and organizational factors affected the experiences of Vietnamese-American women with the judicial process as offenders of intimate violence. These included husbands/partners' desires for control, lack of economic resources, police and judicial practices, and inadequate due process protection.

Prosecution Decisions

My interviews with women in the core sample revealed that women who were arrested for domestic abuse were as likely or even more likely than their male counterparts to be prosecuted. All six women, five in Orange County (California) and one in Houston (Texas), who had been arrested and charged, were prosecuted. Data analysis also revealed that men were less likely than women to request that charges against their spouses be dropped. While 80 percent of women (11 cases out of 14) wanted to drop charges against their husbands/partners, less than 20 percent of men (1 out of 6 cases) wanted charge be dropped. Because in some locations, the application of the no-drop-charge policy was not rigidly applied, some prosecutors still had some leeway to dismiss charges when victims' requests deemed appropriate. The interaction between victims' desire to drop charges and the application of the no-drop-charge policy had an impact on the likelihood of prosecution of abusive spouses/partners. Of 11 cases in which the women victims requested that charges be dropped, two women's requests (one in Houston and one in Boston) were approved. On the other hand, the request by a husband (in Orange County) was not approved.

In addition, women who wanted to drop charges often recanted what they had told the police and mitigated the seriousness of the incidents to help their abusive husbands/partners. This was in sharp contrast to the situations where husbands lied or exaggerated about the seriousness of the problem to have wives arrested. More important was the practices of prosecutors that relied heavily on police reports to make prosecution decisions and did not take into consideration other information about the cases. Because police reports only reflected husbands'/partners' narratives of the incidents and causes of injuries, this practice was particularly harmful for women whose husbands/partners had lied to the police

Defense Counsel and Plea Bargaining

As intimate violence cases moved into the judicial process, Vietnamese-American women offenders often experienced inadequate due process protection. Although the right to legal counsel is one of the constitutional rights to a fair trial, not all women had legal counsels when they needed it. Because of a lack of understanding about the US legal system, many women were unaware of their right to legal counsel. However, when accused women were aware of their right and asked for it, legal counseling services often came too late and could not help. Of six women who were prosecuted, three women hired private lawyers; two had counsels provided by the state, and one did not have legal counsel because she was not aware of her right. As she said, "I didn't have a lawyer; I didn't know that I had a right to have one. No one told me about this." (CA8)

Women who had legal counsel also had problems with unqualified counsel, or inadequate legal counsel. One woman did not have defense counsel at two pretrial hearings in which she pleaded not guilty, and she was only provided counsel at the third hearing where she gave up efforts to defend her innocence because of emotional exhaustion caused by imprisonment and lack of counsel. This woman explained her situation as follows,

I had to appear in court [pretrial hearings] three times. At the first appearance, I asked for, but was not provided, a defense lawyer . . . The judge told me that if I pleaded guilty, I would be sentenced to one month in prison, three years on probation, and 300 hours of community services, and one year on counseling. Because I didn't attempt to stab my husband, I pleaded not guilty . . . I was taken back to jail. One week later, they took me to the second pretrial, and I still didn't have a lawyer . . . I continued pleading not guilty. At the third pretrial, I felt very depressed and emotionally tired because I had been in jail for 16 days. So, I pleaded guilty to get out of jail. This time, I had a lawyer but he could not help because he only met me 15 minutes before the hearing. (CA6)

Generally, most women were not satisfied with their legal counsels. They felt that their lawyers were interested more in making money than in helping them because they spent too little time on the cases. One woman hired a private lawyer who was late on the pretrial. Another woman complained that her lawyer did not help her understand what happened in the court. Still another woman hired a Vietnamese lawyer who happened to be an acquaintance of her husband and finally took his side. As these women explained,

I hired a private lawyer, but he was late on the day of pretrial and couldn't help me. I hired another lawyer who only examined the cases two days before the trial. I was supposed to have a jury trial, but by what ever reason I didn't know, it was not a jury trial, and he didn't explain to me why this had happened. (TX4)

I hired a Vietnamese lawyer. However, he knew my husband and he took the side of my husband . . . He advised me to plead guilty, but I didn't agree and I chose to go to trial. (CA7)

Overall, defense counsels, either private or public, tended to assumed that their clients were guilty. Most women reported that their lawyer were interested in bargaining with prosecutors for a lesser offense and sentence, and not in challenging evidence used by the court. One woman was advised by her lawyer to attend a counseling program for batterers while waiting for the appeal of her conviction and sentence. Fear of being sent back to jail waiting for trials and a lack of confidence in the ability of defense counsels to defend their innocence forced many women to plead guilty while maintaining their innocence. As these women explained,

They [court officials] told me that I would be sent back to jail waiting trial and would receive a more severe sentence if I didn't plead guilty. Because I didn't want to stay in jail longer and because I was also afraid that I would be sentenced to a jail term at trial, I pleaded guilty. (CA8)

My lawyer worked with the court. He advised me to plead guilty to a misdemeanor to receive a less severe sentence. I was told that if I didn't plead guilty, I would be taken back to jail. Because I wanted to avoid going back to jail and other troubles, I pleaded guilty to an offense that I never committed. The judge sentenced me to 3 years on supervision [probation], 30 days of community services, and 52 weeks on counseling for batterers. (CA10)

That Vietnamese lawyer couldn't help because he took the site of my husband, so I hired an American lawyer to help me appeal the conviction and sentence. He advised me to attend counseling for batterers while waiting for appeal decision . . . but in fact, I'm not a batterer . . . I never hit him [her husband]. I don't know why I have to do that. (CA7)

Problems in translation and a lack of understanding about the meanings and consequences of court decisions also influenced women who maintained that

they were innocent to see pleading guilty as an acceptable alternative for jail detention. The mistranslation of the term “probation” into the Vietnamese term “*quan che*” (supervision) created a misperception about the meaning and consequences of probation.¹³ Many women simply understood “probation” as “supervision,” or “a little bit inconvenience of life,” without understanding its consequence in term of criminal record. They were not even aware that a violation of the probation conditions would bring them back to prison to serve the whole term. Therefore, they accepted the guilty pleas to receive probation and get out of unpleasant jails.

Trial, Conviction, and Sentencing

Data for the study suggest that the practices of the courts, and the quality of police investigation and defense counsel had an important impact on women’s conviction and sentence. Of six women who were prosecuted, four women pleaded guilty for a misdemeanor domestic assault, and two other women chose to go to trial. At the pretrial or at the trial, these women did not have opportunities to present their versions of the story because cases were processed very fast. In addition, prosecutors and judges heavily relied on police reports of the incidents and other criminal records, but did not consider other information, to make decisions on the case. As these women explained,

My lawyer advised me to plead guilty . . . I told the judge that I had been abused for many years, I had put up with his abuse, and I had to defend myself. But the judge said that because I hadn’t called the police before, there was no record about his abuse that could be used for my case. CA9

13. Official court materials and materials used in a counseling program for batterers also used the term “*quan che*” or supervision to indicate probation.

The pretrial was very short and brief. The judge didn't spend enough time to listen to all the details about the case. He only looked at police reports on that day [the date of the incident]. They didn't take into account all of his emotional abuse of me during the last three or four years. CA10

Literature has showed that that the police often collect evidence for prosecution in domestic violence cases by talking with victims and taking pictures of injuries (Erez & Belknap, 1998). Similarly, in the present study, visible injuries and false information provided by complaining husbands/partners were taken as face values and were admitted as evidence for the charges. Defense counsels often spent very little time with their clients to know more details about the case, so that they could challenge evidence provided by the court. Court delays also discouraged witnesses from continuing their efforts to testify on behalf of the accused. One woman had two witnesses who could support her alibi, but they had to give up their effort to testify on her behalf after repeated court delays. The woman explained her case as follows,

I had two witnesses: one was my boss and one was the baby-sitter who agreed to testify that I was at work at the time of the incident that caused my husband' injuries. However, none of them appeared at the trial because the case was postponed and because they were tired of going back and forth to the court several times and finally gave up. I was convicted of domestic assault, sentenced to one month in prison, three years on supervision [probation], and 52 weeks on counseling for batterers. (CA7)

My lawyer only discussed the case with me two days before the trial. . . I didn't have any opportunity to tell my story at the court. . . I was convicted of a misdemeanor domestic offense and sentenced to six months on probation for the offense that I did not commit . . . The judge also issued a restraining order against me on my husband's behalf . . . (TX4)

All of the women were sentenced to probation terms that ranged from six months to three years, ordered to attend batterers' counseling programs that lasted from

six months to one year, and required to do 200 hours to 300 hours community services. Two women also received an additional one-month jail term.¹⁴ Judges also issued a restraining order against most of the women regardless of the request of their husbands/partners. Of six husbands, only two requested the judges remove the order, and only one request was approved.

In summary, data for the study indicated that women's experiences with the court as offenders of intimate violence were affected by police and judicial practices, inadequate due process protection, husbands' desires to use arrest as a means of control, and women's economic resources. Because the police often limited their investigations of domestic violence cases to information provided by the complainants and complainants' injuries, and because the court relied heavily on police reports to make decisions, many women were prosecuted, convicted, and sentenced solely on the basis of their husbands/partners' complaints. Inadequate legal counsel and lack of confidence in the ability of legal counsel to help also forced many women to plead guilty to the offense they did not commit.

Effects and Consequences of Criminal Justice Interventions

Research on domestic violence policies often focuses on their effectiveness in terms of victims' safety based on the reduction of violence by abusers, women's cooperation with the criminal justice system to have successful prosecution and women's satisfaction with the system (see Literature Review). One area that has been neglected by research is the effect of criminal justice

14. At the time of the interview, one woman was still working to appeal her conviction and sentence.

intervention into the family lives of women involved in intimate abuse. Scholars have recognized that many women call the police to end the violence but do not want to end the relationship. Therefore, knowledge of the effects of the criminal justice approach to intimate violence is incomplete without understanding how this approach affects the family relationships of those who use it, especially women who came from a culture that places high values on the family. This section examines the effects and consequences of criminal justice interventions to intimate violence in terms of women's satisfaction, safety, and family lives.

Women's Satisfaction

Satisfaction with the Police

Literature on domestic violence has indicated that victims' satisfaction with police performance reflects the quality of police work to enforce domestic violence laws and serve victims' needs (Erez & Belknap, 1998). Victims who are not satisfied with police performance often feel disappointed and frustrated with the system that is supposed to meet their needs. Failure to arrest, to listen, or to provide encouragement, reassurance, or material aid were seen as insensitivity to the needs of victims (Bowker, 1982). On the other hand, Buzawa and Austin (1993) found that victims' approval ratings of the police increased when victim preferences with regard to arrest were followed, or when victims perceived that their victimizations were not trivialized, and that they were not belittled by the police.

With regard to the present study, data analysis revealed that a majority of women who had contacts with the police as victims had positive perceptions

about police performance. Most of the women whose preferences for arrest were followed by the police felt protected and supported. They also perceived police as courteous, fair, and understanding. As these women put it,

I think the police were fair with him [her husband], and they treated me with courtesy. They tried to understand the story on the basis of my daughter's explanation. (BS104)

The police were nice with me; they supported my decision. (CA1)

I felt very scared [when I contacted the police], but I thought that they did protect me. (LS4)

The police did what I wanted. When I saw the police officer arresting and taking him [her husband] away, I felt satisfied. I wanted him to be punished for what he had done to me. I believed that the police supported me. (LS3)

In some cases, women's preference that there not be an arrest was not followed, the women did not have negative perceptions about police performance because they perceived that the police only enforced the law, and because they somehow felt protected by the police. As one woman explained,

The police officers listened to my explanation of what had happened. They appeared to believe my story and support me. They explained the law and what would happen to my husband and gave me materials in Vietnamese about social service agencies that I could go to get help. Then, they arrested my husband. I felt sad, but they only did what the law required. (BS207)

However, some women also had negative opinions about police performance because their desired solutions for the problem could not be realized. Women who strongly opposed police intervention at the first place often felt dissatisfied with police performance when their preference that there be no arrest was not followed. Dissatisfaction with police work increased when these

women felt that the police were insensitive to their needs, and showed disrespect toward them and their husbands/partners. A woman, whose partner was arrested because employees at the emergency room called the police, explained her situation as follows,

I didn't need police intervention . . . They treated him unfairly. He was a well-educated man who felt responsible for his mistake [by taking her to the hospital], but they treated him like a burglar or a robber . . . I couldn't forget the image of him being handcuffed and taken away by the police. It was a trauma for both of us . . . They were not nice with me either. When I asked them who would drive me home if they arrested my husband, they told me, "Yourself. You can drive." It was rude. They knew that I had a back pain. They said they helped me, but in fact they took him away and left me alone. I don't think they supported me. (LS2)

Language barriers could affect women's perceptions of police performance in different ways. Some women who did not understand English at all or very well might not be able to detect subtle negative tones and nuances in the words used by police officers or the demeanor of police officers. On the other hand, language barriers and lack of understanding about the law could cause misunderstandings leading to women's dissatisfaction. As a woman, whose husband had been in and out of prison several times because of offenses other than domestic violence, put it,

I wanted the police to order my husband to stop drinking and gambling and to attend counseling, but they disregarded my request. They said that drinking and gambling were my family problem and they couldn't intervene. I don't think that they supported me. The law is only in the paper. . . When people have power, they can do anything they want to do, regardless of the law. (TX2)

Data analysis also revealed that most women offenders were dissatisfied with police performance. Obviously, it is unrealistic to expect that women

offenders would be satisfied with their arrests. However, women offenders' dissatisfaction was related less to police arrest per se but more to what they saw as police unfair treatment. Three women complained that police arrest decisions in their cases were totally based on husbands/partners false reports that police did not verify. Similarly, three other women thought that police arrest decisions were unfair because the police did not take into account their explanations. Instead, their arrests were made based on injuries suffered by their husbands/partners who exaggerated and distorted the whole stories. Some women also felt that police performance during their arrests and jail detentions was rude and insensitive to their legitimate needs.

