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Nuisance Property Laws and Battered Women

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Brief bio statement

Gretchen W. Arnold is an Assistant Professor of Women's and Gender Studies at St. Louis University. Her research focuses on movements to end violence against women and the relationship between domestic violence and law.

ABSTRACT

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Nuisance property laws, which fine people for excessive 911 calls, have become increasingly popular in cities of all sizes. However, research into how these laws affect battered women is still in its early stages. This research study was designed to address the question of whether nuisance property laws harm battered women and, if so, how. Using a qualitative research design, in-depth semi-structured interviews were conducted with twenty-seven primarily low-income African American battered women in the St. Louis metropolitan area who had come into contact with a nuisance property law primarily because of domestic violence. Interviews addressed circumstances of contact with a nuisance law, the response of law enforcement officials, and how the law affected the participant's housing, ability to call 911, sense of safety, finances, access to health care, and family stability. Using a multi-stage qualitative analytic procedure, two researchers independently coded each transcript for themes, after which the lead researcher compiled the categories describing the data for each theme. The data demonstrate that nuisance property laws harm victims of domestic violence in several ways, including by hindering their access to safe and secure housing, discouraging them from calling 911, increasing their vulnerability to violence, and compounding the trauma of the intimate partner violence. This research also reveals ways in which nuisance laws reinforce gender, race, and class inequality. The findings show that nuisance property laws enhance the abuser's power over his victim, hold victims accountable for the abuse, exacerbate the class- and race-based risks many battered women already face, and obscure the real crime of domestic violence. Policy-makers and law enforcement personnel need to be informed of these consequences so that they can take action to reform nuisance laws.

Key words:

Nuisance property law

Domestic violence

Intimate partner violence

Law and domestic violence

Nuisance Property Laws and Battered Women

Introduction

Nuisance property laws fine or otherwise sanction property owners for repeat 911 calls to their properties. Cities of all sizes across the country have increasingly adopted them to help improve the quality of life and to keep or attract new residents (Fais, 2008; ACLU Women's Rights Project, 2011). Nuisance laws are part of a broader strategy of community policing and are usually used to target crimes like prostitution, drug dealing, and code violations as well as to help recoup the costs of providing police services (Thacher, 2008). However, some researchers and victims' advocates have raised concerns about how these laws may be affecting battered women, who often repeatedly call 911 for police protection. This article uses evidence from interviews with domestic violence victims to shed light on the question of whether or not nuisance property laws harm battered women.

Only a handful of research articles about the impact of nuisance property laws on victims of domestic violence¹ has been published to date. The first was a 2008 law review article in which Cari Fais laid out concerns about their potential to harm to battered women. Analyzing the legal logic of nuisance laws, she argued that they are likely to discourage victims from calling the police for protection, exacerbate the barriers that victims already face in securing housing, and unfairly blame the victim for criminal activity that she cannot control (Fais 2008). In 2013, an empirical study by Matthew Desmond and Nicol Valdez confirmed these effects and added racial concerns. Reviewing every nuisance property citation issued in Milwaukee during a two-year period, Desmond and Valdez found that domestic-violence-related nuisance property citations were disproportionately issued in black neighborhoods, and that in eighty-three percent of these citations the landlords either evicted or threatened to evict the tenant (often at the request

of police) if she continued to call 911. From interviews with landlords, they also found that by downgrading battered women's 911 calls from a potential crime to a nuisance, many landlords concluded that domestic violence was "petty, undeserving of police protection" and that the landlords "assigned to battered women the responsibility of curbing the abuse" (2013: 18). The authors summarized their findings this way: "*The nuisance property ordinance has the effect of forcing abused women to choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse)*. Women from black neighborhoods disproportionately face this devil's bargain" (p. 21, emphasis in original).

A research report issued by the American Civil Liberties Union Women's Rights Project, in partnership with the Social Science Research Council, reviewed over two years of enforcement records for nuisance ordinances in the cities of Binghamton and Fulton, New York (ACLU Women's Rights Project, 2015). The investigation found that each city systematically enforced its nuisance ordinance against victims of domestic violence. Domestic violence was the single largest category of enforcement under both cities' nuisance ordinances, and landlords' most common response to a nuisance property warning in Binghamton was to take action to evict the tenants. In addition, both cities routinely penalized tenants who reported other crimes committed against them, including incidents of rape, theft, and assault, or who sought medical assistance. The report concludes that nuisance laws deter people from reporting crime and force vulnerable people--especially victims of domestic violence, who often have to call 911--from their homes.

While these articles document that nuisance laws are used against victims of domestic violence, they do not provide much detail about the fallout this practice has for victims' lives. To begin to fill this gap, the author of this article undertook research that interviewed both domestic

violence advocates and police and prosecutors in the city of St. Louis to find out what these professionals thought was the nuisance property law's impact on battered women. As described in Arnold and Slusser (2015), the findings confirmed the concerns of these other authors. Based on information from battered women's advocates, the researchers concluded that the law harmed battered women in several ways, including by undermining their access to safe and secure housing, by discouraging them from calling 911, and by holding victims accountable for their batterers' abusive behavior.

