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**EXCEPTIONALLY CLEARED CASES IN INTIMATE PARTNER
VIOLENCE: A COMPARISON OF SAME-SEX COUPLES
VERSUS HETEROSEXUAL COUPLES**

by

Clarice Ambler

Thesis submitted in partial fulfillment

of the requirements for the degree

of

DEPARTMENTAL HONORS

in

Psychology

in the Department of Psychology

Approved:

Thesis/Project Advisor
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UTAH STATE UNIVERSITY

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Spring 2016

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Abstract

Most of the literature regarding intimate partner violence (IPV) focuses on heterosexual couples, with little emphasis on how same-sex couples are specifically and uniquely affected by IPV, especially in terms of how such cases are treated by the criminal justice system. The purpose of this study is to identify factors that influence the odds of intimate partner violence (IPV) cases being exceptionally cleared. This study analyzed 207,008 incidents of IPV that occurred in 2013. Using logistic regression, this study determined how weapon use, injury severity, and drug use affected the likelihood of a case being exceptionally cleared across heterosexual and same-sex couples in the United States. Analysis revealed drug use and presence of severe injury significantly decreased the likelihood of a case being exceptionally cleared for heterosexual couples. For same-sex couples, the presence of a severe injury also significantly decreased the likelihood of exceptional clearance, but drugs did not. This research contributes to the existing literature regarding IPV but is the first to compare same-sex and heterosexual couples in terms of factors impacting likelihood of a case being exceptionally cleared.

Keywords: Intimate partner violence, LGBTQ, NIBRS, Exceptional clearance

Acknowledgments

A special thank you to Jennifer Roark, for mentoring me during this project and being a strong support. Thanks to Amber Summers-Graham for being an incredible guiding light through my entire undergraduate career. Thank you to Honors College for pushing all of us to do these theses, to the department of Sociology, Social Work, and Anthropology for lending me a mentor, and to the Department of Psychology for helping me acquire the knowledge to do this project. Lastly, a personal thank you to Ilana Kornfeld, who dedicated hours to keeping me sane.

Exceptionally Cleared Cases in Intimate Partner Violence: A Comparison of the Legal and Extra-Legal Factors that Influence Prosecution in Same-Sex Couples versus Heterosexual Couples

Intimate partner violence (IPV) is a pervasive social issue that affects every faction of the population. Despite the indiscriminate nature of IPV, research has been primarily focused heterosexual couples, with limited research dedicated to same-sex couples (Addington, 2014; Archer, 2000; Henning & Feder, 2005; Ventura, 2005;). Expanding IPV research beyond heterosexual couples will allow a more expansive and comprehensive understanding of the nuances of IPV. This study will focus on the how same-sex couples and heterosexual couples with instances of IPV are differentially treated by proponents of the law through an analysis of exceptionally cleared cases. The knowledge gained from this study will contribute to building a foundational understanding of the unique issues faced by same-sex couples when experiencing IPV, as well as provide quantitative evidence about what factors are especially important to recognize in IPV cases.

Literature Review

Intimate Partner Violence remains a serious issue that continues to impact millions of lives every year. According to the National Intimate Partner and Sexual Violence Survey (NISVS, 2011), over ten million men and women every year experience some form of physical violence at the hands of a current or former intimate partner (Breiding, Chen, & Black, 2014). Over the course of a lifetime, this number increases to about one half of the men and women in the United States. Violence committed by intimate partners tends to be

more severe and results in more serious injury than violence committed by a non-intimate offender (Catalona, 2013). IPV has exceptionally high lethality, as well; roughly one third of all female homicides are committed by intimate partners (NISVS, 2011). The prevalence of IPV makes the study of it highly important, though its multifaceted nature presents many challenges.