Satisfaction with the Court

Although most of the women whose husbands were arrested wanted to drop charges, the majority of them felt satisfied with court decisions. Of 12 husbands/partners who were prosecuted, one was acquitted, and eleven were found guilty of a domestic offense. One husband was given a deferred sentence; two were sentenced to a jail term; five got probation, and three women did not know what kind of punishment their husbands got because they were separate before the end of their cases. For some women, the court decisions were consistent with what they wanted for their husbands, either an acquittal, or a dismissal. As these women explained,

I felt relieved when he was acquitted . . . I didn't have to worry about his family blaming me for his involvement with the law. They already hated me. If he had been convicted, I would have suffered more because they would have retaliated against me. (BS207)

The court dismissed the case after he completed his counseling program. I felt very satisfied with the court decision. (LS2)

He was sentenced to one-year probation and ordered to attend counseling, and I agreed with the course decision. I wanted him to attend counseling, so that he would understand that using force was wrong and would know how to control his anger . . . (LS5)

Other women considered the decisions as fair and agreed that their husbands deserved the punishment.

He was sentenced to a prison term . . . I only wanted him to leave me alone and stop beating me. However, he was very violent, and he also committed other offenses as well. So, he deserved to be in jail. (BS203)

He was sentenced to six months on probation and ordered to attend counseling. I felt satisfied with the court decision; he should learn from this lesson. However, the children didn't want their father to have a criminal record. (LS6)

Besides the sentence itself, expression of sympathy by court officials also increased abused women's satisfaction with the judicial intervention. As a woman described her experience with the judge in her child custody case,

The judge was a woman, and she appeared to be touched by my situation. I saw she cried silently. She granted me the custody of my son and issued a restraining order against my former husband. I felt very satisfied with the court decision. I believed the judge was fair . . . She was a very good woman. In previous hearings, the judge was not fair because he let my former husband and his lawyer cheat on me. (CA2)

However, many women, especially those who did not want the criminal justice intervention, also felt dissatisfied with court interventions. Women who did not request a restraining order but had to accept a no-contact bond as a condition for their husbands/partners' release considered the restraining order as disruptive to their family lives. As a woman explained her situation,

I didn't request a restraining order. He was not a dangerous person. I wanted him to go back home and live with me like nothing had happened. The no-contact bond only caused more trouble to my family life . . . He had to stay in his office, and everybody knew about the problem. (LS2)

On the other hand, women who were unable to obtain protection from the court because of rigid rules of evidence also felt dissatisfied. One woman had been abused by her husband in Vietnam and continued suffering the abuse in the US but did not know how and where to seek help until she talked with a doctor in the hospital. After she was released from the hospital, she contacted the police to report her case and request a restraining order. She was extremely disappointed and felt helpless when she was told that she could not request a restraining order because there was no physical evidence of the abuse.

Most women offenders also felt dissatisfied with court proceedings. Their dissatisfaction resulted from their perceptions about the court's unfair treatment, inadequate due process protection, and unqualified defense counsel. Most women complained that prosecutors and judges did not consider their husbands/partners' contribution to the events. Instead, prosecution and conviction decisions were made on the basis of police reports that depended heavily on husbands/partners' complaints. Women who relied on public counsel also felt that the court did not respond to their needs. Even women who paid for a private attorney did not have confidence in their lawyers who they believed were only interested in making money. Women's dissatisfaction with the judicial process were translated into their negative feelings toward the system. Many women openly said that they distrusted the system that had done injustice to them.

Women's Safety

For Vietnamese-American women, the criminal justice approach to intimate abuse is a new resource to combat wife abuse that was not available in their home country. Results of the survey indicated that the majority of respondents who still recalled lives in Vietnam (55 percent) said that there was virtually no law that prohibited wife abuse and punished wife abusers in Vietnam; the rest 45 percent indicated that the police only intervened when victims suffered severe injuries. All women in the core sample saw a major difference between law in Vietnam and law in the US in that the police in Vietnam only intervened in life threatening abuse cases, while the police in the US could intervene even when no physical injuries were involved.

Interviews with abused women showed that criminal justice interventions had positive effects on women's safety, but the effects varied, depending on approaches used by the women, abusers' characteristics, and power dynamics between the women and their abusers. For some women, a threat to call the police could be effective enough to deter their husbands/partners from using force in the future. For other women, police interventions gave them protection because police officers could stop their husbands/partner from attacking them or destroying things in the home, and order the violent husbands/partners out of the home. As these women explained,

I only threatened to call [the police] by picking up the phone but I didn't actually call. That was enough to make him feel scared and stop hurting me. (BS103)

The police stopped him from destroying things and order him out of the house. He stopped cursing me and yelling at me, and stopped destroying my belongings. (BS205)

In a majority of cases, however, police interventions alone did not have long term effects. When abusive husbands/partners were not arrested, or when the police did not press charges according to the request of the abused wives, violence continued, as illustrated in the following cases,

The first time when I called the police, he appeared to be afraid. When he knew that I didn't want him to be arrested, he wasn't afraid any more. He still acted violently . . . nothing changed. (CA8)

The first time when I called the police, he seemed to be afraid a little bit. After I bailed him out, he promised to change, but nothing happened. The second time when I called the police, he wasn't afraid. He thought that he could get away with it like the first time. (LS5)

After the police liaison talked with my husband, the situation of my family became better for a short period of time, about five or six months, then he continued to make trouble again as usual. (TX1)

He left, and then he returned [to abuse me]. Police interventions had no effect on him. (TX2)

He was not arrested because I begged the police to not arresting him . . . Later, he raised his head and told everybody that the police could not arrest him because he hadn't done anything wrong . . . But he didn't change. He talked bad about me with other people and continued abusing me or threatening to hit me. So, I decided to divorce . . . After I contacted the police liaison and filed a divorce, he didn't come to harass me, and I felt safe. (TX5)

However, arrests combined with prosecutions and punishment appeared to be more effective than arrests alone in terms of women's safety. Some abusive husbands/partners stopped using force after they were prosecuted and sentenced to probation and counseling treatments. On the other hand, some women continued experiencing abuse after charges against their husbands were dropped.

Although most women whose husbands/partners were arrested wanted to drop charges, data analysis suggested that women who requested that charges be dropped because they wanted to *help* their abusive husbands/partners, but not because they were dependent on their husbands/partners, experienced less violence and had improved family relationships. On the other hand, women who wanted charges be dropped because they were emotionally and financially dependent on their abusive husbands/partners did not experienced much reduction in violence after criminal justice interventions. As these women explained,

I wanted my husband to understand that I could have my say in the cases. So, I appeared in the pretrial and asked the judge for leniency on his behalf . . . [After court interventions] He made good progress. He stopped abusing me, and he treated me with more respect. He stopped bringing his friends home to drink or hanging with his friends outside all night as much as before. He began working two jobs to buy a new car. I also urged him to go back to college to finish his degree . . . He was very good now. (LS3)

I'm not happy with my life, but I don't know how to make it better. If he doesn't ask me for money [to spend on gambling], everything will be all right. There will be no conflicts, no fights . . . Since the time he was sentenced to probation, he didn't ask me for money. (LS5)

I asked the judge [prosecutor] to drop the charge because I loved him. He told me that if I loved him, I should ask the judge [prosecutor] to drop the charge. Therefore, I denied the abuse . . . He appeared to be deterred by the law for a while, but after I asked the judge to drop the charge against him, he didn't change. I felt disappointed because he didn't keep his promise. (LS7)

In other cases, however, positive effects of the court interventions only occurred during the probation period, and violence resumed after the abusive husbands/partners finished their probation terms. Also, criminal justice interventions appeared to have no effects on men who had been involved with the law because of other offenses. As these women explained,

During his probation, he was all right. After he finished his probation, nothing changed. (TX6)

He got in and out of prisons several times. He probably was not afraid of the law. The law in the US was not effective. (TX2)

It seemed to me that he didn't change even with the intervention of the law. He got one-year probation for the first incident and was ordered to attend counseling, but he didn't attend. For the second incident, he was in jail for a while. After he was released, he continued threatening me and my family. Now, I know that I made a big mistake when I came back with him, but I was so afraid of his reprisal. The law couldn't keep him from my father's home. (TX3)

In addition, abused women often had to suffer more emotional abuse in exchange for a reduction of physical abuse. When the criminal justice approach focused mainly on intervention in physical abuse, other forms of abuse that did not rely on force could be used by abusive husbands/partners. Of 24 women victims who had contacts with the criminal justice system, five were divorced and seven were separate because of restraining orders. Of 12 women who stayed in the relationship, three reported improved family relationships; five said that violence was reduced but their husbands/abusers cursed and yelled at them more often; two reported that nothing changed, and two said that while violence continued they also suffered additional emotional abuse.

Restraining orders also had positive effects on women's safety, even when the abusive husbands/partners did not change. Because the effects of a restraining order lay mainly in its requirement of a physical separation between abused women and their abusers, this approach could eliminate the opportunities for the abusers to use force against their victims, even when abusive husbands/partners did not change their attitudes toward gender relationships.

Most of the women who requested restraining orders felt safe during the time they maintained the order because their abusive husbands/partners could not get into their houses/apartments or approached them elsewhere to attack them. As these women explained,

He didn't change, but because of the PPO, he couldn't come to my home to hit me . . . It helped me feel safe. I'm no longer worried about him coming to my home, and I didn't have to suffer his swearing and yelling . . . I had more freedom to move around, and I could sleep in peace at night, but I'm also worried about my children who now don't have a father like other children. (BS203)

He couldn't come to my house to swear at me and destroy things belonging to me. (BS205)

Because of the PPO, he couldn't go to my apartment and I didn't have to live in fear. I felt safe and relieved. (LS7)

In some situations, restraining orders also had a deterrent effect that went beyond its original intended purposes. Some Vietnamese-American women used it as a power tool to bargain for their safety, especially when their husbands/partners felt deterred by the orders. One woman experienced less violence after she terminated the order. Two other women did not experience violence after they and their husbands/partners violated the order. One woman allowed her husband to return home and stay with her; the other maintained contacts with her husband through telephone or mails. Both women did not terminate the orders but used them as a warning to prevent their husbands' attack. As these women explained,

With the restraining order, I felt safe. However, I felt worried because he was ordered out of the house and other people would learned about the problem . . . After the intervention of the criminal justice system [restraining order], violence in my family reduced substantially, even after

I terminated the order. If violence happens, I will request a restraining order again, but I may not call the police. (BS101)

Both of us violated the order because I allowed him to return home . . . However, I didn't ask [the judge] to remove the order. I wanted to use it as a warning to prevent him from hitting me again. I told him that if he hit me, I would call the police and he would be charged with a more severe offense. (LS6)

For abused women who were also labeled as offenders of intimate violence by the criminal justice system, their convictions had important safety implications. Because the criminal justice system and other social services agencies applied a dichotomous definition of abuse, a person could be seen as either the victim or the offender of intimate violence. When a woman became offender in one incident, she could not receive services provided for victims even when she was abused in other incidents. A majority of women who were involved in the criminal justice system had been physically abused before the incidents that led to their convictions, and two women were harassed and stalked by their husbands/partners after they were convicted. Their husbands violated the restraining orders and came to their work to cause troubles. However, because of their convictions, these women could not receive assistance from victim advocate agencies that served victims of domestic violence. They could not even request a restraining order against their husbands/partners to avoid harassment. As these women explained,

After the trial, I moved out because of the restraining order [against her], but he continued following me and causing me trouble at the restaurant [where she worked]. . . He came there several times a week and asked to talk with me while I was working. When I refused to talk with him, he would yell in front of all customers, calling me a "whore" who abandoned the family, husband, and children to go with other men. I had changed my

job a number of times, but he still discovered the place where I worked. . . I went to a women's center to ask for help, but its staff said that I was not qualified for the services because I was convicted of a domestic offense. . . I was not a victim. (CA8)

