
Working Effectively with the Police

A Guide for Battered Women's Advocates

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1994



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Introduction

*If a man assaulted a pregnant friend of yours on the street and beat her until he broke her jaw, punched her repeatedly in the stomach, broke two of her ribs, who would you call? A psychiatrist or a cop?*¹

A cop, of course. Police play a critical role in the quality and timeliness of protection available when someone turns violent.

In our society, we turn to the police to intervene in violence. We call them for protection: our own, a neighbor's, a stranger's on the street. With the availability of 911 emergency dispatch, their presence is often immediate. We believe and trust that they will protect us. Police officers carry the authority to legally remove an assailant, using force to do so if necessary. Police officers initiate the investigation that a prosecutor relies on when bringing a domestic violence case to court.

Historically, however, women who faced violence in their homes could not rely on police protection. Since the larger community saw domestic violence as a private matter, police were trained to respond accordingly. The community and the criminal justice system expected officers to be involved in only the most extreme, isolated cases. Euphemisms for violence reflect this detachment: "family trouble," "domestic dispute," "husband-wife spat," "a domestic." Police training discouraged arrest and state laws prohibited warrantless arrests for misdemeanor crimes. Police were directed to either defuse the situation or attempt to mediate the "dispute," reinforcing a perception of the victim and assailant as equal parties with equal power over each other's behavior.

¹Louise Armstrong, *The Home Front: Notes from the Family War Zone*, New York: McGraw-Hill, 1983.

Victims were left feeling confused and at fault. Having turned to the police for help, they were left blaming themselves for even bothering to call. Battered women turned to police with one set of expectations but the police responded with another, influenced by training and public expectations.

A Vision for Change

For many years, advocates have pushed the criminal justice system to act promptly and fairly to protect battered women. While a system that large does not change easily or quickly, an increased understanding of the dynamics of violence by its practitioners and the public challenge to violence against women have encouraged a new response.

Over the past twenty years, much energy has gone into reshaping police practice. By means of meetings, lawsuits, policies, and legislation, advocates have insisted that police respond to domestic violence as a crime. In a growing number of communities, police in partnership with advocates and other community institutions are intervening to protect victims, hold assailants accountable, and challenge the social underpinnings of domestic violence.

The strength of this coordinated intervention lies in the consistency and uniformity of its message: physically abusive behavior is against the law, regardless of the relationship between the assailant and the victim. If you are violent toward your partner, the community will hold you accountable through its police, courts, and other institutions.²

Police can be active partners in this change, as they are in several pioneering communities. For example, police now play key roles in the community intervention efforts of Colorado Springs, San Francisco, Duluth (MN), Quincy (MA), Madison (WI), San Diego, and Seattle. In those cities, police have changed when and how they make arrests, conduct investigations, and write reports. They have changed their relationships with and the level of support they provide to prosecutors and victim advocates.

Advocacy

The variety and strength of support offered to battered women has also significantly expanded in the last two decades. As community-based advocates have pushed police, prosecutors, hospitals, and social service agencies to respond to domestic violence, these systems have developed new policies and services.

The title *advocate* has been applied to a wide range of victim assistance work. We have learned, however, that the alignment of a position—namely, how and where a practitioner works—influences

²For a survey of changes in police and criminal justice response to domestic violence, see: Melanie F. Shepard and Ellen L. Pence, *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, Thousand Oaks, CA: Sage Publications, 1999; Joan Zorza, "The Criminal Law of Misdemeanor Violence, 1910-1990," *Journal of Criminal Law and Criminology*, 83 (Spring 1992), 46-72. Also: Ellen Pence et al., *The Justice System's Response to Domestic Assault Cases: A Guide for Policy Development*, Duluth: Minnesota Program Development, Inc., 1989. For a comprehensive bibliography of publications regarding domestic violence, see Nancy Egan, "The Police Response to Spouse Abuse: A Selective, Annotated Bibliography," *Law Library Journal*, Vol.91:3, 1999.

its function and the degree to which it can affect system-wide change. Here, we make a distinction between victim services delivered within a governmental or quasi-governmental system, and advocacy for change from the outside.

Maintaining a voice outside these systems is central to advocacy. Advocacy requires that the needs of battered women, individually and as a class, come first. This purpose can conflict with the interests of the criminal justice system as it focuses on arrest, prosecution, and sentencing.