The present article details some initial findings from a second study based on interviews with battered women in St. Louis. While victims' advocates were an important source of information in the earlier study, this current research was designed to find out and document how the law was viewed by the women directly affected by it. We sought to better understand the events that bring battered women into contact with nuisance laws, how the law is enforced, the ways in which it impacts their lives, and how they interpret this experience. We believe that victims' voices are critical to interpreting and assessing the harms caused by nuisance property laws. Not only do these women have critical information and a perspective that no one else has, but researchers and policymakers also have an ethical obligation to listen to those directly affected by a law when assessing its efficacy and usefulness. We hope these initial findings will help improve policies and practices by educating law enforcement personnel, policymakers, and social service providers about how these laws work in practice, and how and why they can negatively affect domestic violence victims' lives.

Nuisance Property Laws

Nuisance property ordinances are usually passed at the municipal level. While cities large and small have adopted them, Fais (2008) found that they usually share three common features.

First, they designate properties as "nuisances" based on an excess of 911 calls made within a certain period of time. In the City of St. Louis, the threshold to trigger a nuisance case is two or more calls to 911 within a twelve-month period reporting nuisance behavior at a specific address. Second, nuisance laws list a number of different types of activity that qualify as a "nuisance." In some jurisdictions, domestic violence is specifically excluded and in others it is specifically included. While the St. Louis ordinance does not mention domestic violence *per se*, it does include any "activity that is considered a felony, misdemeanor, or ordinance violation under federal, state, or municipal law" (Public Nuisance Ordinance #68535, 2009), and domestic violence is a misdemeanor offense under Missouri law. Third, nuisance laws require that property owners "abate the nuisance" or face fines, property forfeiture, or even incarceration. In St. Louis City, the prosecutors' office typically threatens to fine the property owners between \$100 and \$500 for each violation (i.e., each subsequent 911 call) or, if that doesn't achieve results, board up the property for twelve months. To prevent these sanctions, the property owner *qua* landlord often turns around and threatens to evict the tenant if the 911 calls don't stop. ²

Methodology

This research uses a qualitative approach to describe battered women's experiences with the nuisance property law from their own perspectives (Strauss & Corbin, 1990; Creswell, 1998). By using data from in-depth interviews, we expected to gain detailed information and a deep understanding of the mechanisms through which the law affects these women's lives. Qualitative research is now an established approach in the field of social policy analysis (Ritchie & Ormson, 2014), enabling a close examination of the dynamics of how policies operate. It is also well-established in studies of intimate partner violence, having been used, for example, to access survivors' perceptions of safety and risk following police intervention (Dichter & Gelles, 2012)

and their perspectives on the role of police in their intimate partner violence arrest experiences (Li, et al., 2015). While predominantly quantitative studies like Desmond and Valdez's (2013) and the ACLU 's (2015) are able to assess the frequency and distribution of the application of nuisance laws, they are limited in scope. Qualitative research can reveal the many factors that shape how the law is actually implemented. It can illuminate the chain of events through which individuals are affected by a law or policy—what is happening "on the ground," so to speak—as well as how individuals perceive these experiences and how they impact their lives. The researchers chose this approach in an effort to contribute to our understanding of the consequences of nuisance laws for battered women, a particularly vulnerable population, and the ways in which these consequences occur.

Participants

Twenty-six women and one man participated in this study. Their characteristics are described in Table 1.

Table 1. Description of Participants (N = 27)

	N
Median age	43 years
Range	24-81 years
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	N
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Gender	
Female	26
Male (DV victim was a female relative in his home)	1
Race	
African-American	25
White	2
Education	
<12th grade	11
12th grade	11
Some college	5
Income (annual, household)	
< \$20K	24
\$20-40K	3
Relationship between victim and abuser	
Heterosexual intimate partners (current or former)	23
Same-sex partners	1
Siblings	1
Mother-child/children	2
Housing status	
Renter	25
Homeowner (either abuser or victim)	2
How s/he found out about the study	
Battered women's shelter (staff, flyer)	9
Word of mouth (friend, relative, neighbor)	9
Pro-bono legal services (staff or flyer)	2
DV victims' advocate (staff or letter)	2
Other social service agency (flyer)	1
Unknown	2
Dates victims affected by nuisance property law	
2014	9
2013	10
2012	3
2011	2
2006-2008	3
Where living when affected by nuisance property law	
St. Louis City	24
St. Louis County	3

A large majority of the participants were very low-income African-American women in intimate partner relationships with abusive men at the time they were affected by a nuisance property law. Four participants had encountered a nuisance law in more than one housing situation, so we included only their most recent encounters in our demographic summary in Table 1. One participant was a man who had sheltered a female relative fleeing her abuser, and was included here to illustrate how the law can also undermine victims' social support systems. The participants were living in fourteen different zip codes spread throughout St. Louis City and St. Louis County at the time they violated or were warned about violating a nuisance law. Twenty-one out of twenty-seven of these cases occurred in zip codes comprised of predominantly African American, low-income neighborhoods.

Overall, these participants' abusers used severe physical violence against their victims. The interviewees described being beaten and choked, attacked with knives and pipes, sexually assaulted, threatened with guns, stalked, kidnapped and held against their will. Several required medical treatment or hospitalization for their injuries and a few were permanently disabled. In about two-thirds of the cases, 911 had been called at least four times in the twelve months prior to the nuisance law enforcement. This is consistent with other research that has found domestic violence cases reported to the police tend to involve more severe violence (Akers & Kaukinen, 2009; Bonomi, et al., 2006).