He called me at home, sent me letters and asked to talk with me. Because I didn't want to violate the order, I ignored all. He then went around the community and talked bad about me and accused me of abandoning him. . . When I told my story to a counselor at the batterers' program that I attended, she said that I was a victim of domestic abuse and advised me to seek help from a women's center . . . The Vietnamese counselor at the women's center was very sympathetic to my situation, but she said that I was not qualified for the services because I had been convicted of a domestic offense. When I asked my lawyer to request a restraining order for me, he also said that it would be very difficult because I already had one against me, and he was not interested in helping with it. (TX4)

Quality of Family Life

An examination of data for the study revealed that arrest, prosecution, and the restraining order could provide Vietnamese-American women with some measure of protection from physical attacks by their husbands/partners. However, women's physical safety did not always go along with economic security and improvement in family relationships. Among 25 women who used at least one criminal justice approach to deal with intimate violence, only 3 enjoyed both physical safety and an improvement in family relationships after criminal justice intervention. As one of these woman described her situation,

He made good progress . . . He stopped abusing me, and he treated me with more respect. He stopped bringing his friends home to drink or hanging with his friends outside all night. He began working two jobs to buy a new car. I also urged him to go back to college to finish his degree. . . He was very good now . . . Before the incident, I had to ask him for money when I needed. He added my name into his bank account after I decided to work. I told him that I could work, and I didn't need to depend on him to survive. If he continued to abuse me, I would leave. Now, I can spend money without asking him every time. I could also check on his spending, especially money he sent to his family in Vietnam. (LS3)

For other women, forced separations by a restraining order, as well as arrest and imprisonment of their husbands/partner caused hardships to their family lives because they lost financial support from their husbands/partners, as illustrated in the following cases,

My financial situation got worse after he was ordered out of the house.
(BS205)

He lost one-week's salary because he was in jail. I also lost one-week's salary because I had to stay home to take care of my child while he was in jail [both the woman and her boyfriend took turn to take care of their baby to save baby-sitting fees]. . . I lost my mind and was so stupid to call the police that time. . . I will never do it again. (LS5)

Because the police ordered him out of the house, he left. Then he returned to take both cars with him . . . Now, my mother didn't have a car. He also threatened to cut off health care insurance premiums that covered me and my children. (TX2)

Because Vietnamese family traditions emphasized conciliation and family cohesion, the confrontation associated with criminal justice interventions could worsen family relationships. In addition, the concept of family in Vietnamese traditions included extended-family members, such as grandparents, parents, and siblings. Thus, criminal justice interventions affected not only the couple's relationships but also the relationships between abused women and their abusers' extended families. As these women explained,

My family life became more strained, more difficult . . . My daughter didn't agree with my calls to the police. His family obviously took his side. They didn't welcome me to family gathering. His friends also criticized me. Some didn't want their wives to socialize with me. (CA3)

After the [criminal justice] intervention, he [her boyfriend] was often angry with me even though I hadn't called the police . . . (hospital

employees called). He felt humiliated, and he didn't trust me any more. He wanted to end the relationship. (LS2)

After I called the police, my husband's family hated me; they alienated themselves from me. (BS207)

Some of his friends said that I was not a Vietnamese woman any more, that I didn't understand his difficulties. Because he couldn't make enough money to support the family, he felt provoked by my behavior. (CA5)

Although separation required by a restraining order could serve to improve women's physical safety, it could also created opportunities for men to abandon or cut off the relationships. For women who wished to maintain family relationships, separations created by restraining orders could be a threat to their family lives. As one woman explained her situation,

After he was released from jail, he came to stay with his sister because of the PPO [personal protection order] . . . Several months later, I learned that he had moved in with a woman co-worker. I felt hurt and sad. My children urged me to remove the order, and I did what they wanted . . . But it was too late. He came to talk with me about divorce. He told me that only strangers used the court to sold problems . . . However, I thought the PPO caused the problem. Because he could not go home, he had an opportunity to live with another woman. (CA5)

Women offenders of intimate violence experienced even more detrimental effects of a conviction on their family lives. Two women lost the custody of their children because of their criminal convictions. One woman was not informed about the custody hearing; therefore she could not attend the hearing to fight for her rights. Consequently, she lost both custody and visitation. The other woman who had depended on her husband for support before the incidents also lost custody because she was separated from her husband by the restraining order and did not have income to support her child. As these women explained,

After the criminal case was over, my husband's lawyer gave me papers about divorce and custody. I didn't know anything about it. I didn't contact my husband since the trial because of the restraining order. When I asked him [the lawyer] why they hadn't notify me about the case, he said that I had no right to notification because I was a convict . . . I lost both custody and visitation. (CA6)

I lost the custody of my son because I didn't have income . . . I didn't work before . . . Currently, I work but I don't have immigration papers, so, I could only work for cash, and I couldn't report this income. (CA8)

Other Costs

Vietnamese-American women who used the criminal justice approach to intimate violence had to pay other costs as well. In a majority of situations, women often posted bails for their abusive husbands/partners. They also often paid court fees and costs of batterers' counseling programs for their abusive husbands/partners. In fact, many Vietnamese-American women wanted their husbands/partners to get counseling and were often willing to pay counseling fees, with a hope that their husbands/partners would change, and their relationship would improve. However, some women were disappointed because their husbands/partners failed to attend the counseling programs they had paid for. One woman even spent money to pay for a medical evaluation of her husband's mental illness in an attempt to help him avoid prosecution. As these women explained,

I had to pay \$300 for his first bail, and \$500 for the second time. The court returned the money after he appeared in court but I had to pay \$350 court fees for each time. (LS5)

I had to pay at least \$15,000 for the evaluation of his mental illness to help him escape prosecution, but he was prosecuted anyway. (TX6)

Beside financial costs, abused women whose husbands were arrested could also experience police intrusion to their privacy. This happened when their homes were searched because their husbands/partners were suspected for other illegal behavior besides domestic offenses. As one woman explained,

The next day when he was still in jail, two police officers and one civil officer came and searched my apartment. They suspected that my boyfriend was involved in drug dealing. They searched everywhere, every corner, even in the refrigerator. I felt very scared because I didn't know anything about his business, and I didn't know whether he was really involved in drugs. (LS5)

In summary, Vietnamese-American experienced both positive effects and negative consequences of criminal justice interventions in intimate abuse in terms of satisfaction, safety, and quality of family life. Data for the study showed that Vietnamese American women's satisfaction with the system depended more on how they felt protected by the system than on whether their desired solutions were supported by the court and the police. Even though most women did not want their husbands to be arrested and prosecuted for a variety of reasons, a majority of them felt protected by the arrests and convictions of their abusive husbands/partners.

Criminal justice interventions also had positive effects on women's safety that varied depending on approaches used by the women, abusers' characteristics, and power dynamics between the women and their abusers. In general, a combination of arrest, prosecution, sentencing, and a restraining order appeared be more effective than arrest alone. Although most women's requests that charges be dropped were not approved, and although most abusive husbands/partners

were prosecuted, convicted, and sentenced, women who wanted charges be dropped because they were emotionally and financially dependent on their abusive husbands/partners did not experienced much reduction in violence as a result of criminal justice interventions. On the other hand, women who requested that charges be dropped because they wanted to *help* their abusive husbands/partners, but not because they were dependent on their husbands/partners, experienced less violence and improved family relationships. In addition, criminal justice interventions appeared to have no effect on husbands/partners who had been previously involved in the system because of other offenses.

Positive effects of criminal justice interventions on women's safety, however, were often short lived, and women's improved safety did not often go hand-in-hand with improved quality of family life. Many women in the present study experienced more emotional abuse, strained family relationship, and even family break-up after criminal justice interventions. Using the criminal justice interventions into domestic violence could also incur financial costs for women who had to pay for bail and court fees on behalf of their husbands/partners. In addition, a conviction of a domestic offense could cause women offenders to lose child custody and visitation.

Perceptions of Vietnamese Americans about Solutions to the Problem of Intimate Violence

My interviews with women participants in the core sample showed that the criminal justice approach to intimate violence could provide Vietnamese-

American women some measure of safety protection and could improve family relationship in some situations. However, data analysis also showed that in many other situations, women's physical safety often coexisted with increased emotional abused and strained family relationships. Sometimes, to the disappointment of women who had relied on the system to improve family relationships, criminal justice intervention also led to family break-ups.

Some scholars (Radford & Stanko, 1991) have suggested that current criminal justice policies dealing with intimate violence may be more appealing to women in the mainstream America, but they do not address the needs and concerns of victims who belong to other racial/ethnic groups. Research on public perceptions showed a variance in the degree of public support to criminal justice interventions into domestic violence. A study conducted by Koski and Mangold (1988) indicated that although police interventions were considered as the least effective behind counseling, women's shelters, clergy, and family and friends, the majority of respondents (61 female and 54 percent male respondents) reported that they would report abuse incident to the police. In another study (Hilton, 1993), less than half of respondents (48 percent) recommended the police to press charges against the male abusers in intimate violence cases. Stalans and Lurigio's study (1995) indicated that most respondents preferred a guilty decision when the abusive spouses had inflicted injuries.

Because people's perceptions of a problem and solutions to it are often influenced by their own life experiences, an understanding of how members of different racial/ethnic groups perceive as solutions to the problem is important to

the design of social policies. In this section, I examine perceptions of Vietnamese Americans in general and of Vietnamese-American abused women in particular about approaches that could reduce intimate violence in Vietnamese-American families.

Data for the study showed that there were many similarities between the general Vietnamese-American population and Vietnamese-American abused women terms of their perceptions about solutions to intimate violence. The most common suggestions given by respondents in both groups was public education on domestic violence, followed by counseling programs for abusive spouses and abused spouses, criminal justice interventions, education on gender equality, and women empowerment.

Public Education

The preference for counseling and treatment over criminal justice approaches among Vietnamese Americans were reflected in their responses to an open-ended question asking them to suggest approaches deemed appropriate to deal with intimate violence in Vietnamese-American families. Of 430 respondents, 73, including 34 women and 39 men, provided their suggestions. The most common suggestions focused on public education on the problem of intimate abuse. A majority of respondents suggested that there should be educational programs in public schools to teach students that violence should not be the answer to family conflicts. In addition, there should be [Vietnamese] media programs and other community activities focusing on raising awareness among new Vietnamese immigrants about intimate violence and disseminating to

the public information about laws and policies dealing with the problem. The assumption was that many Vietnamese Americans did not understand why violence against wives and intimate partners was wrong (see Table 10).

There was also a similarity between the perceptions of the general Vietnamese-American population and those of Vietnamese-American abused women in terms of their preferences for education as a long-term solution to the problem. A majority of abused women (20 women or 59 percent) thought that there should be programs on laws and policies dealing with intimate violence to educate men about their responsibilities to the family and their appropriate behavior toward wives and children (see Table 10).

Counseling Treatment

Counseling for abusive spouses was the second most common suggestion by abused women in the core sample and respondents in the survey. A majority of respondents in both groups favored a counseling approach that they thought would give abusive spouses an opportunity to make change, and that counseling programs should be available for indigent people. Particularly, a number of male respondents to the survey suggested that there should be counseling programs designed for Vietnamese clients to address issue of culture differences. Abused women in the core sample also said that specific counseling programs, including drug and alcohol treatments, should be available for abusive husbands/partners. In addition, a number of respondents, including abused women, thought that counseling for abused spouses could be beneficial because it would help them understand the dynamics of power and abuse. As one abused woman put it,

“Vietnamese women victims should attend counseling to open their eyes and stop dreaming of changes that men usually promise but never realize” (see Table 10).

Table 10.

Perceptions of Vietnamese Americans about Solutions to Intimate Violence
(Qualitative Data)

Perceived Solutions to Intimate Violence	Survey Sample		Core Sample*
	Men (n = 39)	Women (n = 34)	n = 34
Public education on domestic violence	13 (33%)	15 (44%)	6 (18%)
Education and counseling for abusers	5 (13%)	3 (9%)	14 (41%)
Counseling for both spouses/partners	N/A	N/A	2 (6%)
Drug and alcohol treatment for abusers	N/A	N/A	2 (6%)
Family mediation before criminal justice interventions	6 (15%)	1 (3%)	N/A
Fine and community services for abusers	5 (13%)	N/A	N/A
Harsh treatment for abusers	4 (10%)	4 (12%)	N/A
Police intervention	N/A	N/A	17 (50%)
Court intervention	N/A	N/A	2 (6%)
Personal protection order	N/A	N/A	9 (26%)
Divorce	3 (8%)	6 (18%)	12 (35%)
Social, legal, and interpretation assistance	N/A	N/A	16 (47%)
Empowerment of women for gender equality	1 (3%)	5 (15%)	9 (26%)
Maintaining women’s oriental traditions	2 (5%)	N/A	N/A
Total	39 (100%)	34 (100%)	N/A

* Because each woman in the core sample often had multiple suggestions for a solution to intimate violence, the classification of their opinions is not mutually exclusive.