In an effort to improve law enforcement's understanding of domestic violence, and its response to battered women, advocates have begun to work directly with police, in both coordinated community response projects and on-scene crisis response teams. To maintain their distinct role, advocates must be mindful of the challenges that come with increased police collaboration and partnership. Creating police change, and broader system change, requires that we understand ourselves as advocates: our own attitudes, functions, job structures, and purposes.³

The Change Process

Attitudes

Our personal history shapes our response to domestic violence. Whether officer or advocate, our reactions are grounded in our thoughts and experiences about women, men, marriage, relationships, power, control, families, and violence. Our distinct backgrounds, shaped by race, gender, class, family of origin, friendships, and cultural influences, mold our attitudes and influence our response on the scene. The challenge to police officers and advocates alike is recognizing how these attitudes affect our work.

Policing, for example, remains an overwhelmingly male profession. In 1999, women represented only 14.3% of the officers in larger law enforcement agencies (those having one hundred or more officers).⁴ Male officers who enter policing are exposed to the same cultural messages about women and violence as other men. A male officer who arrives at the scene of a domestic violence crime may himself be controlling or violent toward his partner.⁵ Or, he may be operating under a cloud

³For a discussion of the challenges to advocates and the unintended consequences of working within systems, see Stephanie Avalon, *Advocacy and the Battered Women's Movement*, October 1999, available from the Battered Women's Justice Project Criminal Justice Center, 800-903-0111. Also: Melanie Shepard, *Advocacy for Battered Women: Implications for a Coordinated Community Response*, supra, note 2. For a discussion of "woman defined advocacy" as distinct from "service defined advocacy," see Jill Davies, Eleanor Lyon, and Diane Monti-Catania, *Safety Planning with Battered Women: Complex Lives/Difficult Choices*, Sage Publications, 1998.

⁴Based on surveys conducted by the National Center for Women and Policing (NCWP) and the Bureau of Justice Statistics. Cited in *Equality Denied: The Status of Women in Policing, 1999*. [http://www.womenandpolicing.org/Final_1999StatusReport.htm]

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- According to Diane Wetendorf, "a police officer's training and professional status add extra levels of sophistication to his style of psychological and physical battering." She is the author of *Police Domestic Violence: A Handbook for Victims*, Life Span, Inc., 847-824-0382.

of resentment because he believes the new sergeant got the job he competed for "just because she's a woman." He may be one of those officers who believe that women do not belong anywhere in *his* profession. All of these attitudes can influence his response to the call.

For the few women in policing, domestic violence calls may be seen as a no-win situation. If a female officer is isolated within an unsupportive or hostile agency, she may feel pressure to be contemptuous of women who have been battered. She may want to distance herself from other women, particularly those seen as weak and vulnerable enough to be battered. She may resist doing a thorough job on domestic violence cases if those calls are not considered by her peers to be *real* police work. She may live with an abusive partner.

In impoverished and in culturally and racially distinct communities, police action may be characterized by distrust and tension. Battered women may face significant dilemmas when weighing their needs for police protection against the negative impact of police presence in their communities. Officers who live in these communities may feel personal pressure to try to bridge their law enforcement role and their community's negative experience with police.

The unusual strength of the police culture is largely attributable to two factors. First, the stressful and apparently dangerous nature of the police role produces collegiate bonds of considerable strength, as officers feel themselves besieged in an essentially hostile world. Second, the long hours and the rotating shifts kill most prospects for a normal (wider) social life; thus, the majority of an officer's social life is confined to his or her own professional circle.⁶

Policing can be an isolating profession. As Malcolm Sparrow notes, the long hours and rotating shifts push officers into each other's company, reinforcing a closed, defensive organizational culture. It is important that advocates also understand these dynamics when attempting to influence change.

Promoting change in policing requires an appreciation of the many demands on officers, from community members and other advocacy organizations, to their sergeants and the district attorney. At the same time that advocates present their case for improved response to domestic violence, other interests from crimes against the elderly and drunk driving, to speeding on Main Street, computer fraud, and Internet crimes will vie for police attention.

Advocates attempting to influence police practice must acknowledge that they know little about what police work is truly like. Like most of the public, our understanding of police work is derived

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- The International Association of Chiefs of Police has developed a set of guidelines and procedures for cases in which officers are perpetrators: <http://www.theiacp.org/documents/pdfs/Publications/domviolmodelpolicy.pdf> [<http://www.theiacp.org/documents/pdfs/Publications/domviolmodelpolicy.pdf>]
 - The National Center for Women and Policing cites research by Peter H. Neidig, Harold E. Russell, and Albert F. Seng showing that up to 40% of officers commit domestic violence: *Interspousal Aggression in Law Enforcement Families: A Preliminary Study*, Police Studies, Spring 1992.