Though the majority of research focuses on IPV between heterosexual couples, research indicates patterns of intimate partner abuse are similar between heterosexual and same-sex couples (Addington & Perumean-Chaney, 2014; D'Aleesio & Stolzenber, 2010; Durfee, 2012; Walters & Breiding, 2013). However, the patterns of arrest and prosecution differ across incidents. Some specific situational factors have been studied independently to see what affect the patterns of prosecution. Alcohol, drug use, and weapons use all have significant positive affects on the probability of prosecution, as does being male (Addington & Perumean-Chaney; Smith, 1987; Ventura & Davis). Despite the interest in IPV, little research has been done comparing the effects such factors have on arrest patterns between heterosexual and same-sex couples.

Substance use

Past studies have found that substance abuse is more prevalent with male offenders of IPV than female offenders (Follingstad, Bradley, Laughlin, & Burke, 1999; Hamberger & Guse, 2002). However, one study by Busch and Rosenberg (2004) found that females are equally likely to show evidence of substance abuse issues as men are. Another study found that substance abuse is more likely to be involved in incidences that result in dual-arrest than in single arrest (Martin, 1997). More broadly, the presence of alcohol or illegal substances at the time of an IPV incident increases the probability that it will result in

arrest (Smith, 1987). Though it is still difficult to determine if substance abuse is a cause or a correlate of IPV, it continues to play an important role in understanding how to best prevent IPV, as well as how to treat offenders. Unfortunately, no past studies have compared how drugs influence prosecution in IPV cases involving same-sex versus heterosexual couples. This study will provide foundational information regarding those specific relationships and their influence on exceptional clearance.

Weapon use

Research regarding the use of weapons in IPV cases demonstrates consistent trends in the effects of weapon use on IPV incidents. A study done by Hirschel et al. (2012) found that cases involving weapons are less likely to be exceptionally cleared than cases involving bodily weapons or intimidation (2012). The presence of a weapon increases the likelihood of serious injury, as well as increases the overall seriousness of the crime (Hamilton & Worthen, 2011). Women are more likely to use weapons against male victims. (Addington & Perumean-Chaney, 2014). However, women are also more likely to have their cases dismissed (Henning & Feder, 2005; Worrall et., 2006).

Injury severity

IPV that results in clear and present injury is more likely to end with arrest than cases without clear injury (Zeoli, Norris, & Brenner, 2011). Depending on the individual state statutes, it may be required for an officer to make an arrest if an injury is present, which may partially account for this difference (Zeoli et al., 2011). Men are more likely than women to have an injury, either minor or serious, compared to no injury, though women are more likely to be killed during an IPV incident (Martin, 1997). In cases of heterosexual

IPV, female offenders are more likely to use weapons against male victims, which may account for the increase in injury in males involved in IPV. One study by Ventura and Davis (2005), found that violent offenders are more likely to be dismissed rather than prosecuted. However, previous studies that have analyzed the interplay of these factors on prosecution have not typically included same-sex couples.

Exceptional Clearance

One way to analyse IPV is through law enforcement and prosecutorial response. Exceptionally cleared cases are incidents that are resolved in ways that do not include prosecution after arrest. Such decisions are under the discretion of the prosecutor. Research has indicated that charging level (Henning & Feder, 2005), race (Henning & Feder, 2005), and gender (Henning & Feder, 2005; Worral et al., 2006) influence prosecutorial decisions in heterosexual IPV arrests.

Despite the preponderance of research in this topic, no individual study looks at these factors together while comparing heterosexual and same-sex IPV cases. Exceptional clearance in general is understudied, with little emphasis on the distinct situational factors that influence in. This dearth in research represents a significant gap in literature regarding IPV.

The FBI, since the initiation of the Uniform Crime Report, has outlined for requirements for a case to be exceptionally cleared. The agency must:

1. Identify the offender.
2. Gather enough evidence to support an arrest, make a charge, and turn over offender to the prosecution.

3. Identify offender's precise location
4. Encounter circumstances that prevents agency from arresting, charging, and prosecuting the offender (Federal Bureau of Intelligence, 2010).

Circumstances that meet these conditions include but are not limited to: Death of the offender, victim refusal to cooperate with the prosecution, and prosecutorial refusal to continue with the case. Previous studies analyzing IPV and exceptional clearance have not included both same-sex and heterosexual couples in their analyses.