Criminal Justice Interventions

Results of the survey of 440 Vietnamese Americans showed that most respondents supported government interventions to stop intimate violence (mean = 4.5 on a 5 point scale where 5 indicated the highest level of support). A number of respondents who responded to the open-ended question also suggested that there should be programs to encourage victims of intimate abuse to report, or ask friends or neighbors to report, domestic violence incidents to the police.

With regard to particular criminal justice approaches dealing with intimate violence, Vietnamese Americans were more likely to favor the counseling approach (mean = 4.4) than to support prosecution and imprisonment approaches (mean = 3.5 and mean = 3.3 respectively) (see Table 11). A number of male respondents suggested that mediation by family members should be used first, and the criminal justice approach should be used only for repeat abusers. In addition, many respondents also said that the criminal justice approach should consider ways of helping couples restore family relationship instead of breaking it up.

A majority of abused women in the core sample also supported government interventions. They thought that police interventions could prevent violence. About half of abused women suggested the use of a restraining order, but respondents to the survey were not asked about restraining orders. Very few study participants supported the use of legal approach to deal with intimate violence, except for those who wanted a divorce (see Table 11).

Table 11.
Perceptions of Criminal Justice Interventions
(Survey Sample-Quantitative Data)

Criminal Justice Interventions	Mean Score*
Government intervention (n = 439)	4.5
Police should be called (n = 439)	4.4
Counseling (n = 397)	4.4
Arrest (n = 409)	4.0
Fines (n = 375)	3.8
Probation (n = 373)	3.8
Criminal conviction (n = 372)	3.5
Jail (n = 372)	3.3

*Mean score on a 5 point scale where 5 indicates the highest level of support.

Gender Equality and Women Empowerment

A large proportion of abused women in the core sample and a smaller proportion of female respondents to the survey thought that there should be public education programs on gender equality. In addition, women in the survey sample recommended that Vietnamese-American women should get more education, build up confidence, and know their rights to protect themselves. Similarly, abused women in the core sample also said that the criminal justice approach could only prevent violence in the short term, and mutual respect between husband and wife would be a long-term solution to wife abuse. In addition, abused women also said that government should provide financial support and job training for women victims who wanted to leave the relationship,

help women get jobs and enforce child support policies. They also recommended that social service agencies should have Vietnamese staff to serve Vietnamese clients. On the other hand, a smaller number of male respondents to the survey thought that Vietnamese-American women should keep the “oriental” tradition of gender relationship and Vietnamese traditions to avoid conflicts in the family (see Table 10).

In summary, data for the study showed that most Vietnamese Americans including abused women, supported government interventions to stop intimate violence. While a majority of the study participants agreed that police intervention was necessary to stop violence, they did not favor the prosecution and imprisonment of intimate abusers. Many participants thought that criminal justice interventions had only short-term effects, but gender equality should be a long-term solution to the problem. They perceived that public education on gender equality, laws and policies dealing with intimate abuse, and women empowerment would help reduce intimate violence.

CHAPTER 4: DISCUSSION AND CONCLUSION

The present study examines the experience of Vietnamese American women with the criminal justice system as victims and offenders of intimate violence. Specifically, the study seeks to answer the following research questions: 1) To what extent do Vietnamese-American women rely on the criminal justice system to deal with violence by an intimate partner? 2) What are socioeconomic, political, and cultural factors affecting Vietnamese-American women's decisions to use the criminal justice approach to intimate violence? 3) What are experiences of Vietnamese-American women with the police, prosecutors, judges, and defense lawyers when they are involved in intimate violence as victims and offenders? 4) What are consequences of using the criminal justice approach to deal with intimate violence? and 5) What are perceived solutions to domestic violence among Vietnamese Americans in general and Vietnamese-American women who are involved in intimate violence in particular? In this chapter, I summarize major findings from the study and discuss the results in great details as how they are relevant to the practice-based theory of gender relations and the qualitative case-study method used for the study. The chapter closes with a conclusion and discussion of policy implications, as well as limitations and contributions of the study.

Summary of Findings from the Study

Data for the study showed that Vietnamese-American women did not often contact the police to report intimate abuse. Most abused women in the core

sample who did seek help from law enforcement only called the police after being abused many times. A substantial majority of women who reported abuse to the police only wanted the police to stop the violence and/or order their abusers out of the home for their safety but did not want their abusers arrested (92 percent). A majority of women whose husbands were arrested also wanted charges dropped (79 percent). In addition, the majority of abused women in the core sample did not use restraining orders to prevent further violence by their husbands/partners (58 percent). Despite women's preference that arrests not be made and charges be dropped, men were arrested in more than half of the times the police responded to their wives/partners' calls (58 percent), and most men who were arrested were also prosecuted (86 percent).

Findings from the study showed that a variety of structural, organizational, and cultural factors affected help-seeking behavior among Vietnamese-American women. Economic and emotional dependency, language barriers, lack of understanding of the American criminal justice system, immigration status, and fear of reprisal negatively affected Vietnamese-American women's decisions to report intimate abuse to the police. On the other hand, the severity of abuse and a desire to express agency were reasons behind women's decisions to rely on law enforcement to deal with intimate violence. All these factors interacted, and their effects on women's help-seeking behavior changed over time, according to the progress of abuse. Generally, many women decided to report abuse incidents to the police when other approaches to deal with abuse did not work, or when fear for their safety outweighed other concerns. Because of economic and emotional

dependency and fear of discrimination, most women did not want their husbands/partners to be arrested. When intimate violence cases moved into the judicial process, pressure from abusers and families, economic and emotional dependency, a desire to keep the family intact for the benefits of children, and immigration status affected women's desire to drop charges and women's decisions to terminate a restraining order.

Data analysis revealed that Vietnamese-American women had both positive and negative experiences in their contacts with the police and the court as victims and offenders of intimate abuse. Language barriers caused many problems in communications between women victims and law enforcement and judicial officials. A large proportion of women in the core sample had difficulties in understanding and speaking English, but only a small numbers of these women got interpretation assistance from law enforcement agencies and the courts. Women who received interpretation assistance also faced problems created by inaccurate interpretations. Combined with language difficulties was a lack of knowledge about the law that prevented many women from understanding the process and sometimes the outcomes of their cases. In addition, many women did not benefit from police referrals that did not appropriately respond to their needs. Furthermore, insensitive and indifferent treatments by court officials made many women feel alienated and excluded from the process. On the other hand, services provided by victim's advocates, legal counsel, and social welfare agencies could helped women victims understand the benefits of participation in the criminal justice process and gave them financial and emotional support to

follow through with the process. However, not many women could receive these supportive services.

For women offenders, a lack of understanding of the law, inadequate legal counsel, law enforcement investigation practices and judicial evidentiary rules negatively affected their experiences. Because police investigations often used injuries and information provided by the complainants as evidence for domestic violence cases, and because the court heavily relied on the police report to make decisions, many women were prosecuted, convicted, and sentenced solely on the basis of husbands/partners' complaints. In addition, inadequate legal counsel and a lack of confidence in defense lawyers caused many women to plead guilty to the offense they did not commit.

The study found that Vietnamese-American women experienced both positive effects and negative consequences of using the criminal justice system to deal with intimate abuse in terms of satisfaction, safety, and quality of family life. Although most women did not want their husbands/partners arrested and prosecuted, many women were satisfied because they felt protected by the arrests and convictions of their abusers. Police and judicial interventions also had positive effects on women's safety reflected in a reduction of violence. However, the effects of criminal justice interventions on women's safety were short-lived and varied, depending on variations in context. In some cases, the presence of the police was effective enough to reduce violence in the future, but in many other cases, the combinations of arrest, prosecution, sentencing, and the restraining order appeared be more effective than non-arrest or arrest alone. In

addition, criminal justice interventions seemed to have no effect on husbands/partners who had been previously involved in the system because of other offenses.

Women's physical safety, however, did not always go hand-in-hand with an improved quality of women's family life. Many women experienced more emotional abuse, strained family relationship, and even family break-up after criminal justice interventions. Restraining orders that removed abusive husbands/partners from the home caused financial hardship for a number of women who depended on their husbands/partners' support. In addition, using the criminal justice approach to deal with intimate abuse could also incur costs for women who had to post bail and pay court fees on behalf of their husbands/partners. For women offenders of intimate violence, a conviction and a restraining order could cause them to lose child custody and visitation rights.

Although Vietnamese-American women did not often use the criminal justice approach to deal with intimate violence, most Vietnamese Americans surveyed by phone, including abused women, supported government interventions to stop intimate violence. The overwhelming majority of respondents agreed that police interventions were necessary to stop violence in most situations, but they thought that prosecution and imprisonment of intimate abusers were only appropriate in certain situations. They also perceived that criminal justice interventions had only short-term effects, and that women's empowerment, and public education on gender equality, domestic violence laws, and policies would be most effective in reducing violence in Vietnamese-American families.

Discussions of Findings

The present study uses a qualitative case-study method and a theoretical framework of gender relations to examine the contacts of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence. The practice-based theory of gender relations posits that the structure of gender relations created by the division of labor, a system of social power, and a cultural patterns of emotional relationships shapes men's and women's experiences. Findings from the study suggest that the experiences of Vietnamese-American women with the criminal justice system have been affected by a variety of personal, socioeconomic, political, organizational, and cultural factors linked to the structure of gender relations in the context of immigration and resettlement.

Effects of the Division of Labor and Socioeconomic Conditions

Results of the study indicate that the experiences of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence can be shaped by their socioeconomic conditions in different ways. Interviews with women in the core sample have showed that abused women who were financially dependent on their husbands/partners were often reluctant to report abuse incidents to the police because they feared that the arrests, subsequent prosecutions, and imprisonment of their providers could cause damages to their family incomes. Economic dependency can also prevent women from requesting, or force women to terminate, a restraining order that requires a

separation of a woman from her provider. These findings are consistent with previous studies showing that economic hardship can cause battered women to return to their abusive husbands/partners (Okun, 1988, Strube & Barbour, 1983, 1984).

Economic resources, however, can ease difficulties that abused women often face in the criminal justice process because of their relationship with their abusers. In the present study, women who had financial resources and wanted to use the judicial system to deal with abuse could hire a private lawyer to represent them in the court and, therefore, could avoid the unpleasant confrontation with their abusers during the criminal processing.

For women offenders, financial resources can have major impacts on their experiences with the criminal justice process. Data for the study have showed that because most women offenders could not rely on their husbands/partners to pay for their bail, those who did not have financial resources had to rely on relatives and friends for their pretrial release. Otherwise, they had to stay in jail waiting for the court decision. On the other hand, financial resources enabled women to hire private counsels to protect their legal rights or defend for their innocence. Although women who lack financial resources could have free legal counsel provided by the state, public defense was often inadequate or provided too late to have a positive effect on the case.

The present study suggests that women's economic dependency needs to be conceptualized more broadly to include absolute dependency and relative dependency and measured by both women' incomes (absolute dependency) and

women's desires to maintain their existing living standards (relative dependency). Not only unemployed women and women who work in low-paying jobs but also women who earn decent incomes are reluctant to use the criminal justice approach to deal with intimate abuse. While unemployed women and women working in low-paying jobs need their husbands/partners' incomes to make ends meet, women working in well-paying jobs also depend on their husbands/partners incomes to maintain a middle-class lifestyle. These findings are consistent with previous studies showing that women's economic characteristics have had no significant effects on women's decisions to call the police, to take steps to support the prosecution of their abusers, or to go through the process of requesting a restraining order (Bui, forthcoming; Fernandez, 1997; Johnson, 1990).

Economic conditions also interact with other factors, including fear of reprisal, immigration status, women's safety, and women's desire to express their agency, to affect women's decision to use the criminal justice approach to deal with abuse. In most situations, the criminal justice approach is the last resort when abuse increases in term of frequency and severity of abusive acts, and when other approaches fail to stop violence. However, absolute dependency appears to have a stronger negative effect on women's decision to rely on the criminal justice system than relative dependency. Data for the study has showed that women who had high levels of income and education were likely to report abuse incidents to the police after being abused for a short period of time, while other

women only called the police after experiencing abuse for a long period time, or they did not report abuse at all.

Related to the division of labor and women's socioeconomic status are language barriers that often cause a lot of difficulties for Vietnamese-American women in their contacts with the criminal justice system. Results of the study have showed that language barriers prevented women victims from effectively communicating with criminal justice officials to report abuse incidents and to understand the proceedings and outcomes of their cases. Language barriers also prevented women offenders from understanding the laws and their legal rights and effectively communicating with their legal counsels. Women who did not speak and understand English could rely on interpretation assistance, but they also experienced problems of distortions often associated with interpretations.