⁶Malcolm K. Sparrow, "Implementing Community Policing," John F. Kennedy School of Government's Perspectives on Policing, Cambridge, MA: Harvard University Press, No. 9 (November 1988). Also, Wesley G. Skogan, et.al., *On the Beat: Police and Community Problem Solving*, Boulder, CO: Westview Press, 1999.

largely from fiction: television, movies, and best-selling novels. While there is a thread of truth in the images of nonstop, sensational calls, it is a limited and one-dimensional view. Policing is far more complex in the nature and breadth of its interactions with the public. Like any profession, police officers resist uninformed outsiders telling them what to do. Advocates in a battered women's shelter would be taken aback, and more than a little defensive, if the local police department appeared with a list of policy and training demands dictating how the shelter should be run. Our negotiations and discussions about police reform will lack credibility, if not accuracy, if we cannot show some familiarity with the realities of the job. To develop a better understanding of policing, advocates should seize opportunities to ride with patrol officers and observe officers in other assignments.

Most officers, however, acknowledge a level of public accountability for police that is higher than for other governmental agencies. They accept that it is reasonable to hold police work to a higher standard because of their authority to detain and use force.

Increasingly, as community-policing strategies are adopted (see discussion on page eight), some police organizations are redefining their roles to reflect stronger expectations of community service. This, in turn, attracts police recruits who have different backgrounds and expectations than their predecessors. In the end, the most effective way to change police attitudes may be through recruitment and selection. Advocates should work to ensure that police departments recruit officers who bring or can develop a high-level awareness of the dynamics of violence against women. Ideally, new officers will come from diverse backgrounds and life experiences, and will possess the curiosity to welcome new approaches and ideas.

Function

Organizational change comes from altering how people see their function in the criminal justice system and how they carry out the work assigned to them. Advocates who want to alter the way criminal justice institutions respond to domestic violence need to understand the role of each practitioner, the connections between them, and the significance of structure, policy, and training.

For example, if dispatchers see their function as managing trafficdirecting individual officers to respond to isolated calls for servicethey will not gather the information needed to successfully prosecute a crime, or to protect officers and the public. However, if dispatchers see their function as the start of an investigative process, they will ask questions that initiate evidence collection and enhance officer and victim safety. Their tapes and logs can provide evidence that corroborates injuries, documents a caller's fear for her safety, and identifies possible witnesses. Dispatchers who operate in the broader context of an investigation will inform responding officers about possible weapons, prior calls, and any restraining orders on record. They will be the first link in establishing probable cause for arrest.

If police officers see their function as getting in and out of a domestic violence call quickly without having to come back during their shift, they will not be concerned with establishing probable cause for an arrest or collecting evidence to support prosecution. If their role is to diffuse the immediate situation and get on to the next call, there is little time to provide victim support. They may actually discourage a victim's involvement by questioning whether she wants to "press charges," pointing

out how inconvenient it will be, or leaving the impression that they might arrest her if they have to return. They may resort to dual arrest instead of investigating questions of self-defense or predominant aggressor.

Job Structure

The mechanics of a job must also be included in reform efforts. It is essential, albeit sometimes difficult, to alter the patterns by which practitioners collect and share information. Forms, procedures, and regulations are the backbones of institutions, and largely shape practitioners' priorities. Any discipline, including law enforcement, has a rigid system of information collection and documentation. What a report or form asks for, and who sees it, greatly influences what questions are asked and documented or never asked at all.

Existing police structures tend to be mechanistic and highly centralized. Headquarters is the brain that does the thinking for the whole organization.⁷

In the short term, this structure might promote top-down changes in policy that direct officers to respond to domestic violence calls in a prescribed way. There are some long-term problems with this process, however, as Sparrow notes.

New ideas are never conceived, evaluated, and implemented in the same place, so they are seldom "owned" or pursued enthusiastically by those in contact with the community...[This approach] allows for no sensitivity either on a district level (i.e., to the special needs of the community) or on an individual level (i.e., to the particular considerations of one case).⁸

Professional Literature

Literature, discussion, and research in the field influence every profession. Knowing where police get their information is an important element in the change process. On a local level, it means understanding and contributing to the sources of information that shape policy and practice. On a national level, it means questioning research which misses the nature of domestic violence and its significance to police response.