Methods

Incident level arrest data were obtained for the year 2013 from the National Incident-based reporting system (NIBRS). The nature and types of offenses, victim and offender characteristics, and characteristics of persons arrested are provided for each crime incident recorded by law enforcement. Cases were clustered by state to account for regional differences. The final number of cases included in the analyses was 207, 008.

This study compares rates of exceptionally clearance between same-sex and heterosexual couples involved in IPV using a several independent variables, including use of a weapon, substance abuse, previous history of domestic violence, injury severity, and state statutes. The study has three hypotheses: First, we predict that same-sex IPV is less likely to be resolved through exceptional clearance than IPV within a heterosexual couples. Second, we predict that the severity of the offense, including severity of injury and use of a weapon, will be inversely correlated with exceptional clearance. Specifically, more serious instances of IPV will be more likely to be prosecuted rather than being exceptionally cleared through victim refusal or prosecution dismissal. Lastly, we predict substance use

will be a more significant indicator of prosecution in same-sex IPV than in heterosexual IPV.

Extra-legal predictor variables

Sex of the offender: The offender's sex was coded 1 for male, 0 for female.

Race: Offender's race was collapsed into a dichotomous variable. White was coded as 1; person of color was coded as 0.

Age: The offender's age was a continuous variable and coded in years.

Relationship: Only victim-offender relationships involving spousal, boyfriend/girlfriend, common law, or homosexual relationships were included in the analysis. Relationship was collapsed into a dichotomous variable, with same-sex couples coded as 1, and the remaining options as 0.

Legal Predictors

Drug use: Drugs included illicit drugs, as well as the use of alcohol. Incidents in which drugs or alcohol were involved were coded as 1, those without drugs or alcohol were coded as 0.

Weapon Use: Weapons were divided into two variables: bodily weapons and extra-bodily weapons. These variables were recoded into dummy variables with 1 for yes (extra-bodily weapons) and 0 for no (bodily weapons). The reference variable for weapon use was no weapons were involved in the incident.

Injury: Injury was divided into two variables: severe injury and minor injury. These were recoded into dummy variables with 1 or yes (severe injury) and 0 for no (minor injury). The reference variable for injury was no injury resulted from the incident.

Exceptionally cleared: Only cases that were exceptionally cleared due to victim refusal to cooperate with the prosecution or prosecutorial refusal to continue the case were included in the analysis. Cases that were exceptionally cleared were coded 1; cases that were not were coded 0.

Data Analysis

To examine the relative effects of the independent variables on exceptional clearance, regression is an ideal tool. Logistic regression coefficients were converted to odds ratios to clearly indicate the change in likelihood of the occurrence of the dependent variable, which for this study was exceptional clearance. Descriptive analyses were also conducted to provide a foundational review of potential sex, race, and age differences. In order to stratify the sample by heterosexual and same-sex couples, the victim-offender relationship was appropriately categorized into a dichotomous variable, which was then included in each analysis.

Results

Descriptive analyses provide an early review of general trends among cases.. Offenders are largely male in heterosexual IPV cases, composing 81% of the total. this study found male offenders constituted approximately 40% of the cases, indicating a preponderance of female offenders in same-sex cases. White offenders constituted nearly 63% of total offenders. Drugs were involved in 18% of all cases and were equally likely to be involved in same-sex and heterosexual cases. Bodily weapons (hands, feet, teeth, etc.) were used in 68% of all cases and extra-bodily weapons (knives, household objects, etc.) were used in nearly 10%. Weapons were 32% more likely to be involved in same-sex

cases, ($p=.000$, odds ratio=1.32) though offender sex is a more significant indicator of the likelihood of weapon use. Male offenders are less likely to use weapons than female offenders, a finding which is consistent with past studies ($p=.000$, odds ratio=.149). Same-sex IPV is also associated with higher probability of injury ($p=.000$, odds ratio=1.27).