The present study also suggests that the process of adaptation to American life in terms their English proficiency and their familiarity with the criminal justice system is not a linear progressive improvement over time (see Gordon, 1964). For many Vietnamese-American women, their abilities to speak English and understand the law that in turn affect their experiences with the criminal justice system as victims and offenders are not a function of the time they have lived in the US. Instead, their adaptations are a function of socioeconomic conditions and the division of labor that give them opportunities to learn the new language and pursue an education. In the present study, many women did not study English after coming to the US because they had to work to support their families, or because they had to stay home to take care of their children and do

housework. A few women did not have opportunities to go to school in Vietnam; therefore, they lacked a minimum basic education in their native language required for studying English. On the other hand, women who had high levels of English proficiency were often able to pursue a college education in the US. In addition, the availability of financial resources to buy a car also facilitated opportunities to study English. Many women did not travel to study English because they did not have a car to avoid the inconvenience of using public transportation.

Effects of Social Power and Organizational Structure

The present study suggests that social institutions and organizational structures and cultures can exert important impacts on the experience of Vietnamese-American women with the criminal justice system. Interviews with abused women have indicated that many women did not call the police to report abuse incidents or husbands/partners' violations of restraining orders because they were afraid of their abusers' retaliations. Because the criminal justice system has had a history of indifference to intimate abuse (Binder & Meeker, 1992; R. P. Dobash & R. E. Dobash, 1979), women's fear of reprisal can stem from their perceptions and their experiences of the criminal justice system's failure to protect them from violence by their abusers. Although criminal justice responses to domestic abuse have changed during the last twenty years or so, women's fear of reprisal suggests that criminal justice policies do not give women enough confidence in the protection by the system.

Insensitivity to the special needs of abused women on the part of law enforcement, judicial and other social service agencies also contribute to women's negative experiences with the system. Literature has showed that language barriers often constrain victims' willingness to become involved in the criminal justice system and create difficulties for those who have contacts with the system (Davis & Erez, 1998; Rimonte, 1989). In the present study, law enforcement and judicial agencies often failed to provide adequate interpretation assistance for Vietnamese-American women who could not speak and understand English. Many women victims could not understand the criminal justice process because they did not understand English and did not receive interpretation assistance.

Besides budget constraints, organizational goals can affect the provision of interpretation assistance for non-English-speaking victims. Because holding abusers accountable for their behavior through criminal proceedings and convictions is a goal of current domestic violence policies, women who are reluctant to cooperate with the prosecution are not often seen as useful witnesses for the court and therefore do not deserve interpretation assistance. A lack of female interpreters in criminal justice agencies also contributes to women's negative experiences because male interpreters may bring their gendered bias to their jobs by providing inappropriate interpretations for female victims.

In addition, organizational practices that defines the victim and the offender as two separate entities in domestic violence cases have important safety implications for abused women who are involved in the criminal justice system as

offenders of intimate abuse. In the present study, a number of abused women continued to be harassed and stalked by their husbands/partners after they were convicted of a domestic offense. These women, however, were denied assistance from victim's service agencies because, under the views of these agencies, they were not victims due to their convictions.

On the other hand, special services that address the special needs of women victims can facilitate their cooperation with the system. In the present study, many Vietnamese-American abused women who received interpretation and legal assistance, as well as emotional support from victim Vietnamese staff in service, legal service and social welfare agencies were willing to use the system to deal with intimate abuse. By explaining the law and criminal justice policies, helping women obtain public assistance and providing emotional support, these victim service agencies have ameliorated the adverse impacts of language barriers, lack of understanding of the law, and economic constraints that often prevented women from participating in the criminal justice process.

The study also suggests that police investigation practices and judicial evidentiary rules in domestic violence cases can have detrimental effects on the experience of abused women who are charged with a domestic offense as these rules and practices can inadvertently serve to reinforce the control of men over their spouses/partners. Literature has shown that in most domestic violence cases, the police only take pictures of injuries and talk with the complainants to collect evidence used for prosecution (Erez & Belknap, 1998). Most women offenders in the present study reported that police did not conduct investigations

beyond the complaints of their husbands/partners, and that prosecutors and the court heavily depended on police reports to make prosecution, conviction and sentence decisions. As a result, many women were arrested, prosecuted, convicted, and sentenced on the sole basis of their spouse/partner's false reports.

The structure of racial relations can also affect Vietnamese-American women's help-seeking behavior. As members of an ethnic minority group, Vietnamese American women can learn about racial discriminations through the media or through their own experiences. Data obtained from interviews with women in the core sample and participants in the community sample showed that many Vietnamese-American women did not report abuse incidents to the police or did not want their husbands/partners to be arrested because they feared police discriminations against them and their abusive husbands/partners.

Moreover, the judicial organizational culture that influences legal and judicial practices also has negative impacts on Vietnamese-American women's experiences with the judicial system. Although in principle the right to counsel is guarantee for all people accused of an offense, a number of women in the present study did not receive adequate legal counsel that could help them effectively challenge evidence provided prosecutors and the court. Literature has suggested that budget constraints are often a reason for a lack of legal counsel and inadequate legal counsel for the indigents (Bright, 1994; Spangenberg, 1989; Uphoff, 1992).

Although there are different ways to provide free legal counsel for the poor, lacks of funding generally make financial compensations for public

defenders low (Bright, 1994; Spangenberg, 1989). Due to the absence of economic incentives for the job, the number of public defenders is usually too small compared to a large demand from indigent people who need counsel, thus often leading to large case loads (Bright, 1994; Spangenberg, 1989). These factors, large case loads and low salaries, have negative impacts on the quality of counsel and the outcomes of the case because there is no incentive to investigate, to research, and to take a case to trial (Uphoff, 1992).

In addition, the organizational structure of the criminal court also contributes to women's experience with the judicial system through its influence on the practices of court actors, including defense counsel. Under the organizational pressure for plea-bargaining that happens to 90 percent of all criminal cases, most defense lawyers, both public and private, tend to prepare their clients to plead guilty (Uphoff, 1992). In some situations, defense counsels respond to organizational pressures and large case-loads by cajoling, threatening, or manipulating their clients into pleading guilty (Uphoff, 1992). In the present study, most women, including those who hired private lawyers and those who received free legal counsel, reported that their defense lawyers were more interested in bargaining with prosecutors than in defending their innocence. Lacks of confidence in the willingness and the ability of their legal counsels to help, many women had to plead guilty while maintaining their innocence.

Immigration policies and immigration status can also affect women's help-seeking behavior. Data for the study showed that women who entered the US under the sponsorship of their husbands/partners were often reluctant to use

the criminal justice approach to deal with abuse because they feared that their abusers would retaliate and would not help them with the paperwork to obtain a US permanent residency as required by the law. In addition, concerned with negative consequences of domestic violence offenses that could result in a denial of American citizenship and the deportation of the offender prevented many women from calling the police, or caused them to request that charges against their abusers be dropped.

Effects of Culture

The study suggests that culture can exert an important impact on Vietnamese-American women's experiences with the criminal justice system. Most women in the core sample grew up with Vietnamese family traditions that emphasized women's subordination to men and the elderly, close family ties, and hierarchy in interpersonal relationship. Consequently, in many situations help-seeking behavior among these women not only reflected their own desires but also the desires of other family members, including their abusive husbands, parents, in-laws, siblings, and children.

In addition, perceptions of women's appropriate behaviors, women's place, women's family responsibilities, and the privacy of the family that are shaped by culture have often make Vietnamese-American women feel reluctant to seek help from outside the family, or to use any approaches that may cause a separation between husband and wife, and between parents and children. For many abused women in the present study, concerns for their safety caused them to call the police, but most of these women did not want arrests and prosecutions.

Besides economic conditions and culture, women's patterns of emotional attachment shaped by Vietnamese family traditions also influence Vietnamese-American women's decisions to request that arrests not be made and charges be dropped. These findings are in sharp contrast to the results of a study of white abused women (Erez & Belknap, 1998) showing that the overwhelming majority of participants (98 percent) cooperated with police request for information, and that the reasons for women's cooperation were to protect themselves and to have the offender arrested or brought to justice. Erez & Belknap's study (1998) also found that only less than half of participants (48 percent) desired to drop charges mainly because of threats from their abusers.

Immigration to the US has caused changes in Vietnamese family traditions in response to new economic, cultural, and political environments. For a number of Vietnamese-American women, when abuse became intolerable, family break-ups as a result of criminal justice interventions could be acceptable. For a majority of other women, however, family life is an important element in their lives, partly because of the influence of traditional values but also because of social isolation resulting from the process of immigration to the US. Women who desire to maintain family relationships often feel disappointed because the enforcement of restraining order eventually caused family separations, and because strained family relationships resulting from criminal justice interventions often lead to divorce.

Feminist Standpoint and Qualitative Methods for Understanding Women's Experiences

The present study uses a feminist standpoint approach and a qualitative method to examine the experience of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence. The approach of in-depth interview using open-ended questions has resulted in a rich body of data that help understand women's experiences under their own perspectives. The analysis of women's interpretations of the situations, using the theoretical framework of gender relations, has revealed a complex interaction of various structural, organizational, and cultural factors affecting women's experiences.

The feminist standpoint approach and a qualitative method have permitted an examination of women's experiences as a process that is constantly changing to adapt to emerging situations and helped make sense of apparent contradictions of women's experiences. Data analysis indicated that the decision to rely on the criminal justice system to deal with abuse among Vietnamese-American women changed over time as new circumstances emerged to alter the importance of the effects of socioeconomic, cultural, and organizational factors on their decisions. Many women did not report abuse incidents when abuse started but decided to call the police when violence escalated to the point that made women's fear for their safety outweighed other concerns.

Qualitative data analysis that emphasizes women's interpretation of the problem and its meanings helps produce a holistic understanding of Vietnamese-

American women's complex experiences shaped by the interaction of various social forces and two conflicting sets of values, including Vietnamese traditions that stress collectivism and American culture that emphasizes individualism. The study findings that both unemployed women, women working in low-paying jobs, and women having high educational levels were reluctant to use the criminal approach to deal with intimate violence seem to be inconsistent with the framework of gender relations. However, using women's interpretations of their own experiences within the context of their socioeconomic situations can help broaden the concept of economic dependency to include relative economic dependency applied for women who depend on their husbands/partners' incomes to maintain their existing living standards.

A contextual analysis of women's experiences also helps make sense of contradictory in women's behavior. Although most women in the study did support and adopt the ideal of gender equality, and many did want their husbands/partners held responsible for their abusive behavior, various social, economic and cultural constraints kept many women from using the criminal justice to deal with abuse. In addition, even though most women requested that no arrest be made or no charged be pressed against their husbands/partners, many did feel satisfied with the criminal justice intervention. Their satisfactions were more a result of protections they received than whether their preferences for arrest or prosecution were realized. However, most women who felt satisfied because of improved personal safety also felt disappointed because of strained

family relationships, separation, or divorce resulting from criminal justice interventions.

An examination of women's interpretation of their own experiences within the context of cultural, social, and structural interactions has revealed the effects of organizational structure on women's help seeking behavior. Social support networks, including victim advocate and legal counsel services, and social welfare, can facilitate women's participation in the criminal justice process by mediating the negative effects of women's economic dependency, language barriers, and a lack of understanding the law that often prevent abused women from using the criminal justice approach. On the other hand, the application of the dichotomous definition of the victim by social support networks and criminal justice agencies that view the victim and the offender as two separate entities can have important safety implications for abused women. In the present study, many women were both victims and offenders of intimate violence in different points in the relationships. However, abused women who were charged with a domestic offense were excluded from the protections and services of various victims' service agencies.

Finally, the qualitative approach that emphasizes a holistic view of social phenomena and its meanings in their own social contexts has allowed a clear understanding of the subordinate status of Vietnamese-American women through their experiences with the criminal justice system as both victims and offenders. Data analysis showed that most women victims who called the police to report abuse did not want their husbands/partners to be arrested and prosecuted. To the

contrary, most men who called the police to report abuse wanted their wives/partners to be arrested and prosecuted. The behavior of women victims reflected their financial and/or emotional dependency on their husbands/partners. On the other hand, the behavior of men who were victims of intimate violence reflected their attempts to use criminal justice policies to maintain control over their wives/partners. The practices of criminal justice agencies that only take into account information provided by the complainants and that appear to be gendered-neutral can be detrimental to women when women's economic and emotional subordination to men is not considered. Police investigations and court process resulting in the arrests, prosecutions, and convictions solely on the basis husbands/partners' false complaints only serve to reinforce the power of men over women.

Conclusion

The present study examines the experiences of Vietnamese-American women with the criminal justice system as victims and offenders of intimate violence. Data used for the study were obtained from in-depth interviews with 34 Vietnamese-American women in the core sample and 11 Vietnamese Americans in the community sample, and from a survey 440 Vietnamese Americans. All participants in the three samples were selected in four Vietnamese communities in Orange County (California), Houston (Texas), Boston (Massachusetts), and Lansing (Michigan).