For most patrol officers, professional literature is not the academic publications such as the *American Journal of Police* or *Journal of Family Violence*. The everyday sources of information are trade journals, such as *Police Chief*, *Police, Law and Order*, *Law Enforcement News*, *Crime Control Digest*, *Community Policing Exchange*, and the *FBI Law Enforcement Bulletin*. Practitioners, those whose daily and primary job is policing, usually contribute to these publications. The articles are not research studies, but reports on different opinions, tactics, or policies the author holds or has experienced.⁹

⁷Sparrow, *supra*, note 4, at 4.

⁸*Id.*, at 2. For a more detailed discussion see Herman Goldstein, *Problem-Oriented Policing*, New York: McGraw-Hill, 1990.

⁹Some examples of police trade journal articles dealing with domestic violence: Daniel Schofield, "Domestic Violence: When Do Police Have a Constitutional Duty to Protect?" *FBI Law Enforcement Bulletin*, January 1991. From *Law and Order*: Charlotte Anne Smith, "Tulsa PD Developing Domestic Violence Squad," September 1994. John Hoffman, "Obtaining

Trade journal articles focus increasingly on a proactive police response, accepting as a given that police will respond to domestic violence as a crime. The question they pose is not whether to become involved, but how to do so most effectively. They are a good source of information for advocates seeking to learn more about police response and develop training resources. While police officers are also influenced by academic journals, most professionals in the criminal justice system are exposed to research studies by means of popular reports. If the media account is weak, uncritical, or promotes a single or simplified aspect of the research, few officers, like most of us, will go beyond it to examine the source. They are also unlikely, lacking both time and access, to seek out analyses and critiques from sources who can review research within the context of working with women who have been battered.

The Internet offers police and advocates access to an ever-growing body of literature about policing and domestic violence. The National Criminal Justice Reference Center, for example, provides on-line access and printable versions of National Institute of Justice research findings and publications by the Office of Community Oriented Policing, Office of Justice Programs, and other federal agencies, plus links to many related sites.¹⁰

Working with Police: General Guidelines

In addition to understanding the elements of change discussed in the Introduction attitudes, function, structure, and literaturesome specific techniques will help you develop a relationship with the police in your community and further your efforts to make real change. These guidelines have a *tried-and-true* quality, having been articulated almost twenty years ago by Nancy Loving and used by many advocates in the intervening decades. They apply equally to working with other parts of the criminal justice system: prosecutors, courts, and corrections. Loving's advice meshes well with the qualities of community policing: partnership, collaboration, and problem solving.¹¹

- Develop a factual understanding of the nature and scope of domestic violence in your community: number of calls to law enforcement, number of women seeking shelter and other services, examples of the violence and abuse women experience, response of other criminal justice agencies, and services available to victims and offenders.
- Document agency practices, such as: how many calls come in, how they are classified, how many arrests are made, who is arrested, the kinds of referrals made, when reports are written, and the kind of investigation conducted in domestic violence cases.
- Identify problem areas: are police not responding, not investigating, not arresting, not making reports? Are police arresting victims? If there are problems with policy compliance with policies,

Convictions in Domestic Violence Cases," September 1993. David L. Hinds, "Domestic Violence Documentation," July 1993.

¹⁰The National Criminal Justice Reference Service website is at <http://www.ncjrs.org> . Another resource for literature about police response to domestic violence is the Violence Against Women Online Resources site, a cooperative project between the Violence Against Women Office (USDOJ) and the Minnesota Center Against Violence and Abuse at the University of Minnesota (MINCAVA): <http://www.vaw.umn.edu> [<http://www.vaw.umn.edu>] .

¹¹Many of the steps listed here were first defined by Nancy Loving in *Working with Police: A Guide for Battered Women's Advocates*, Washington DC: Police Executive Research Forum, 1982.

how widespread is the problem? Is it a matter of certain shifts, officers, or types of calls? Is it a misunderstanding about policy or law?