When looking at gender composition of couples alone, same-sex couples are 18% less likely to have their IPV cases exceptionally cleared ($p<0.05$, odds ratio=1.18). However, when injury, drugs, and the presence of a weapon are included in the analysis, this difference is no longer statistically significant. For heterosexual couples, drugs ($p<0.05$, odds ratio =.723) and injury severity ($p=.000$, odds ratio=.402) are the strongest indicators of arrest. For same-sex couples, the only significant indicator is injury ($p<0.05$, odds ratio=.571).

Discussion

In preliminary analyses, it appears that same-sex couples are less likely to have IPV cases exceptionally cleared, which matched the first hypothesis. However, when age, race, use of a weapon or drugs, and injury severity is included, only drugs and injury are significant for heterosexual couples. For same-sex couples, the only statistically significant factor is injury. This does support the second hypothesis that increased incident severity, defined by weapon presence and injury, would increase likelihood of prosecution. Both heterosexual and same-sex cases were more likely to be prosecuted if there was serious injury, though weapon use wasn't significant.

The findings do provide an interesting contradiction to the third hypothesis that drugs would be a significant predictor of prosecution in same-sex cases. It may be that the

higher probability of weapon use and presence of injury in same-sex cases overshadow the effects of drug involvement. Alternatively, it could be an issue of sample size. Same-sex couples comprised less than 2% of the sample, potentially resulting in a type II error.

The large majority of female offenders in same-sex couples is an unexpected finding. Though it may indicate a high prevalence of IPV in lesbian couples, it may also indicate that females are more likely to report IPV than males in same-sex couples. More research is necessary to parse apart the differences in these conditions.

Conclusion

Overall, though same-sex couples are more likely to see their cases prosecuted, injury severity is a stronger indicator of prosecution than gender composition of the couple. The difference in likelihood is likely partially accounted for by the higher probability of weapons being used in same-sex IPV incidents, which may result in more severe injury. Though drugs were equally likely to be involved in same-sex and heterosexual cases, it was only a significant predictor of prosecution in heterosexual cases. This could be due to other factors overshadowing their impact in same-sex cases, or do to sampling error.

Limitations

This study is the first to compare heterosexual and same-sex couples in terms of exceptional clearance in IPV cases. However, there are some limitations that should be noted. First, this study relied on secondary data analysis from NIBRS, a voluntary reporting system that is used by thirty-four states. Thus, the data may not be nationally representative. The data were also gathered by law enforcement agencies; thus, it only

included incidents that were reported to the police. Cases that come to the attention of the police tend to be more serious in nature, which means certain forms of IPV may be underrepresented in these data. This data set also represents one year of incidents. For a broader picture of overall trends in IPV, data collected over a period of several years would be preferable.

The data taken from NIBRS is also limited in that it doesn't include the conclusion of prosecuted cases. Though this study provided information on the likelihood of prosecution, it is unable to provide information on convictions or sentencing results. A different database would need to be used to attain and analyze those numbers.

The final limitation is the large discrepancy in sample sizes between heterosexual and same-sex couples. Same-sex couples only accounted for less than 2% of the total sample. This could potentially impact the significance of certain findings and should be taken into account when considering the numbers.

Despite these limitations, this study contributes to the literature regarding IPV, especially same-sex IPV. The nuances of IPV are complex and intricate. The focus on understanding heterosexual couples prevents valuable information about same-sex couples from being explored. This study provides a foundation on which to build for comparing same-sex and heterosexual couples in terms of prosecution, a faction of this topic that has been ignored.

Directions for Future Research

Potential branches of research regarding this topic are numerous, each novel and important. One such direction is comparing prosecution of IPV of same-sex couples pre and

post the Supreme Court Marriage equality ruling. The sharp increase in same-sex spouses, as well as the shift in attitudes towards same-sex relationships as 'legitimate' may have an interesting impact on the treatment of such incidents by the criminal justice system.

The criminal justice system is a microcosm of society and thus will inevitably mirror the prejudices within society. This study did not measure perceptions of or attitudes towards same-sex couples, nor did it include other means of measuring potential prejudice. Future researchers looking at this topic may wish to compliment the data with some qualitative measures of these factors.