Recruitment and Data Collection

From July 2013 to July 2014, we conducted twenty-seven semi-structured qualitative interviews. In all cases but one, we interviewed the individual who was the target of a nuisance law; the exception was a case in which we interviewed the adult daughter of a frail elderly woman about her mother's involvement with the law. To recruit participants, we contacted more

than forty St. Louis area domestic violence and other social services organizations and asked them to post our flyers and tell their clients about our study. We set up a dedicated phone line for potential participants to call. We screened callers by offering each a \$15 gift certificate for groceries or public transit to complete a short confidential telephone survey that asked for a brief description of her/his contact with the nuisance property law along with demographic and housing information. For a case to qualify for the study, domestic violence must have been a predominant factor for an individual's involvement with a nuisance property law.

We asked those respondents who qualified for the study to participate in a confidential, in-depth follow-up interview, and each was given a \$75 grocery gift certificate as compensation for their time, travel, and child care expenses. Using semi-structured interview guides, we asked each interviewee to describe the circumstances in which s/he came into contact with a nuisance property law; what the landlord, police, and other law enforcement officials did and what s/he did in response; whether s/he had an Order of Protection against her/his abuser; how the law had affected her/his housing situation, ability to call 911, sense of safety, finances, access to health care, and family stability; and from whom s/he had received social or organizational support. We encouraged the interviewees to describe their experiences in an open and spontaneous manner and asked follow-up questions to clarify details. For those participants who expressed emotional distress during the interview, the researchers used active listening techniques until they regained their composure and wanted to continue, reminded them that they could end the interview at any time, and gave them a list of community agencies where they could receive additional assistance. We also asked each interviewee to choose an alias that we attached to all of their information so that the data, once purged of any identifiers and our master list destroyed, would be anonymous. These interviews lasted from 30 to 90 minutes each and were conducted on the St. Louis

University campus by the author along with one or two research assistants. The interviews were audio-taped, any identifying information was removed, and then they were professionally transcribed.

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

Data Analysis

The research team used a multi-stage qualitative analysis approach outlined by Spencer et al. (2014). We constructed an initial framework of themes based on information from the author's previous research, such as "Impact on housing" and "Ability to call 911." Using the Dedoose online software program, we then indexed each interview according to these themes, adding new themes as they appeared in the data and refining them as needed. Each interview transcript was indexed independently at least twice, once by the lead researcher and once by one of the research assistants. The lead researcher then reviewed all the transcription excerpts indexed under a single theme, recorded the elements that characterized and differentiated between the excerpts, then recorded key dimensions underlying these elements, and finally combined these into categories that described the data for each theme. Throughout this process, the connection between the original data and the categorization taking place remained visible so that the researcher could see each step of aggregation and revisit it, if needed. In order to establish the credibility of these interpretations and conclusions, many quotations from the interviews have been included in this article.

Limitations of the Study

There are some methodological limitations to this study. First, the study used non-probability sampling, so the degree of sampling error is unknown and the sample characteristics

cannot confidently be generalized to other populations or contexts. It is highly likely, given that a third of the sample was recruited through battered women's shelters, that this study oversampled domestic violence victims who became homeless as a direct result of nuisance property laws. It is also possible that it oversampled low-income African-American women, although there is no comparison data for overall nuisance property citations in St. Louis with which to determine if it did and by how much. It is worth noting, though, that Desmond and Valdez (2012) found that properties in black neighborhoods in Milwaukee disproportionately received nuisance citations for domestic violence calls, and that women are the ones most likely to make these calls.

However, this possible weakness is also a strength: low-income minority women are the domestic violence victims most likely to be harmed by nuisance property laws because they often lack alternatives to violent relationships and the resources to defend themselves against nuisance laws. So while the prevalence of the women's experiences in this sample cannot confidently be generalized, wider inferences can be drawn about the chain of events linking domestic violence, nuisance citations, and the resulting harms to victims.

Second, the findings are based on self-report of potentially sensitive topics, and participation was voluntary, which could result in possible self-selection bias regarding participation and reporting. Third, the accounts are retrospective and some participants' memories may have been incomplete or erroneous. This study gathers information only from participants and no attempt was made to validate the data through other sources. The goal of the study was not to gather objective "facts," but instead to understand the impact of nuisance laws from the perspectives of battered women themselves.

Findings

Common Scenarios of Contact with a Nuisance Property Law

The participants described a typical pattern in which the nuisance property law was enforced. After multiple calls to 911, the victim or the couple received notification that they risked possible fines or eviction if they called 911 again because of the nuisance property law. Notification was delivered either by the landlord, a police officer, or by a Cease and Desist letter issued by the municipal prosecutors' office. In some cases, the landlord simply notified the tenants that they were being evicted without prior warning.

Next, one of two things usually happened. In the first typical scenario, the victim decided that she could no longer call 911 but, instead, would have to take action to protect herself, such as fighting back with her abuser or moving out of her home before she could be evicted. The second typical scenario was one in which, after receiving the nuisance notification, another abusive incident happened and either the victim, her children, or the neighbors called 911 again. The landlord then notified the tenants that they were being evicted and gave them anywhere between two and thirty days to vacate. In none of these cases was the eviction adjudicated in court. In some cases, the landlord kept the tenant's security deposit as compensation for fines he said he paid because of the nuisance property law.