- Give careful thought to how problems are identified. Sharing stories around the lunch table is one way, but it's not the most complete source of information. A single case or incident may or may not reflect system-wide problems. Requests to change policy or practice must be grounded in sound problem identification, using a variety of data collection methods, depending upon the scope and breadth of the issue. These might include surveys of support groups, focus group discussions, ride-alongs and interviews with officers, or analysis of multiple police reports.
- Research the players: know the individuals and agencies, the control they exercise, and their decision-making authority.
- Select a type of approach based upon the community and the law enforcement agencies and individuals: collaborate, campaign, or confront, or do all three, in response to the issues and police response. Give careful thought to specific strategies.
- Identify potential supporters both within the law enforcement agency and throughout the community.
- Prioritize your change efforts. Be realistic, yet challenging, and be clear about what's most important.
- Think ahead: know what you want to come out of every meeting and what action you will take if your proposals are rejected or your strategy fails.

Not every situation or interaction with police requires that you use all these techniques. In a community where little has been done to establish a coordinated response to domestic violence, or where police have been resistant to changing their practices, advocates may have to try a series of strategies before finding the most effective. In a community where police participation has been proactive and thorough, it may be enough to identify problem areas and bring them to the attention of police managers.

Community Policing and Advocate-Police Partnerships

Since the mid-1980s, the United States has seen significant exploration of the function and structure of police work. Anyone attempting to influence agency policy and action should understand the principles of and recent discussions about community policing.

Community policing emphasizes a police agency's partnership with the community it serves. Police priorities are set by means of consultations with the public. Under community policing, the scope of police actions broadens: no longer are officers focused solely on their immediate responses to isolated calls for service, but are assuming wider problem-solving and prevention responsibilities.

Community policing alters the mechanics of police work by valuing the local or neighborhood beat officer and an array of skills not traditionally associated with patrol work: interviewing and inter-

personal communication, mobilizing and building self-respect among communities, and analytical and problem-solving skills.¹²

Problem-solvingpolicing emphasizes "the power of thoughtfulness and analysis when applied across the whole spectrum of police activity."¹³ It changes the basic unit of police work from the isolated incident to the interconnected problem. It alters the structure of police work by emphasizing creativity, analysis, and evaluationa redefined role for patrol officers.

While not every police agency has adopted a community problem-solving approach to its work, these ideas are becoming increasingly widespread, influencing police structure and service delivery in many ways. Advocates must be aware of these trends in order to understand the agencies in their communities, to influence change, and to make the best case possible for greater police involvement in the community response to domestic violence.

With the 1994 Crime Bill, the Clinton Administration promised to put "100,000 new cops on the beat," with an orientation toward community partnerships and problem-solving, and an emphasis on prevention. The Department of Justice established the COPS Office (Community Oriented Policing Services) to administer hiring grants and related programs.

The impact of this activity on police job structure and response has been mixed. As noted in the Urban Institute's evaluation of the first four years of the COPS program, "adoption of community policing has very different meanings in different jurisdictions."¹⁴ Another commentator, David Carter, has noted that police leaders and their agencies have different motivations in claiming the community-policing label. Some have sincerely embraced it as the best means of maintaining community safety. They have committed resources beyond COPS funding, taken risks to explore new ways of doing things, and made organizational changes to support it. According to Carter, however, this commitment is not the norm.¹⁵

Other agencies have experimented with community policing without any full commitment or immersion in the ideas. They are driven by small groups of enthusiastic individuals, but suffer from organizational conflict and inconsistency about what it means. Yet another, perhaps smaller, group of agencies has adopted community policing in name, but not in spirit, to obtain federal money. Advocates should discern what motivates the police agency in their community, since that may influence the genuineness of their partnership.

Along with the hiring grants, COPS funded a range of special projects, including over 300 domestic violence grants to support local partnerships among police, victim advocates, and other community organizations. This spending and attention has not necessarily improved police understanding of domestic violence among all of its recipients, however. Community policing, like "traditional"

¹²Malcolm Sparrow, "Information Systems and the Development of Policing," John F. Kennedy School of Government Perspectives on Policing, No. 16, March 1993, Cambridge, MA: Harvard University Press, p.3.

¹³Ibid., p. 2.

¹⁴Jeffrey A. Roth and Joseph F. Ryan, "The COPS Program After 4 Years-National Evaluation," National Institute of Justice Research in Brief, August 2000.

¹⁵David Carter in Police Quarterly, Police Executive Research Forum, March 1999.

policing, can deny or ignore the context of battered women's lives, the complexity of problems they face, and the many strategies required to achieve safety.

Community policing usually results in an increased willingness on the part of police to explore partnerships and incorporate the expertise of battered women's advocates into their response to domestic violence. Communities with stronger collaborations and improved police responses such as Chicago, Colorado Springs, Knoxville, San Diego, Duluth, San Francisco, Madison, Portland, and Seattle have embraced community policing, at least to the level of experimentation, if not full commitment. In a growing number of communities, the response to domestic violence has become more proactive and reflective of community engagement, problem solving, and prevention.¹⁶ Partnerships and collaboration have also been reinforced and required under Violence Against Women Act grants.