States have different laws regarding IPV incidents. Broadly, they can be categorized as a mandatory arrest state, arrest preferred, or discretionary arrest depending on their statutes. Though in this study, cases were clustered by state to prevent regional differences from significantly impacting results, categorizing states by statutes and including them in the analyses may reveal an interesting interaction between state statutes and exceptional clearance.

Offender Demographics

Table 1

	Heterosexual	Same-Sex
Extra-legal Factors	N= 252, 755 (98.22%)	N=4, 589 (1.78%)
Offender Sex (Male)	205, 214 (81.19%)	1, 794 (39.09%)
Race (White)	156, 729 (62.82%)	2, 385 (52.88%)
Mean Age	34.7 Years	30.4 Years

Table 1 Offender Demographics

Table 2 *Drug Involvement in IPV Incidents by Heterosexual and Same-Sex Couples*

	Drugs Involved	Drugs Not Involved
Same-Sex	839 (18.28%)	3,750 (81.72%)
Heterosexual	46,862 (18.54%)	205,893 (81.46%)

Table 2 Drug Involvement

Table 3 *Weapon Use in IPV Incidents by Heterosexual and Same-Sex Couples*

	No Weapon	Bodily Weapon	Extra-Bodily Weapon
Same-sex	790 (17.37%)	3, 113 (68.45%)	645 (14.18%)
Heterosexual	53, 529 (21.42%)	171, 680 (68.68%)	24, 736 (9.90%)

Table 3 Weapon Use

*Exceptional Clearance for Heterosexual Couples as a Function of
Extra-Legal and Legal Factors*

Table 4

Extra-Legal and Legal Factors	Odds Ratio	Robust Std. Error	P Value
Age	1.00	.002	.275
Offender sex	.91	.047	.070
White	.96	.133	.785
Weapon	1.02	.080	.298
Injury	.40	.053	.000
Drugs	.72	.074	.002

Table 4 Exceptional Clearance Heterosexual Couples

Exceptional Clearance for Same-Sex Couples as a Function of

Table 5

Extra-Legal and Legal Factors

Extra-Legal and Legal Factors	Odds Ratio	Robust Std. Error	P Value
Age	1.00	.004	.658
Offender sex	1.10	.159	.487
White	.88	.146	.426
Weapon	1.07	.121	.548
Injury	.57	.146	.028
Drugs	.97	.161	.833

Table 5 Exceptional Clearance Same-Sex Couples

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Reflection

I was lucky enough to participate in research projects throughout the entirety of my undergraduate career. However, this thesis represents my first time doing a project that was completely my own, from start to finish. Despite the many, many hurdles I had to jump, the many challenges I had to circumvent, I can proudly say I finished my project. Better yet, I am genuinely proud of the result.

My thesis journey started when I first approached Jennifer Roark, a professor in the Department of Social Work, Sociology, and Anthropology. I had heard a lot about her from other students and various colleagues who had worked with her. Rumor had it she was tough, sharp, and just a little eccentric. What really caught my eye was her interest in intimate partner violence research, particularly in same-sex couples. This was an issue I had become fascinated by while volunteering with Community Abuse and Prevention Services Agency (CAPSA). However, I also heard Dr. Roark already had a number of projects going. Luckily, she decided to take me on, with just a little encouragement from the chai tea I brought her for our first meeting.

My project involved working with the National Incident Based Reporting System (NIBRS), which, while comprehensive, is also a massive, chaotic chunk of data. There are well over 2,000 variables and millions of individual cases included in every data segment. Simply downloading the files took hours, converting them to the correct format a few more hours still. When we finally had them in a form we could work with, we had to clean them to get our sample size. This proved to be by far the most challenging part of the project.

Shifting through the data and getting rid of irrelevant cases took an excruciating amount of patience and caution. Millions of cases, involving thousands of variables, make precise sample splitting an exercise in frustration. However, the tedium paid off when at last I had a sample size that didn't my computer try to combust every time I opened the file.