The study shows that structural, cultural, and organizational forces simultaneously affect the experiences of Vietnamese-American women with the criminal justice system. Vietnamese-American abused women, like the general Vietnamese-American population, are supportive of government interventions to stop the problem of intimate violence. However, socioeconomic conditions, language barriers, immigration status and policies, fear of reprisal, pressures from the family, indifference and insensitive treatments of criminal justice officials often prevent women from reporting abuse incidents to the police, or from participating in the criminal justice process. On the other hand, financial and emotional support provided by victim's advocate, legal service, and welfare service agencies can facilitate women's cooperation by helping them overcome difficulties created by economic constraints and language barriers.

The study suggests that criminal justice practices that appear to be gendered-neutral can have negative consequences for women. Police investigations and judicial decisions in intimate violence cases that heavily depend on information provided by the complainants can make domestic violence laws become a power tool that men can use to control their wives/partners' behavior. Women who do not speak and understand English are particularly vulnerable to their husbands/partners' attempts to take advantages of the law to maintain control over the relationships. Bail policies also have different effects on male and female offenders of intimate violence. While most women post bail for their husbands/partners, most women cannot depend on their husbands/partners to post bail for them.

Finally, the study suggests that criminal justice interventions into intimate violence can reduce violence experienced by a spouse/partner, but they usually do not improve family relationships. Many women in the present study felt satisfied because of protections that they received from the criminal justice system, and many of them experienced violence reduction at different levels. At the same time, most of the women also experienced strained family relationship and increased emotional abuse. In addition, many women also experienced family break-ups temporarily through separations or permanently through divorces as a results of criminal justice interventions.

Policy Implications

There are multiple implications for criminal justice and social service policies on the basis of findings from the present study. First, economic constraints can prevent women from calling the police to report abuse and participating in the criminal justice approach. Many women in the core sample and participants in the survey sample suggested that empowering women to create a balance in relationships would be a way to reduce violence in the long terms. Therefore, a necessary step would be helping women obtain public assistance, jobs, and child support to have financial resources stable enough to improve their power in the relationships or help them break their dependency on their husbands/partners.

Secondly, language barriers can prevent women from effectively communicating with law enforcement and judicial officials to provide necessary

and important information about the cases. Language barriers can also prevent women from being aware of resources for battered women, understanding the law and participating in the criminal justice process. Therefore, criminal justice and other social agencies, including law enforcement, prosecutor offices, courts, and legal service, victim's advocate and social welfare agencies should address women's needs to overcome language barriers by employing staff that can speak the language of abused victims, providing interpretation assistance when it is necessary, and using printed materials in the native languages of non-English-speaking clients. Besides providing interpretation assistance, these agencies should prevent gender biases in interpretations by employing women for particular interpretation tasks. In addition, because counseling for batterers has become a major part of criminal justice policies to reduce intimate violence, there should be bilingual counseling programs for batterers.

With regard to criminal justice policies and practices, the police should change investigation practices in domestic violence cases and use multiple sources of information to establish evidence for domestic violence cases. This approach will improve the quality of criminal justice services for both men and women who are involved in the criminal justice system because of intimate violence. It can also give women a safeguard against husbands/partners' attempts to use the law as a power tool to control the other person in relationships, especially when women do not understand English and the law. To protect the right to counsel in domestic violence cases, legal counsel for indigent domestic violent offenders should be adequately provided as in other criminal cases.

Court officials should be sensitive to women's various needs and should listen to women victims of intimate violence, regardless of their initial unwillingness to participate. Because women often make decisions on the basis of their judgments of the situation, they can change their minds and become willing participants when they feel that they are welcome to and not excluded from the process. In addition, the definition of victims of domestic violence should be expanded to include women offenders who are also victims of intimate violence. This change in the definition of the victim would allow this group of women to receive assistance from the system to avoid further abuse.

Findings from the study suggest that criminal justice interventions only have short-term effects, and they often cause strains to family relationships. In many cases, the abusers do not change their attitudes and behavior, and women have to exchange the quality of their family lives for their safety. Because the family is an important element in the lives of many Vietnamese Americans, especially women, long terms approaches that help avoid negative consequences of criminal justice interventions should be explored. One approach would be public education about gender relations, domestic violence, and domestic violence laws and policies to raise awareness about the problem among Vietnamese-American populations. Breaking social and cultural isolations would also help change gender attitudes because they would give Vietnamese Americans more opportunities to engage in mainstream educational and economic activities that support the ideal of gender equality.

Limitations of the Study

Like other studies, the results of this study present some limitations. First, the core sample did not proportionally represent Vietnamese-American women from all different social classes, but it disproportionably included women from the working class. The sample included just two professional women who used law enforcement services, but neither participated in the judicial process. Although the analysis could reveal some effects of social class on women's decisions to report abuse to the police, a lack of variance in social class characteristics did not allow a full understanding of the effect of social class (education, incomes, and language proficiency) on women's experiences with the judicial process as victims of intimate abuse. Similarly, all six women offenders were from the working class and had similar levels of education and English proficiency, as well as occupation status.

Secondly, the sub-sample of women offenders was small and was selected mainly in one source. Five among six women were selected in a counseling program for batterers in Orange County; one woman was selected in Houston. The small number of women participants and a narrow source of the sub-sample did not allow the inclusion of women from a wider range of situations. For that reason, results of the study regarding the experiences of women offenders should be considered as suggestive and should be used as a starting point for further research.

Third, the present study failed to include in the core sample Vietnamese-American women of the second immigration generation. Most women in the core

sample came to the US as adults or young adults, except one who came to the US at two years old. Because age is often negatively associated with assimilation, Vietnamese children tend to assimilate to American culture more quickly than adults. Although data analysis show that the time women had spent in the US did not affect their help-seeking behavior, a lack of American-born Vietnamese women did not allow for a full understanding of the effect of assimilation on women's experiences.

Finally, because this study was about women's experiences, I did not interview male victims and male offenders of intimate violence. In addition, concerns for the safety of women who participated in the study did not allow the interviews of their spouses/partners. A lack of data obtained from women's spouses/partners prevented a comparison between men's and women's interactions with the police. Although most women offenders reported that their husbands/partners lied to the police when they reported abuse, whether women also lied to the police was unknown. Due to a lack of information provided by male victims that might affect the results, interpretation of the results should be made with cautions.

On the basis of this study's shortcomings, future research should use larger sample sizes, and should include women with a wider range of demographic characteristics and immigration generations. In addition, more research on women offenders is needed to provide a fuller understanding of women's experiences with the criminal justice system as offenders of intimate violence.

Contributions of the Study

Despite a number of shortcomings, the present study has unique contributions to the literature of women's experiences as well as the literature of domestic violence. First, the study has enriched the understanding of women's experiences by producing for the first time a body of knowledge on the experiences of Vietnamese-American women with the criminal justice system and an understanding of the effects of immigration-related variable on women's experiences with the system.

Second, this study has been the first to provide a comprehensive understanding of women's experiences with the criminal justice system as victims and offenders of intimate violence. While most other studies examined women's experiences at only a single stage of the criminal justice process, either women's experiences with the police, or with the court, or with the restraining order, the present study examines Vietnamese-American women's experiences with the whole criminal justice system. In addition, the study has provided an opportunity to understand women's subordinate status from a new angle: women's experiences with the criminal justice systems as victims and offenders.

Third, the present study, by using a qualitative approach, has produced a unique understanding of women's complex experiences. The study has revealed a clear picture of various social forces that simultaneously influence women's experiences. For the first time, the concept of relative economic dependency proposed by Fernandez and colleagues (1997) is supported by scientific evidence, and the harmful effects of the definition of the victim and the offender as two

separate entities on women's experiences has been revealed. In addition, multiple effects of criminal justice interventions have been examined, especially, for the first time the effects of criminal justice on women's family lives. Results of the study suggest that although criminal justice interventions can reduce violence in some situations, they are far to be an approach to improve both women's safety and family relationship.

Finally, this study has contributed to the literature in the area of public perceptions about domestic violence policies. Public perceptions are often used to measure public support for social policies, and the results of public surveys have been often used to guide social policies. Despite a great deal of scholarly discussions on new domestic violence policies during the last 15 years or so, few studies explored public perceptions about criminal justice interventions in intimate violence. In addition, there has been no study examining public perceptions among ethnic/racial minority groups. Although the survey of the general Vietnamese Americans is only a small part of this study, results of the survey have provided an understanding of the perceptions of Vietnamese Americans about intimate violence and criminal justice approaches to the problems that can be used as input for future policy designs.

APPENDICES

Appendix 1

Coding Techniques for Qualitative Analysis

I used three different coding techniques to analyze qualitative data obtained from 34 interviews with women in the core sample and 11 participants in the community sample. These included open coding, axial coding, and systematic coding.

Open Coding

For data obtained from interviews with 34 women in the core sample, open coding was performed by thoroughly examining each interview transcript to identify concepts that seemed to fit to 6 broad categories, including 1) immigration experience, 2) resettlement experience, 3) experience of family life, 4) experience of abuse, 5) help-seeking experience, and 6) perceived solution to intimate violence. Data under each category were re-analyzed to create sub-categories. For example, data under the category “help-seeking experience” were re-analyzed and coded into 7 sub-categories, including: 1) seeking help with the police as victims, 2) experience with the police as offenders, 3) experience with the court as victims, 4) experience with the court as offenders, 5) experience with personal protection order as victims, 6) experience with personal protection order as offenders, and 7) seeking help with others. When it was necessary, data under sub-categories were further analyzed to create lower-level sub-categories. For example, data in the sub-category “seeking help with the police” were analyzed and coded to create 6 lower-level sub-categories, including: 1) when and how were the police called? 2) who made the call? 3) how many times? 4) reasons for calling or not calling, 5) police process, and 6) effects and consequences of calling the police (see the list of categories and sub-categories resulting from open coding below).

For data obtained from interviews with 11 participants in the community sample, open coding was performed to create 4 broad categories. These included: 1) domestic violence policy, 1) report rates of intimate violence among Vietnamese Americans, 3) criminal justice process (domestic violence cases), and 4) victims’ services. When it was necessary, data in each category were re-analyzed to create sub-categories. (see the list of categories and sub-categories resulting from open coding below).

Axial Coding and Systematic Coding

Axial coding was performed by analyzing categories and sub-categories of codes resulting from open coding to create codes that were consistent with the main axes of the research questions. There were four axes, including: 1) the extent to which Vietnamese American women rely on the criminal justice to deal with domestic violence, 2) factors associated with women’s decision to use criminal justice services, 3) women’s experiences with the criminal justice

system as victims and offenders of intimate violence, and 4) the perceived solutions to the problem of intimate violence. For example, data in the category “help-seeking experience” and its sub-categories were re-analyzed to identify codes that consistent with the axis “the extent to which Vietnamese women rely on the criminal justice to deal with domestic violence.” This resulted in 8 axial codes, including: 1) when were the police called? 2) how many times were the police called? 3) reasons to call or not to call, 4) preference for arrest, 5) expectations from police work, 6) preference for dropping charge, 7) court attendance, 8) request and termination of personal protection order.

While performing axial coding, I also performed systematic coding by identifying concepts that fit with the theory framework of the study (economic dependency, the system of social power, patterns of emotional relationship, and the interaction between race/ethnicity, class, gender, and culture). Concepts that did not fit with the theory were also identify and included in the analysis to evaluate the explanatory power of the framework. Systematic coding provided a basis for assessing the usefulness of the theory by showing how data from the study were consistent with the framework, and for identifying new concepts and assumptions.

List of Categories and Sub-Categories

Data obtained from the core sample.

1. *Immigration Experiences* - Types of migration (for the women and their husbands/partners):

- Escape
- Amerasian
- Dependent on/sponsored by husband
- Dependent on/sponsored by parents and relatives
- Others (HO and ROVR)¹⁵

2. *Resettlement Experiences* (for women participants and their husbands/partners)

- Education in the U.S.
 - ◊ Types of education (basic, college, vocational, ESL)
 - ◊ Reasons for not studying in the U.S. (gender roles, transportation, levels of basic education, health conditions)
- Work and jobs (upward mobility, downward mobility, employment, and unemployment).

15. HO (Humanitarian Operation) is the program designed to resettle former military and civil officers serving in the South Vietnamese government. ROVR (Resettlement Opportunities for Vietnamese Returnees) is the program designed to allow Vietnamese who escaped to a refugee camp in Southeast Asia and were repatriated to apply for resettlement in the US.

- Housing (assistance and difficulty).
- Isolation-Loneliness.

3. Experiences of Family Life

- Reasons for marriage (traditional expectations, economic and immigration reasons, being forced to marry).
- Forms of marriage (romantic, arrangement, “picture-bride”).
- Place of marriage (Vietnam, the U.S., refugee camp).
- Mobility independence (drive license, availability of car, public transportation, dependence on husbands/partners, children, and neighbors).
- Economic independence (ability to keep and spend money when needed; dependence totally or partially on financial support of husbands/partners).
- Relatives in the U.S. (parents, siblings, and other relatives).
- Leaving and returning:
 - ◊ Reasons for leaving (temporary escape of abuse, divorce, separation, because of PPO).
 - ◊ Reasons for returning (emotional and economic dependence, traditional expectations).