These partnerships have varying degrees of depth, however. Some have been more grant-driven than organic. The Urban Institute's findings about police-community partnerships can also apply to those between police and advocates: "all too often, partnerships were in name only or simply standard, temporary working arrangements."¹⁷ The Colorado Springs Domestic Violence Enhanced Response Team is distinctive in that its police leadership acknowledges the difficulty in building equal partnerships. According to Detective Howard Black, "the hardest part of my job is trying to [create an environment] where the advocate has the same power as the cop or the prosecutor."¹⁸

Arrest and Community Intervention

Since the release of the Minneapolis arrest study in 1984, arrest has dominated the discussion about police response to domestic violence. Twenty-three states and the District of Columbia now mandate arrest in certain misdemeanor domestic violence cases. In eight states, preferred arrest is the law. Thirty-one states mandate arrest for order of protection violations.¹⁹ Arrest has become one of the key responses to domestic violence. Therefore, advocates seeking to change policy and practice should be familiar with relevant research and analysis.

The replication studies that followed the Minneapolis experiment are popularly considered to devalue arrest in domestic violence crimes. Like the issue itself, however, the findings are far more complicated and must be examined in the context of the dynamics of domestic violence and the principles of coordinated community intervention.²⁰

¹⁶See Carol Sullivan and Jane Sadusky, "Domestic Violence Community Policing Resources," Violence Against Women Online Resources <http://www.vaw.umn.edu/documents/commpoli/commpoli.html> [<http://www.vaw.umn.edu/documents/commpoli/commpoli.html>]

¹⁷Roth and Ryan, *supra*, note 12.

¹⁸Peter M. Sheingold, "National COPS Evaluation Organizational Change Case Study: Colorado Springs, CO," Harvard University John F. Kennedy School of Government, for the Urban Institute, 1999.

¹⁹Neal Miller, "A Review of State Domestic Violence-Related Legislation: A Law Enforcement and Prosecution Perspective," Institute for Law and Justice, October 2000, <http://www.ilj.org> [<http://www.ilj.org>]

²⁰For an overview and critique of the arrest studies, see the symposium edition of *The Journal of Criminal Law and Criminology*, 83, 1992. For a detailed discussion of the background of and implementation problems associated with mandatory arrest, see *Mandatory Arrest: Problems and Possibilities*, Joan Zorza and Laurie Woods, New York: National Center on Women and Family Law, 1994. Also, Shephard and Pence, *supra*, note 2.

Well before the Minneapolis study, battered women's advocates urged police to treat domestic violence as criminal conduct and to arrest assailants when they had probable cause to do so. They wanted police to apply their professional knowledge and skills to domestic violence cases, just as they did to other types of calls. They wanted police to know the criminal laws available to them and to use their interviewing, evidence collection, and report writing skills. The experiences of battered women and the inaction of police led many advocates to prefer systematic arrest, for many reasons.

- Immediate arrest can prevent further or more serious injury.
- Arrest can result in less repeat violence.
- Arrest promotes a consistent police response and helps eliminate officer bias based upon the offender's position in the community.
- Arrest can lead to more prosecution and support increased convictions and guilty pleas.
- Arrest focuses police and community attention on domestic violence as serious criminal behavior.
- When applied consistently and without bias, arrest extends equal protection under the law to battered women.
- Arrest increases a woman's safety by challenging her partner's belief that it is acceptable to assault her.
- Arrest can break through a woman's isolation and give her the message that there is support and protection for her in the community.
- Arrest reinforces legal sanctions against violence.
- Arrest is part of the larger effort to change the cultural acceptance of violence in intimate relationships.

At the same time, advocates were very aware of the liabilities and problems with mandatory arrest—namely, relying on a system whose traditional response has been inaction and victim blaming:

- Arrest gives police more authority over community members and can be used unfairly against battered women, people of color, and the poor.
- Arrest does not necessarily keep assailants away from their victims.
- Arrest does not guarantee that domestic violence crimes will be prosecuted properly.
- Arrest may discourage women from calling the police because they do not want their partners arrested.