Once I had my sample, I figured the rest of my project would be smooth sailing. I was, naturally, very wrong. My original conception for my project involved looking at dual-arrests in IPV for same-sex couples vs. heterosexual couples. However, as we sifted through the data, we had a troubling realization: the way the data was organized and categorized in NIBRS, looking for cases of dual-arrest was going to be far harder than we originally thought. It was sheer luck that I had an advisor capable of thinking quickly on her feet. She responded to my panicked email with a calm solution. We would look at exceptionally cleared cases rather than dual-arrest. This was far easier proposition, as well as even more pioneering. No other research had compare same-sex couples and heterosexual couples in this way, especially not on this scale. I hastily agreed to the change and got back to work. Of course, that wasn't the last bump in the road

As a senior in the psychology program, I have had my share of statistics classes. However, it turns out there is a large difference between following instructions on an assignment or test and actually doing real-life stats. Dr. Roark is, fortunately, a stats guru, and very generous with her time. We spent hours in her office, working with STATA, which was a statistical program I had no experience with. It was far more intuitive than I expected and once I had the basics down, I was turned loose; free to analyze our numbers to my hearts desire.

Due to our earlier difficulties with NIBRS and project concept, I ended up completing my first analyses a mere week before the Student Research Symposium. My poster presentation presented me with a few more firsts. Though I've done numerous professional presentations while in college, this was my first attempt to explain and justify my own research. With some words of encouragement from my advisor and a poster printed mere hours before my session, I managed to pull together a presentation of which I could be proud. I feel my score sheet, filled with 'great's and 'exceptionals', speaks widely of my advisor's dedication to helping me create my best work, as well as my own passion about my project topic.

The last great hurdle of my project was the write-up itself. As I was unable to finish conducting analyses until well into April, I faced a daunting timeline. My advisor and I had decided early on a manuscript was the best final goal. While that sounded reasonable at the time, it proved far more intimidating in practice. In truth, I love writing and consider it a strong suit of mine. However, there is world of difference between writing for a class and writing for potential publication.

Despite what felt like long odds, I have managed to finish my project while retaining some of my original excitement for it. Though it needs a little polishing up and perhaps a few more in-depth analyses before it is ready to be published, I feel it represents well the passion, dedication, knowledge, and enthusiasm that went into it. From the literature review to the discussion, every paragraph is the product of hours of research, analysis, technical difficulties, hard realizations, tears, and coffee. It also represents hours of self-improvement and practical learning that I wouldn't have gotten from any other experience.

To everyone who is planning on completing a thesis in the future, I have a few words of advice for you. First, pick a topic you care about and an advisor you know you can work well with. You will dedicate hours to this project. If you don't care about what you're studying, those hours will be torturous. If you bump heads with your advisor, those hours may also be fruitless. However, the most important thing to keep in mind is, in the words of Douglas Adams, don't panic. You will face pitfalls. No thesis journey is complete without a few bumps in the road. Indeed, you'll face entire mountains. What's important is persistence, galvanized by creativity. You'll get there: just be prepared to wonder off the beaten path.

Author Bio

Clarice Ambler is a student majoring in psychology and minoring in Spanish, Criminal Justice, and Sociology. She also received the Law and Society Certificate. Since her junior year, she has worked as a resident assistant (RA) for USU Housing and volunteered with Community Abuse and Prevention Services (CAPSA). Her connections to USU Housing proved especially useful when she served on the USU chapter of the National Alliance on Mental Illness (NAMI) board as the housing liaison. She was also a reach peer for USU Counseling and Psychological Services in her senior year where she mentored fellow students in relaxation techniques and taught them skills to cope with the stress of battling mental illness as a student. It was this experience that confirmed her desire to be a therapist.

Clarice also studied abroad in Spain the summer before her junior year. She loved living in a foreign country and immersing herself in the language and culture. She hopes to have many more experiences abroad.

Clarice has also maintained a strong academic record, receiving the A-Pin, the Dean's scholarship, and the Bullen Retention Scholarship. She plans to continue her education at the University of Denver where she will pursue a master's in social work. While she knows she loves clinical work, she is also excited to explore other areas of social work, and possibly take her career internationally.