Eviction and Its Aftermath

At the time of their interviews, about half of the women in the study had already been forced to move because of the nuisance property law. Of this group, some women were evicted as a direct result of too many 911 calls while the others moved to avoid being evicted in the event that they had to call 911 again.

Of those who were actually evicted, subsequent homelessness or unstable living situations was a recurring pattern. Some went to shelters (either battered women's shelters or

generic homeless shelters), some slept on friends or relatives' couches, and some ended up in more dangerous living situations. In some cases, the women were separated from their children. For example, Bobbie³ moved from place to place during three months of a particularly frigid winter and had to split up her five children between friends and relatives because at times she was sleeping in her car:

[*Interviewer*: So to clarify, ... your younger children wanted to be with you but you didn't take them with you. Is that right?] Yes ma'am. They was with me [at first] but, after I ... was staying in the car, I didn't want my kids to be sleeping in a car. I figured like *I* could, but it was dangerous for *me*, [so] it would also be dangerous for them also. So I made them stay with relatives and friends, because I didn't want to drag them out. ... And it was kinda cold then, too, when that was goin' on. –*Bobbie*

Another woman we spoke with, who chose the alias "Chicken," could only find housing in a dangerous boarding house on short notice after her eviction:

I didn't feel comfortable down there at all. The first week I was down there, they were shooting, and I was up in the bed, and it was a very uncomfortable place to be.... It was buggy. It wasn't safe. No security on the doors. Then the other roomers ... were just lettin' anybody in. I either had to be in the house before it got dark, or ... look around and make sure nobody is [in the room]. –*Chicken*

After a few weeks, Chicken fled the boarding house and went to stay with her adult daughter, but a week later her daughter had to vacate her home, so Chicken then had to sleep on the couch at her father's. This was a typical experience for the women in this study. While friends and family are one of the most common resources for women in abusive relationships (Davies & Lyons, 2014), the friends and family members to whom these low-income minority women turned for

help were themselves often in unstable housing situations. And even when friends or family were able to provide shelter for a victim, if the abuser came around and 911 was called, the tenant-of-record risked being sanctioned under the nuisance property law, narrowing victims' options even further.

Study participants had trouble renting new apartments if they had prior nuisance evictions on their records. These records were often revealed when potential landlords ran background checks on prospective tenants. When future landlords found out that they had former nuisance violations, in most cases they refused to rent to them. As Dean told us,

And when I went to apply for another apartment, they actually, the landlords actually checked the list to see if your name is on the nuisance property. Or apparently I guess they check because a couple of people, when I tried to get an apartment, told me, “We see that there are some things in here about you calling the police.” And they didn’t want to rent to me. –*Dean*

We heard from other women that their nuisance evictions had dogged them for years when they tried to rent new apartments.

In addition to refusing to rent to tenants with a prior nuisance violation, landlords have begun writing into their leases that tenants will be evicted for nuisance property law violations.

Crystal told us that when she called about apartments near her old one,

I was told that they are all abiding, they all have a contract with the city under the new law. So that’s part of their lease now and that’s one of the things they’re gonna look [at]. If peace disturbance or anything that has to do with nuisance is in your background check. And I didn’t even know that. I was like, “What??? So I can’t get an apartment

because of a peace disturbance?” And [one landlord] was like, “Yeah, it’s part of it now.”

–*Crystal*

At the time of our interview, Crystal happened to be working at an organization that provides services for homeless people, and she told us she “made it her business” to warn her clients about the nuisance ordinance and how, if they are evicted because of it, “it will be hard for you” ever to rent again.

There were other serious consequences of eviction under the nuisance law besides difficulty renting from a new landlord. A recurrent theme was that these women feared losing their eligibility for low-income housing or Section 8 certification, which can have devastating consequences for their ability to secure stable housing in the future. Fearing this result, some successfully sought assistance from Legal Services of Eastern Missouri to fight the nuisance charges. Other women had to take extra measures to maintain their low-income housing eligibility. For example, Amy was trying to move 200 miles away to Springfield, Missouri to get away from her abuser when we spoke to her:

And I have to go up there [to Springfield] for an oral hearing because, like I said, once the police are called, it’s reported to the office. And that goes on your record. So when they sent over—you had to do like a history or rental history or something like that—that was on there. So I had to go down to Springfield and explain my story, explain what happened [in my subsidized St. Louis apartment] and now I’m waiting for a determination, to see if I’ll get subsidized housing there. –*Amy*

Some women were not so successful and did lose their low-income housing eligibility or Section 8 certification. One was told that the waiting list to obtain another Section 8 certificate was now ten years long.

Eviction can set off a chain of negative events from which it is hard to recover. It was common that our study participants lost all of their personal possessions when they were evicted, either because they had no time or means with which to take their belongings with them on short notice or because the landlords dumped them on the curb and passersby pilfered them. Some told us that once they were evicted, they could no longer go to work because of the extreme stress and/or the time required to find new housing right away.