- Arrest may discourage lesbians and gay men from calling the police because of the subsequent public record and possible prosecution.
- Arrest does not guarantee that officers will prepare good reports or be prepared to testify.
- Danger to women may increase if arrest occurs in the absence of shelters or safe homes.
- Arrest may spark police backlash with victims arrested under "mutual combat" claims.

Advocates have long known that arrest, standing alone, may not make a difference. Arrest has been most effective when it has been implemented as part of a comprehensive approach that also includes individual support and advocacy for women; systematic prosecution, sentencing, and monitoring of abusers; a specialized court-ordered abuser counseling program; interagency coordination, policy development, and monitoring; and, law enforcement training, reporting, and monitoring of domestic violence calls. Arrest is only *one* part of the community change process necessary to challenge domestic violence. It cannot be the single focus.

Anyone attempting to change police practice must understand the complexities of arrest and how it might influence women's safety. Managing mandatory arrest laws or policies means asking victims what happened: Did arrest make a difference? Why? Why not? It means respecting their observations and the implications for policy change, further police training, and improved victim services.

The quality of officer-public interaction is one example of this complexity that the arrest studies overlooked. They isolated police response into narrow acts of arrest, separation, and mediation, disconnected from police attitudes toward and interactions with the parties involved, as well as the larger history of police-community relations.

How do officers treat people? What effect does the officer have on the victim and suspect? Does it make a difference if an officer is disinterested or hostile? The arrest studies did not address these questions. One critique noted that "the studies may in some ways distort rather than clarify our understanding of different police responses to domestic violence," and noted three ways in which this happens:

1. By isolating one factor -- arrest -- from the larger context of domestic violence and the criminal justice system's response.
2. By reducing the subjects of the study to statistics and thus losing the important information which could be provided by the voices of the victims themselves.
3. By analyzing both the problem under study and the potential police implications solely in individualist, non-relational terms.²¹

If they are to be accountable to battered women, arrest laws and policies must have the following oversight: close and consistent monitoring; training on the policy throughout the agency--from dispatchers to supervisors to patrol officers; training on problem areas such as dual arrest and the

²¹Cynthia Grant Bowman, *The Arrest Experiments: A Feminist Critique*, supra, note 20, at 201-2.

concepts of self-defense and primary physical aggressor; and exchange of information and experiences with other communities. Police practice, including arrest, will maximize safety only when it occurs within the context of community intervention developed around these key components:²²

1. A coherent philosophical approach centralizing victim safety
2. "Best practice" policies and protocols for intervention agencies that are part of an integrated response
3. Enhanced networking among service providers
4. Monitoring and tracking built into the system
5. A supportive community infrastructure for battered women
6. Sanctions and rehabilitation opportunities for abusers
7. Strategies to undo the harm violence to women does to children
8. Evaluation of the coordinated community response from the standpoint of victim safety

The Duluth Domestic Abuse Intervention Project developed the Safety and Accountability Audit to address the need for oversight of police and criminal justice system intervention.²³ A Safety Audit is a systematic investigation of institutional response to domestic violence. Conducted by multi-disciplinary teams, it involves several methods: (1) *mapping* the response to domestic violence cases and the different systems' roles, actions, and relationships; (2) *observation* of that response, such as police ride-along, 911 processing, and booking; (3) *interviews* with practitioners in various systems; (4) *focus group* discussions with battered women, practitioners, and community members; and (5) *text analysis* of the "paper trails"--the information collected, shared, and used by people within the same or related systems, such as 911 and dispatch transcripts, police reports, and pre-sentence reports.

An audit can be limited to single step, such as the method by which a victim is notified of an offender's release from jail, or it can examine a series of steps. For example, a Safety Audit could be conducted on dual arrest cases, including all steps from the 911 call to the police report to the prosecutor's action. Alternately, it could help determine what happens when a suspect is gone when police arrive. It can also be used to examine broad issues, such as a system's response to specific groups of people. It could be used, for example, to investigate the experience of communities of color or the system's response to children in domestic violence cases. The information collected is analyzed to determine whether and how to change or develop policies, administrative procedures, laws, system linkages, training, technology, and underlying assumptions.

²²Supra, note 2, Pence and Shephard, "Developing a Coordinated Community Response," at 16. Also see "Guiding Principles of Intervention," Duluth Domestic Abuse Intervention Project <http://www.duluth-model.org> [<http://www.duluth-model.org>]

²³Ellen Pence and Kristine Lizdas, *The Duluth Safety and Accountability Audit: a Guide to Assessing Institutional Responses to Domestic Violence*, Duluth, MN: Minnesota Program Development, 1998.