4. Experiences of Abuse

- Forms of abuse (physical and emotional).
- Severity of abuse (frequency and injuries - forms of injuries and medical care attention).
- Reasons leading to abuse (jealousy, conflicts over money and house chores, husbands/partners’ use of alcohol).

5. Help-Seeking Experiences

- Seeking help with the police:
 - ◊ When were police called? (When abuse began? After being abuse how many times?)
 - ◊ Who made the call? (women participants, neighbors, health care staff)
 - ◊ How many times?
 - ◊ Reasons to call or not to call (economic dependency, fear of reprisal, language barriers, immigration status, emotional attachment, safety and agency).
 - ◊ Police process (women victims):
 - * Women’s expectations from police work (wanted the police to arrest husbands/partners, stop the violence, or order abusers out of the home).
 - * Communication with the police (language barriers, problems with interpretation, misunderstanding).

- * Police arrest decisions.
 - * Police referrals (transportation to shelters, information materials in English or in Vietnamese, referral to social services agencies, perceived police referral as helpful and not helpful).
 - * Women's perceptions of police work (satisfaction and dissatisfaction with police performance, perceived police protections, perceived police discriminations, police courtesy and fairness).
- ◇ Effects and consequences of calling the police (reduction of violence, no effect, strained vs. happy family relationships, isolation from relatives and friends, increased emotional abuse).
- Experience with the police as offenders:
 - ◇ When were police called? Who made the call? (Husbands/partners, or family members).
 - ◇ Police process:
 - * Husbands/partners' preference for arrest.
 - * Communication with the police (language barriers, problems with interpretation, misunderstanding).
 - * Police arrest decisions.
 - * Women's perceptions of police work (satisfaction and dissatisfaction with police performance, perceived of police discrimination and unfairness).
 - ◇ Jail experiences (bail and release pending trial).
- Experiences with the criminal court as victims:
 - ◇ Preference for dropping charges.
 - * Factors affecting women's desire to drop charges (pressure from abusers and families, economic and emotional dependency, immigration status).
 - * How to substantiate the request to drop charges (use of economic reasons, mitigation of the severity of abuse, self-blame for the violence).
 - ◇ Prosecution decisions.
 - ◇ Difficulties encountered at the court (language barriers, problems with translations, lack of knowledge of the law).
 - ◇ Experiences with legal counsels (encouragement, helpful counsel).
 - ◇ Experiences with victim's advocates and court officials (encouragement, discouragement, helpful advice, indifference, alienation).
 - ◇ Court attendance:
 - * Reasons for not appearing (avoided confrontation with the abuser, wanted to help the abuser, not asked to appear).

- * Factors facilitating victims' court appearance (support and assistance from legal counsels, social service agencies, and victim's advocates).
 - ◊ Court decisions (conviction and sentence).
 - ◊ Effects and consequences of seeking help from the court (reduction of violence, strained vs. happy family relationship, economic difficulties, family break-up).
- Experiences with the criminal court as offenders:
 - ◊ Husband's preference for dropping charges.
 - ◊ Prosecution decisions.
 - ◊ Difficulties encountered at the court (language barriers, problems with translations, lack of knowledge of the law, inadequate defense counsel).
 - ◊ Experiences of pretrial hearing (reasons for pleading guilty).
 - ◊ Experiences with defense lawyers (lack of trust, dissatisfaction).
 - ◊ Experiences court officials (dissatisfaction, sense of unfairness).
 - ◊ Husbands/partners' court attendance.
 - ◊ Court decisions (conviction and sentence).
 - ◊ Consequences of criminal convictions (family break-up, economic difficulties, loss of child custody and visitation, harassment and staking by husbands/partners, loss of protections in subsequent abuse by husbands/partners).
- Personal protection order (PPO) (for victims):
 - ◊ Why was and why wasn't PPO requested? (Lack of knowledge about PPO, fear of public knowledge about the problem, economic reasons, the roles of police referrals, victim's advocates, lawyers, and trial judges).
 - ◊ How many times was PPO requested?
 - ◊ Husbands/partners' violations of PPO:
 - * Reasons not reporting (fear of reprisal, level of severity of violence, violation of PPO by victims).
 - ◊ Termination of PPO:
 - * Reasons for termination of PPO (economic and emotional reasons).
 - ◊ Effects and consequences of using PPO (family break-up, economic hardship, reduction of violence).
- Personal protection order (PPO) (for offenders):
 - ◊ Were the participants subject to a PPO?
 - ◊ Did husbands/partners request to remove or terminate PPO?
 - ◊ Consequences of PPO (family break-up).
- Seeking help with others:
 - ◊ Relatives (parents, siblings), friends, co-workers, neighbors.
 - ◊ Social agencies (health care, refugee resettlement, welfare office).

6. *Perceived Solutions to Intimate Violence*

- Perceptions of laws regarding domestic violence in Vietnam and in the U.S. (similar, different).
- Perceived solutions to the problem of intimate violence (police presence, arrest, prosecution, convictions, probation, counseling, education, gender equality, women's empowerment through job opportunities and public financial assistance).

Data from the community sample.

1. *Domestic Violence Policy*

- Arrest policy (mandatory arrest, pro-arrest).
- Bail and pretrial release:
 - ◊ Amount of money for bail
- Prosecutorial policy (mandatory, no-drop).
- Sentencing policy (prison terms, probation, mandatory counseling, community services).

2. *Report Rates*

3. *Criminal Justice Process (domestic violence cases)*

- Court processing:
 - ◊ Arraignment.
 - ◊ Pre-trial.
 - ◊ Trial.
- Victim's advocates at the court (availability of Vietnamese-speaking staff).
- Interpretation services at the court
 - ◊ Availability of interpretation services.
 - ◊ Quality of interpretation
 - ◊ Gender of interpreters.

4. *Victims' Services*

- Vietnamese police liaison for domestic violence
 - ◊ Availability of Vietnamese police liaisons.
 - ◊ Gender of police liaisons.
- Social service agencies
 - ◊ Women's center
 - ◊ Health care and refugee resettlement agencies
 - ◊ Availability of Vietnamese-speaking staff.

- Type of services:
 - ◇ Shelter.
 - ◇ Referrals.
 - ◇ Translations.
 - ◇ Emotional counseling.
 - ◇ Economic assistance.

Appendix 2

In-Depth Interview Questionnaire

Part I: The Context of Family Life

1. Age of the respondent and her husband/partner
 - a) How old are you?
 - b) How old is your husband/partner?
2. Place of birth
 - a) Where were you born?
 - b) Where was your husband/partner born?
3. Age at the time coming to the U.S.
 - a) How old were you when you came to the U.S. (or N/A -- born in the US)
 - b) How old was your husband/partner he came to the U.S. (or N/A -- born in the US)
4. Immigration history: ask the respondent when and how she leave Vietnam; if she spent time in refugee camps; her experience of resettlement in the U.S.; difficulties with languages, finding jobs, transportation, housing.
5. Type of relationship with the abuser
 - a) Wife/husband (legal)
 - b) Wife/husband (common-law)
 - c) Wife/husband (separate)
 - d) Ex-wife/husband (divorced)
 - e) Girl/boy friend (living together)
 - f) Girl/boy friend (not living together)
 - g) Ex-girl/boy friend
6. Place of marriage (or place where the respondent and her husband/partner started living together)
 - a) in Vietnam
 - b) in the US
 - c) in a refugee camp
 - d) Other
7. If you were married (or lived together with . . .) outside the U.S, who came to the U.S first?
 - a) your husband/partner came first
 - b) you came first
 - c) both came at the same time
8. If your husband/partner came first, did he sponsored you to the U.S.? Explain the situation.
9. If your husband/partner came first, did he send money back to support you (and your children)? (ask the respondent to explain the situation).
10. If you came first, did you sponsored your husband/partner to the U.S.? (ask the respondent explain the situation).
11. If you came first, did you send money back to support your husband/partner (and your children)? (ask the respondent to explain the situation).

12. Type of marriage
 - a) Self selection
 - b) Arranged
 - c) "Picture-bride"
 - d) "Picture-groom" --- also ask the respondent to describe the situation leading to the marriage/cohabitation (pressure from the family? her own perception of the importance of having a husband?)
13. Length of relationship (how many years?)
14. Number of all children respondent has with the current husband/partner?
15. Number of children respondent has from other relationship?
16. Number of children living in the same household with the respondent?
17. Number of children under 18 years of age?
18. Number of respondent's close relatives in the U.S.
 - a) Parents (specify the location)?
 - b) Siblings (specify the location)?
 - c) Other relatives (uncles, aunts, cousins, etc. . .)?
19. How close are the relationships respondent has with relatives (ask for details about the relationship, such as frequent visits, financial and emotional support)?
20. Number of husband/partner's close relatives in the U.S.
 - a) Parents (specify the location)?
 - b) Siblings (specify the location)?
 - c) Other relatives (uncles, aunts, cousins, etc. . .)?
21. How close are the relationships husband/partner has with relatives (ask for details about the relationship, such as frequent visits, financial and emotional support)?
22. Respondent's citizenship
 - a) American citizen
 - b) Permanent resident
 - c) Legal alien (not sponsored by husband/partner)
 - d) Legal alien (sponsored by husband/partner)
 - e) Illegal alien
23. Husband/partner's citizenship
 - a) American citizen
 - b) Permanent resident
 - c) Legal alien (not sponsored by the respondent)
 - d) Legal alien (sponsored by the respondent)
 - e) Illegal alien
24. Husband/partner's ethnicity (specify)
25. Respondent's religion
 - a) Catholic
 - b) Other Christian branches
 - c) Buddhist
 - d) Other
 - e) No religion
26. Husband/partner's religion
 - a) Catholic

- b) Other Christian branches
 - c) Buddhist
 - d) Other
 - d) No religion
27. How is your English proficiency?
- a) Good
 - b) Fair
 - c) Lots of difficulties with English
28. How is husband/partner's English proficiency?
- a) Good
 - b) Fair
 - c) Lots of difficulties with English
29. Respondent's educational attainment in the country of origin (if not born in the US).
- a) Less than high school
 - b) High school
 - c) Two year college, but no degree
 - d) Two year college with a degree
 - e) Four year college but no degree
 - f) Four year college with a degree
 - g) Graduate study, but no degree
 - h) Graduate study with a degree
30. Respondent's education and training in the U.S.
- a) Less than high school
 - b) High school
 - c) Two year college, but no degree
 - d) Two year college with a degree
 - e) Four year college but no degree
 - f) Four year college with a degree
 - g) Graduate study, but no degree
 - h) Graduate study with a degree
- ** also ask the respondent if she went to school to study English or vocational programs
If not, ask her to explain the situation.**
31. Husband/partner's educational attainment in the country of origin (if not born in the US).
- a) Less than high school
 - b) High school
 - c) Two year college, but no degree
 - d) Two year college with a degree
 - e) Four year college but no degree
 - f) Four year college with a degree
 - g) Graduate study, but no degree
 - h) Graduate study with a degree
32. Husband/partner's education and training in the US
- a) Less than high school
 - b) High school

- c) Two year college, but no degree
- d) Two year college with a degree
- e) Four year college but no degree
- f) Four year college with a degree
- g) Graduate study, but no degree
- h) Graduate study with a degree

****also ask the respondent if her husband/partner went to school to study English or vocational programs. If not, ask her to explain the situation.**

- | | | |
|------------------------------|--------------------------|-------------|
| 33. Occupation | In the country of origin | In the U.S. |
| a) Respondent (specify) | _____ | _____ |
| b) Husband/partner (specify) | _____ | _____ |

*** Also ask the respondent to describe employment conditions of the couple during the resettlement process (steadily employed, under-employed, sporadically employed, part-time, full time, etc.) and difficulties they confronted in obtaining jobs.**

34. Respondent's yearly income (from all sources)

- a) None
- b) Less than 5,000
- c) From 5,000 to 10,000
- d) From 10,000 to 20,000
- e) From 20, 000 to 30,000
- f) Above 30,000

*** ask the respondent to what extent she can control her earning income**

35. Husband/partner's yearly income (from all sources)

- a) None
- b) Less than 5,000
- c) From 5,000 to 10,000
- d) From 10,000 to 20,000
- e) From 20, 000 to 30,000
- f) Above 30,000

*** ask the respondent to what extent she can access to her husband/partner's income.**

36. Other financial support for respondent and children

- a) Public assistance (cash and food-stamps)
- b) WIC
- c) Public housing
- d) Financial contribution from respondent's children and/or relatives
- e) Other (specify)

37. Economic independence: ask the respondent if her and her children's financial situation would be worse without her husband/partner's income.