In some cases, eviction exacerbated physical illnesses by making it difficult to get health care. For example, when we interviewed Bobbie, she was wearing a medical boot from surgery. She explained that she had diabetes and, after her eviction, wasn't able to get the medical care she needed for her foot, so some sores had become infected:

[D]uring that time when [I was homeless and] I first started getting the blisters and all that, they wanted to send a home health nurse out. Well I couldn't get a home health nurse because I didn't have any address to send a home health nurse in, to take her, you know, to come out and make sure to check my blood and do whatever it was supposed to be done. I couldn't *get* that because I didn't have an address. —*Bobbie*

Besides physical problems, the nuisance law also compounded problems of mental illness by putting stable housing out of reach. A consistent theme was that eviction triggered or exacerbated existing mental health problems, making it hard for the women to function effectively. And this was in addition to the trauma from the abuse they had suffered at the hands of their partners. For example, Dee, who had previously been hospitalized for mental illness, told us that flashbacks from the abuse coupled with her inability to find stable housing after the nuisance eviction was making it very hard for her to cope. Similarly, Dean described the way in which eviction compounded the trauma of the abuse for her. She had been raped by her abuser

and then evicted because of the nuisance ordinance, which caused her to fall into a deep depression and try to commit suicide: "[B]y then, well, I was trying to black out what had happened with the rape. I didn't want to think about that and the fact that I was being evicted."

It was common that those women who had avoided eviction so fartold us they felt compelled to move anyway. Some refused to continue living in a place where they were not allowed to call 911. Kim described her reasons for moving this way:

I'm not gonna live nowhere that I can't call the police. ... [S]omebody might be trying to break in and it might not be no boyfriend. See what I'm saying? Somebody might try to break in on me and my kids and I can't protect myself? *–Kim*

Others reported that they felt forced to move because they feared they would be evicted and wanted to avoid the negative consequences of a nuisance eviction. For example, Danielle was highly aware of the long-term impact that eviction would have on her low-income housing eligibility: "But if I lose this apartment, then I won't ever be able to get into another low income apartment and I have one more violation to get [before I am evicted]." The one man we interviewed, Darrell, had taken in a female relative fleeing intimate partner abuse, but after 911 was called when the abuser showed up, Darrell told us he felt compelled to make her move out because he couldn't afford to get another apartment if he were to be evicted:

I had an alternative by the landlord, either I get rid of the problem, which I hate to say, I had to try to find somewhere for my relative to go because if I didn't eliminate the problem, I would have had to leave.... Either I leave or the problem left. *[Interviewer: So it sounds like you had to ask your relative to leave?]* Right. Right. I had to find a place.

She end up movin' out of state to Illinois with another relative of ours. *–Darrell*

A Double-bind for Tenants

The nuisance law can put battered women in a double bind in which no matter what action they take, they are at risk of eviction. In order to prevent more 911 calls, some landlords told the tenants that the abuser was now banned from their property. In practice, this meant to the women that if their abusers showed up at their apartments again, they would be evicted, but the women had no way to keep their abusers away without calling 911, which would itself trigger eviction under the nuisance ordinance. In this situation, even the victim's choice to stop calling 911 did not necessarily protect her from eviction. This is how Danielle described it:

I came to the office to renew my lease and they were like, "The landlord needs to have a meeting with you Monday." And I came in and they were talking about the police cars coming and they told me they put him on the banned list. And I told them that I can't control him coming to my house. He's popping up in my house. It's not like it's got a guarded gate. So I can hear him knock on the door and I come and it's him. I have to call the police to protect myself. And basically they told me, "You can't call the police or you're going to lose your apartment." And they gave me two violations, and I have one more to get and I lose my apartment. –*Danielle*

Amy found herself in the same double-bind:

[The property managers] ... tell me ... [h]e's not supposed to be living here. He needs to stay off the property. If he comes on the property again, you will be violating [the terms of the lease, so will be evicted]. And then it comes down to, if he comes on the property again, I'm gonna have to call the police, so I'm gonna be violating either way it goes.... –
Amy

The result was that, as Stephanie pointed out, the victim was held responsible for controlling the abuser's behavior by herself, including stopping his violence:

Well, it seem like with the nuisance thing, you have to deal with, you know, the situation like my ex-boyfriend, or whatever. [The landlord] come over and tell me I have to deal with that. Or just pray he don't kill me or anything because if I call the police, they're going to contact my landlord and then I'll probably be homeless. –*Stephanie*

Participants' Ability to Call 911

The women divided into two groups when asked about whether they would continue to call 911 after being threatened with nuisance property law sanctions. One group told us that they would call 911 again because their own safety, along with their children's, came first. All of these women had either ended their relationships with their abusers or were planning to do so. The second group, however, told us they had stopped calling 911 because they feared the negative repercussions. This is the "devil's bargain" that Desmond and Valdez (2013) described. Most expressed fear of being evicted. Some said they were afraid of being prosecuted and fined:

[The law] makes me not want to call anymore. I mean 'cause if I'm gonna be charged for something that I have not done, that I thought was legal for me to do, within my legal rights. You know. And now I'm being prosecuted for using this [emergency 911 service].... –*Tina2*

Another participant, Tina,⁴ held off calling as long as possible because she had already been evicted once under the nuisance property law and didn't want to lose another apartment:

I called the police and I said, "I just had to call the police because he caught me comin' in or out of my apartment like three days in a row and jumped on me." I was all upset. I can't take any more. I can't even open my door to go out for work, and he's attackin' me. He's hidin' in the bushes.... [The police officer] told me, "He jumped on you three days in a row and you're just now callin' us? Why didn't you call the first day?" And that's when

I told her, "I lost my apartment because of the nuisance law. I'm scared to call the police. That's how I lost the other apartment, so I'm tryin' not to call the police." –*Tina*

A widely expressed sentiment was that these women would be willing to call 911 only in dire circumstances, which amounted to life-or-death situations. For example, Bobbie said, "Well, if it's a life endanger situation with me ... I will call anyway." Tina² put it this way: "I don't want to call, I mean in any situation. Unless, of course somebody is actually dying or something, or where I'm in dire, dire need. But it would be a last resort."

Women's Sense of Safety

The women told us that not having access to police services increased their fears that they would be physically harmed by their abusers. Besides being more vulnerable to the usual level of abuse, some women said that, once their abusers found out they could no longer call the police, the abuse became even worse because the abuser felt unconstrained:

He punched me in my face and I fell over the chair, broke the chair. He tried to choke me to death, but somehow, some reason, I was able, where I had nails and try to scratch, to get him off of me, he's choking me. And I couldn't call the police. Everything that has been going on, can't call the police. So I think [my boyfriend] is taking advantage of that.
–*Cindy*

The women we spoke with told us about various strategies they either had adopted or planned to in order to protect themselves from their abusers in the absence of police services. Some said they felt they might have to use physical force to defend themselves:

Then I started thinkin about, "...If it gets too bad where he decide to, he want to physically hurt me, that this is what I'm gonna do to protect me and the children." ...

[*Interviewer*: So what were you thinking of doing to protect you?] I mean I'm gonna tell you for real, Gretchen, I'm talking about catchin' him asleep. –*Diane*

Another strategy the women told us about was to ask an adult son or brother to come stay with them to keep the abuser away, effectively serving as a personal body guard. Not all women were able to do this, however, out of fear that their male relatives would kill their abusers if they found out about the abuse.

A consistent pattern was that the police had been the victims' sole source of protection from the abusers' physical violence. So it was logical that participants spoke of barricading themselves in their homes for protection, since they no longer have access to police services. For example, Stephanie told us,

"I'm barricading myself more in the house, you know. Like put sticks and stuff behind the door and stuff because I don't want anybody coming in there. Then if they do, you know, I'll be scared to call the police or whatever." –*Stephanie*

After her abuser attacked her with a knife, Chicken's strategy was to seek the assistance from a hospital that she no longer could get from the police:

Instead of my callin' the police this time, I went straight to the hospital. That's what I did, because from there, the hospital had to call the police. They had to call the caseworker. They had to write this up as a domestic assault with a weapon. I was bleedin' from the head, the legs. –*Chicken*

The Role of Landlords

This study's participants told us that their landlords were often their first and only source of information about the nuisance property law. Because the law officially sanctions property owners for excessive 911 calls, city prosecutors nearly always communicated solely with the

landlords about possible fines or other sanctions and how to avoid them--rarely was information given directly to a tenant. These landlords, then, turned around and told the tenants that the police and/or prosecutors were threatening to take control of their property if they didn't evict them, even though many also expressed sympathy to the tenants for their plight.

Perhaps out of a sense of urgency or because they wanted to impress upon tenants the seriousness of the situation, landlords told some of the women we spoke with that they now lived in a "nuisance building" and could not call 911 for *any* reason, including domestic violence, other types of crime, or even a medical emergency. This is consistent with the ACLU Women's Rights Project (2015) finding that nuisance laws deter people from calling 911 for a wide variety of different types of crime. As Crystal told us,

If somebody breaks in my house, I feel like I can't call the police. I feel like I can't call for anything! I feel like I'm going to get in trouble for it. ...That's basically what the landlord told me. "If you call the police, you're going to lose your apartment."--*Crystal*

Since it was common that these women lived in high-crime areas or had family members with medical problems, this was especially serious. Yoyo described the high cost of losing police and medical services this way:

Well, where I moved at, you cannot count on no police for help. If you getting abused, raped, stabbed, shot, you're not allowed to call the police 'cause they say it's a nuisance law. But I feel if you need the police, you supposed to CALL the police, you know? But they said if we call the police, we was gonna get evicted from our homes. And I don't think that's right. [*Interviewer*: And did you call the police?] Yes, I had to. I was getting abused and my door got kicked open. I need the police assistance, I couldn't do nothin', I couldn't help myself, so I dialed 911 and in the process of doing that, they contact my

landlord and told him I called the police. And my landlord said I don't have no more times to call the police. ... And I have a daughter that has Crohn's and is pregnant. And [the landlord] said I can't call an ambulance because the police come with the ambulance.... So I just don't feel-- *We just in danger*. If anything happen to us, we can't call no police. We just got to deal with it. And I don't think that's right. –*Yoyo*

As an alternative, some landlords told these women to "go down the block" to call 911 so that their home addresses wouldn't be recorded as the location of the calls. The women told us that this was unreasonable and unworkable, and would make them even more vulnerable to violence. As Tasha put it,

"So that was like makin' me real unsafe because if he [abuser] left and then I try to leave to go somewhere to call the police and he catch me outside, then that's like endangerin' myself even more." –*Tasha*

Kim succinctly evaluated her landlord's directive this way:

...[T]he landlord came by my house and told me that if I called again, that he was threatenin' to put me out, that I have to go down the street or somewhere to call. Because he can lose his property. [*Interviewer*: Did that seem like an option for you?] No.... What if I can't make it down the street to call or he's outside waitin' for me? That's CRAZY! –

Kim

The Focus of Enforcement Is on the Victim's Behavior, Not the Abuse

The women we spoke with pointed out that the nuisance property law has the perverse effect of treating the victim of domestic violence as if *she's* the problem instead of the abuser and his behavior. This is reinforced at every step of the enforcement process, including the police response to 911 calls, the Cease and Desist letter's formal notification of potential violations, and

the hearings with municipal prosecutors. Some women pointed out that this shift in focus ends up obscuring the real crime of intimate partner violence and protecting the perpetrator. This is how Dean put it:

I think that [the police] basically just look at YOU like you're the nuisance, even though you didn't start it. To me, it seems like they'd rather protect the guy that did it to you than be bothered with you calling. *–Dean*

That their 911 calls for help in the face of serious violence were called a "nuisance" was especially galling to these women. Diane described her incredulity when she received the Cease and Desist letter from the city prosecutors' office:

Like I said, when the letter came, to me that was like, "We hear you but we really don't care about all of the-- We don't care!" That's what I heard from the letter when I read it. It was like, "We don't care." It was like they were standin' off on this. To me, that's what I heard, "We don't care." ... "You a nuisance. You all are nuisance to us. Keep callin' us out there and you know it's just, it's an ordinance now, it's against the law." I never heard no stuff like that [before]. To me, that's ridiculous. ... Why would they come up with somethin' like that? I mean I can't understand. I mean ... why would you even want to put somethin' like that out there when you know that, you know, domestic violence is real and it *happens*, you know? So why would you say--what if you out there fifteen times [on a 911 call]? Twenty times? What difference does it make? *–Diane*

The legal enforcement proceedings similarly tend to focus on scrutinizing the victim's behavior and ignoring that of the abuser. Chicken, who lived in a municipality in St. Louis County, told us about an especially disturbing experience when she was summoned to appear at a nuisance hearing with the local authorities. When they asked about the 911 calls for domestic

violence, they weren't interested in hearing about how she was fighting back in self-defense against her abuser's attacks:

They had the police [officers] there that were called to my home, and one of the officers, they only stated what I was doin'. They didn't state what, what they were called there for and what he was doin' to me. ... They were questioning about me. Everything was on *me*. ... [Interviewer: So it sounds like when you were in court that the only thing that was talked about ... was what *you* had done.] Right and trying to prevent, you know keepin' me from getting hurt. Not saying what he was doing when the doors were kicked off the hinges. They didn't bring that up. When they come in and my mouth was busted, they didn't bring that up. It was only about what *I* was doin' in my house, who *I* was tryin' to harm. But I was really tryin' to protect myself. –*Chicken*

Chicken expressed incredulity that the authorities were only concerned with her behavior and didn't take into account the context of the life-threatening abuse to which she was reacting. She went on to point out the impossible situation that the nuisance property law put her in:

If I can't protect myself, [and] you're not protecting me, what am I supposed to do? Am I supposed to just ... let him beat me or let him kill me? –*Chicken*

Discussion and Conclusion

This study shines a light on several of the ways in which nuisance property laws can harm battered women. The single most serious direct harm involves women's access to housing. Both Desmond and Valdez (2013) and the ACLU Women's Rights Project report (2015) found that landlords were pressured to evict "nuisance" tenants, but neither study collected data about how this affected the tenants' lives after eviction. In the housing literature, recent studies have documented multiple ways that eviction compromises the well-being of families, including

increasing material hardship (Desmond & Kimbro 2015), causing physical and mental health problems (Burgard et al. 2012; Currie & Tekin 2015; Desmond & Kimbro 2015), poorer neighborhood quality (Desmond and Shollenberger 2015), and the loss of housing subsidies (Brescia 2009; Desmond 2012). Similar consequences were reflected in the comments of the women we interviewed : some became homeless and had to go to shelters or seek temporary refuge in the homes of friends or family members; some were separated from their children during this period of unstable housing; and some ended up in even more dangerous living situations. The record of a nuisance eviction made it especially difficult for these women to secure stable housing afterwards, and threatened their eligibility for low-income housing or Section 8 certification. The health consequences were equally grave. Some women found it impossible to access routine medical care for chronic conditions while they were homeless. For others, the eviction itself triggered or exacerbated mental illnesses and compounded the trauma from the intimate partner violence. Women lost their personal possessions as a result of eviction and some lost their jobs. And even those women who had not yet been evicted because of a nuisance ordinance said they felt forced to move because they feared the negative consequences if they were evicted.