38. Mobility independence:

- a) Do you drive? If not, explain why (language barrier to passing the written driving test; husband/partner discouraged the training; fear of accident . . .).
- b) If you can drive, can you access to car when you need?
- c) If you cannot drive and cannot access to car, what kind of transportation do you depend on?

Part II: Respondent's Experience of Violence

39. When did physical abuse begin during the relationship?
40. How often was physical abuse?
41. Ask respondent about forms of abuse (e.g., hit, threaten to hit, throw something at respondent, slap, kick, push, grasp, shove, choke, stab with a knife or scissors, threaten to stab, shoot with a gun, threaten to shoot).
42. What were the reasons for abuse? (ask about the progress leading to physical abuse incidents)
43. Did you get injured? How severe were the injuries? (ask for details)
44. Did you need medical attention? Hospitalized? (ask for details of types of medical treatments)
45. Did your husband/partner humiliate or degrade you? (e.g., make you beg for forgiveness, ask for permission to use the car or spend money, or do something against your will) – ask for the ways husband/partner humiliated or degraded the respondent.
46. Did your husband/partner frequently check on you? -- ask for detail how he checked on respondent.

Part III: Respondent's Responses to Violence and Experience with the Criminal Justice System

Contact with the police and the court (pay attention to differences in police, prosecution, and court policies)

47. Did you call the police
 - a) when violence first occurred?
 - b) after many violence incidents had occurred?
 - c) If you did not, explain (probe for respondent's perceptions of the police, her fear of involvement with the law in general and of racial discrimination, language barrier, lack of knowledge about the law, lack of phone, prevention from the abuser, fear of being arrested, fear that husband/partner would be arrested, didn't want children to see arrest, and other reasons).
48. If you did not call the police, who called the police?
49. If you did call the police, what were the main reasons for the call? (to ask the police to stop violence, to teach him a lesson, to send him in jail, and other reasons).
50. How many times were the police contacted because of assaults by the current husband/partner?
51. How many officers were involved? How many of them were female? Did any of them can speak Vietnamese?
52. Ask for details about respondent's contact with the police during investigations: which of the following things did the police do that that time? giving written info about the legal system and other resources, taking photo of her injuries, taking photo of his injuries, helping her leave the premises, listening to your side of the situation, blaming her for the violence, discouraging her from pursuing the case, blaming or scolding her for not following through with prior charges, arrest her husband/partner, arrest herself, and others.

53. Ask about the respondent's feeling of police intervention.
 - a) Were the police fair/unfair with your husband/partner?
 - b) Were the police treat you with respect?
 - c) Did they try to understand the situation based on your explanation?
 - d) Were there communication difficulties because of language barrier?
 - e) What did you expect the police to do?
 - f) How much you think that the police did what you expected them to do with the incident and your husband/partner?
 - g) How supportive were the police of you?
54. Was your husband/partner arrested? How many times? Ask for details about what happened after husband/partner was arrested.
 - a) How long was your husband/partner in jail?
 - b) Did you have to post bail for his release? How many times?
 - c) How much money did you spend to post bail for his release?
 - d) Was there a no-contact bond? If yes, explain how it affected your life?
55. Were you arrested? If yes, ask the respondent to explain what happened after the arrest and during police investigation (similar to question 47).
56. Ask the respondent about her feelings of her arrest:
 - a) Were the police fair/unfair with you?
 - b) Were the police treat you with respect?
 - c) Did they try to understand the situation based on your explanation?
 - d) Were there communication difficulties because of language barrier?
57. Did you file a victim statement? If not, explain why?
58. Was he prosecuted? How many times?
59. Did you request that charges against your husband/partner be dropped?
 - If yes, explain why you did so (Probe for reasons: love; economic dependence; pressures from parents, friends and children; fear that he would loose job; his threats; his promise to change and go to counseling; and other reasons).
 - If yes, what did you do to have the charges dropped? (probe for her actions: go to the office of prosecutors and ask that charges be dropped; go to the prosecutor and change the story; talk to or try to talk to an attorney; ask others for help; other reasons).
60. Did you attend trials as witness?
 - If not, explain why? (probe for reasons: fear of involvement of the criminal justice system, lack of knowledge of what would happen next, lack of time; troubles with transportation and child care; negative experiences with the court before; reasons similar to those in Question 54; other reasons).
 - If yes, explain why? (probe for reasons: want to teach him a lesson; want to get help for him; get a letter from the court and think that you have no choice; other reasons).
 - If yes, describe what happened (probe for details of respondent's contacts with prosecutors, victims' advocate programs, and the court)
 - a) Was the prosecutor (or the judge, or victims' advocates) female/male?
 - b) Was the prosecutor (or the judge or victims' advocates) treat you with respect?

- c) Did you talk directly with the prosecutors (or victims' advocates)? If yes, for how long before the case went to the court?
 - d) Did they explain to you what was going on?
 - e) Did they try to understand the situation based on your explanation?
 - f) Did they blame you for the violence?
 - g) Did they try to persuade you into testifying against your husband/partner?
 - h) Did they discourage you from pursuing the case?
 - i) Were there communication difficulties because of language barrier?
 - j) If you cannot speak English, did they provide a translator?
61. How many times did you ever go to a hearing or trial, including times when you went but then it was rescheduled?
62. How many times did you go, only to find out it had been canceled or rescheduled?
63. What were the court decisions? (Conviction? jail term? probation? court ordered counseling? etc. . .)? Did you understand the court decisions (convictions and sentences?
- a) What did you expect the court to do with your husband/partner? (counseling, probation, jail terms, etc. . .).
 - b) To what extent you feel that the prosecutor and the judge did what you expected them to do with your husband/partner?
 - c) How much did you feel satisfied with the court decision? Explain

Personal Protective Order

64. Did you request a personal protective order (PPO)?
If not, explain why.
If yes, did your husband/partner violate the order?
65. If husband/partner did violate the order, did you call the police? Explain what happened when PPO was violated?
66. Did you terminate the PPO? If yes, explain why (Probes for reasons similar to those in questions 54 & 55)

Contacts with other people and social services

67. Were you referred to some kind of social services (e.g., victims' advocate, women's shelter, legal aid)? If yes, who referred you to these services?
68. Did the you use any these social services? If yes, describe the services and your experience with them.
69. If you did not use these services, explain why.
70. Did you talk to relatives, friends, religious leaders and/or social workers about the abuse ? If not, explain why.
71. If yes, describe your experience with talking to these people.

Attempt to leave the relationship

72. Did you plan to leave the relationship after being abused?
73. If yes, did you actual leave?
74. If you did actual leave, where did you stay?
75. If you did plan but did not actual leave, explain why?
76. If you did leave, then you returned, explain why?

Part IV: Consequences of Using Criminal Justice Approaches to Avoid Violence?

- 77. How did your husband/partner treat you after you or other people called the police? (stop using violence against you? respect you? angry at you? etc.). In the case where he was not arrested? During the time after his arrest and before the trial? After the trial?
- 78. How did you feel about your family life after involvement with the criminal justice system (e.g. better or worse)?
- 79. How did your children react to your calls to the police? What did they say?
- 80. How about your relatives, co-workers, friends, neighbors? What did they say?
- 81. How many trips did you take to the police stations, the office of prosecutor, and the court because of these violence incidents?
- 82. Did your husband/partner lose his job because of arrest or jail terms?
- 83. How much money did it cost you because you used of criminal justice services (bail, court fees, absence from work, etc.)?
- 84. Are changes in your family life worth these financial costs?

Part V: Respondent's Feelings about the Relationship with Husband/Partner

- 85. How did you feel about your husband/partner at the beginning of the relationship, his strengths and weaknesses?
- 86. Did his behavior changed after involved in the criminal justice system?
- 87. Thinking back, what do you feel about the relationship with your husband/partner? What makes you feel good about him? What make you feel bad about him?
- 88. Do you want to stay in the relationship? Explain.

Part VI: Respondent's Perception About Solutions for Family Conflicts?

- 89. Are criminal justice approaches dealing with domestic violence in the U.S. different from those in Vietnam? Explain how they are different.
- 90. In what ways criminal justice services(the police, prosecution, the court) in the U.S. help you avoid violence?
- 91. If violence occurs in the future, do you call the police and rely on criminal justice services again? Explain.
- 92. Thinking about your own family circumstance, what do you think would be the best way to end violence?
- 93. What do you think the government and other social agencies should do to help victims of domestic violence like you avoid abuse?

Appendix 3

Survey Questionnaire

Perceptions of Domestic Violence

1. Do you feel that domestic violence is a problem in Vietnamese community in Lansing (Boston, Houston, or Orange County)? By domestic violence, I mean the use of force by a person against his or her intimate partner, including husband/wife, girl/boyfriend, ex-husband/wife, and ex-girl/boyfriend.
 - a) Yes
 - b) No
2. If yes, how serious is the problem?
 - a) Very serious
 - b) Serious
 - c) A problem, but not serious
3. Have you ever heard stories told by family members, friends, acquaintances about a person beaten by her/his spouse or intimate partner ?
 - a) Yes
 - b) No
4. If yes, who often were the victims in most the cases? (by victims, I mean persons who were beaten first by their spouses/partners)
 - a) Women were the victim in the majority of cases
 - b) Women and men were the victim in the same number of cases.
 - c) Men were the victim in the majority of cases.
5. Do you personally know someone (among family members, friends, or acquaintances) who have been beaten by her/his spouse or intimate partner?
 - a) Yes
 - b) No
6. If yes, who often were the victims in most the cases? (by victims, I mean persons who were beaten first by their spouses/partners)
 - a) Women were the victim in the majority of cases
 - b) Women and men were the victim in the same number of cases.
 - c) Men were the victim in the majority of cases.
7. Do you think that domestic violence is more common in the U.S. than in Vietnam?
 - a) More common in the US
 - b) Equally common in both countries
 - c) Less common in the U.S.
8. Do you agree that domestic violence needs to be stopped (or eliminate?)
 - a) Strongly agree
 - b) Agree
 - c) Somewhat agree
 - d) Disagree
 - e) Strongly disagree

Perceptions of Criminal Justice Approaches to Domestic Violence

9. As you can recall, were there laws in Vietnam that prohibited domestic violence and punished those who committed it?
 - a) Yes
 - b) No
 - c) Don't know
10. Are you aware that domestic violence is illegal in the U.S. (by illegal, I mean that there are laws prohibiting and punishing those who commit it).

- a) Yes b) No
11. Do you agree that the government should intervene to stop violence at home?
- a) Strongly agree
b) Agree
c) Somewhat agree
d) Disagree
e) Strongly disagree
12. Do you agree that the police should be called when a person is physically attacked by her/his spouse or intimate partner?
- a) Strongly agree
b) Agree
c) Somewhat agree
d) Disagree
e) Strongly disagree
13. Are you aware that in the U.S., and according to domestic violence policies in Lansing (Boston, Houston, or Orange County) if a person commit a domestic violence offense, he or she would be
- 1) Subject to arrest a) Yes b) No
2) Subject to criminal prosecution a) Yes b) No
3) Subject to a conviction a) Yes b) No
4) Subject to punishment, including jail terms, probation, court ordered counseling, and fines
- a) Yes b) No
14. Do you agree that the following measures should be used to eliminate domestic violence in Vietnamese families in the U.S:
- [a) Strongly agree; b) agree; c) somewhat agree; d) disagree; e strongly disagree]
- | | | | | | |
|-----------------------------|---|---|---|---|---|
| 1) Arrest | a | b | c | d | e |
| 2) Prosecution | a | b | c | d | e |
| 3) Conviction | a | b | c | d | e |
| 4) Court ordered counseling | a | b | c | d | e |
| 5) Fines | a | b | c | d | e |
| 6) Probation | a | b | c | d | e |
| 7) Jail terms | a | b | c | d | e |
15. Could you suggest other measures that are more appropriate and consistent with the Vietnamese traditions to eliminate domestic violence?

Demographic Characteristics: This information is for statistical purposes only.

16. Age _____
17. Sex a) Male b) Female
18. Marital status:
- a) Single (never married)
b) Married
c) Married (separated)
d) Divorced

e) Widowed

19. Educational attainment

In Vietnam

- a) Less than high school
- b) High school
- c) Some college but no degree
- d) Associate degree
- e) Four-Year-College degree
- f) Master and Professional Degree
- g) Doctoral and Postdoctoral

In the U.S.

- a) Less than high school
- b) High school
- c) Some college but no degree
- d) Associate degree
- e) Four-Year-College degree
- f) Master and Professional Degree
- g) Doctoral and Postdoctoral

20. English proficiency

- a) Very good a) good c) fair d) lots of difficulties

21. Time in the U.S.

22. Current occupation:

- a) Professional
- b) Blue-collar
- c) Secretary
- d) Self-employed (business owner)
- e) Self-employed (odd jobs)
- f) Unemployed

23. Individual yearly income:

- a) Under 15,000
- b) Around 15,000-25,000
- c) Around 25,000-35,000
- d) More than 35,000

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