These interviews indicate that nuisance property laws also had serious consequences for these women's safety. The study participants told us they felt they could no longer call 911 for help. This increased their vulnerability to violence in multiple ways. To begin with, they now had no police protection from the usual level of their abusers' violence. Moreover, in some cases, the women stated that their abusers had already or would become even more violent once they knew the police wouldn't be called. And some women said they felt they would have no choice but to use violence to defend themselves. As a result, the lack of access to police protection was

likely to lead to an escalation of violence in these relationships, either on the part of the abuser or the victim or both. Participants were also told by their landlords that they could not call 911 for *any* reason, which increased their sense of vulnerability to other types of crime and medical emergencies, along with the violence from their partners. As the ACLU Women's Rights Project report (2015) points out, nuisance laws deter the reporting of all types of crime and undermine the safety not only of battered women but of all members of a community.

Another way to look at these harms is through the lens of Jill Davies' (1998) framework of the risks battered women face. In many of these cases, nuisance property laws served to trigger adverse events for which the women were already at risk. As Davies' puts it, battered women risk harm not only from their partners' physical violence but also from the women's own life circumstances, which Davies terms "life-generated risks." The harms described in this study involved both kinds of risks. It is reasonable to conjecture that the life-generated risks faced by the women in this study derived from their poverty, dependence on housing subsidies, dangerous neighborhoods, resource-poor social support networks, already-compromised physical and mental health, and--although none volunteered this--the potential racial discrimination they faced in housing.⁵ These were in addition to possible increased violence by their partners. Nuisance property laws interacted with all of these batterer- and life-generated risks to intensify the women's vulnerability to harm.

As Fais notes, these laws not only undermine battered women's safety but they also run counter to other government policies that are intended to reduce domestic violence, including mandatory arrest, evidence-based prosecution, and the housing protections in the Violence Against Women Act (Fais 2008). It is logical to conclude from these women's stories that, far from helping battered women, nuisance laws exacerbate the unequal relations of power between

the abuser and the victim. They can deprive a woman of what little means she may have for exerting control over the terms of the relationship. Denying her access to police protection limits the victim's ability to muster institutional constraints on the abuser's power and leaves her on her own to deal with his violence. And the abuser is given even more power when a landlord--in response to law enforcement threats--bans him from the property in order to prevent more 911 calls. With the victim unable to call 911 to get him removed, the abuser has an additional weapon with which to harass and control his victim. These findings suggests that by taking away her access to police services, nuisance property laws magnify the abuser's power to strip her of the ability to make decisions and take control over some of the most basic conditions of life, such as where and how she lives.

This study shows how nuisance laws and the enforcement process both end up focusing attention on the victim's calls to 911 for help rather than on the abuser's violence that precipitated it. As Fais (2008) anticipated, this puts the women in a situation where *they* are held responsible for stopping the abuser's violence but are denied the most basic institutional supports for doing so. And if they ask for help anyway, the law punishes the victim with possible eviction rather than punishing the abuser. Because these laws constitute multiple calls to the police as the problem and downgrade the actual domestic violence to a "nuisance," they drastically alter the categories of "victim" and "offender. The result is that *nuisance property laws obscure the real crime of intimate partner violence and turn the victim into the offender.*

Nuisance property laws deny public services to those vulnerable populations who most need them (ACLU Women's Rights Project, 2015). The women in this study occupied a social location at the intersection of multiple dimensions of inequality, including gender, race, and class. Because they were predominantly poor and black and subject to a number of batterer- and

life-generated risks, the women were especially vulnerable to being harmed by nuisance laws. By listening to the voices of these battered women, the ways in which nuisance laws penalize victims of domestic violence and exacerbate gender, race, and class inequality come into sharper focus.

Once lawmakers understand how nuisance property laws impact battered women, legislative remedies can be undertaken. Several states have now introduced or enacted legislation that recognizes an individual's right to request police and emergency services or prohibit nuisance ordinances to be enforced against victims of crime (ACLU Women's Rights Project, 2015). We need additional research to confirm and elaborate on the findings in this and the other studies to date concerning the enforcement of nuisance laws against victims of domestic violence. Disseminating these findings can help inform police, prosecutors, and legislators so that they can undertake similar reforms and use the legal system to promote rather than undermine social justice.

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Endnotes

¹ While other terms such as "survivor" and "intimate partner violence" are available, the terms "victim," "abuser," and "domestic violence" were chosen here because they are used more frequently in a legal context.

² While there are some variations in the ordinances and enforcement processes among the ninety municipalities in St. Louis County, for the purposes of this study their nuisance property laws work essentially the same way as does the one in St. Louis City, which is a separate municipal jurisdiction.

³ Throughout the article, each interviewee is identified by the alias that s/he chose.

⁴ Since two women chose to use the alias "Tina," they are identified as "Tina" and Tina2."

⁵ There is research that suggests people who perceive discrimination against themselves are "often reluctant to make this claim publicly ... in part" because claimants are "viewed negatively by others even when the claim is well justified" (Major & Kaiser, 2002, p. 285). In fact, when we asked interviewees if they thought their race or class affected the way they were treated by the police, many prefaced their "yes" answers by stating that they themselves were not racist, indicating that they were trying to preempt such a negative perception. This is consistent with Major and Kaiser's claim. In any event, we did not ask anyone about whether they felt their race affected their ability to obtain housing, and no one brought it up spontaneously.