Policy and Training Models

Policy is a statement of how police are expected to conduct their business. A policy on any given subject might be a paragraph or two, or it might run to twenty pages, depending upon an organization's approach, the subject covered, and the level of detail needed to outline implementation. The operational needs and philosophy of the agency determine some policies, such as when officers can or must carry weapons off-duty. State legislatures dictate other policies. In Wisconsin, for example, police departments must have written policies on the use of force, vehicle pursuits, complaints, and domestic violence. Eighteen states now require local written policies for handling domestic violence cases.²⁴

The International Association of Chiefs of Police (IACP), as part of its National Law Enforcement Policy Center, has issued model policies covering domestic violence and domestic violence by police officers. Released in 1990 and revised in 1996, the IACP package includes a model policy, *Domestic Violence Concepts and Issues Paper*, and a training key. It was designed to provide direction and training resources for agencies working on a domestic violence policy. In 1999, the IACP released a similar model and background paper on officer involved domestic violence.²⁵

No single model fits every agency or locale. The IACP provides a blueprint from which police or sheriff's departments can build or revise their own policies, adapted to fit their communities. It provides guidelines and direction, but must be tailored to each community. It sets standards and recommendations for police response with which advocates should be familiar.

The Internet provides access to several law enforcement domestic violence policies and related information, including: *New York State Model Domestic Violence Policy: Guidelines for Criminal Justice, Legal, and Judicial Systems*, the Metropolitan Nashville Police Department policy, *Model Policy for Kentucky Law Enforcement*, the San Diego Police Department's domestic violence manual, and model policies for Wisconsin agencies, which operate under a mandatory arrest law with a primary physical aggressor standard. Advocates can also find the *Model Code on Domestic and Family Violence* from the National Council of Juvenile and Family Court Judges. This is a useful tool for assessing local policies and state law.²⁶

²⁴Supra, note 5. For information about the IACP Model Policy on domestic violence, contact the IACP at (800) 843-4227.

²⁵Supra, note 19.

²⁶The following policies are available via the Internet:

- New York State: http://www.opdv.state.ny.us/coordination/model_policy/index.html [http://www.opdv.state.ny.us/professionals/coordination/model_policy/index.html].
- Nashville: <http://www.police.nashville.org/bureaus/investigative/domestic/default.htm> [<http://www.police.nashville.org/bureaus/investigative/domestic/default.htm>].
- Kentucky: <http://chfs.ky.gov/NR/rdonlyres/54B7AF71-5428-4EC6-AE69-158BBFBF8031/0/ModelDomesticViolenceLawEnforcementPolicy.htm> [<http://chfs.ky.gov/NR/rdonlyres/54B7AF71-5428-4EC6-AE69-158BBFBF8031/0/ModelDomesticViolenceLawEnforcementPolicy.htm>].
- San Diego: <http://www.ci.san-diego.ca.us/police/pdf/domestic.pdf> [<http://www.ci.san-diego.ca.us/police/pdf/domestic.pdf>].

Domestic Violence Protocol for Law Enforcement adopted by the Santa Clara (CA) County Police Chief's Association is an example of a comprehensive policy, and one that is available in several formats on the Internet.²⁷ It is distinctive in that it has been developed across jurisdictional lines, with the goal of achieving consistency in agency response across the county. The protocol is a comprehensive document that includes definitions, common charges, and detailed expectations for dispatch and patrol officer response, as well as follow-up investigations, restraining orders, and victim assistance. It also addresses situations in which the suspect is a law enforcement officer, a juvenile, or in the military.

It has become the standard in police agencies to define domestic violence as a crime and to require arrest under probable cause. Policies developed in the past ten years, therefore, tend to be variations on mandatory arrest, requiring that officers *shall, must, will* or *should* arrest. Whether or not a policy is written with a mandatory or preferred arrest point of view will depend upon state law, departmental philosophy, and community participation. Battered women's advocates have an opportunity to influence policy by becoming well versed in a variety of models and approaches.

Training

While policy states expectations, training is crucial to developing the knowledge and skills necessary to make policy a reality. Training is also a mechanism for addressing compliance problems after implementation.

Training police officers to implement a domestic violence policy or improve their practices cannot be left to advocates alone, nor should it be conducted by police officers alone. A multi-disciplinary team approach not only models partnership and collaboration, but also is more likely to engage the audience. Ideally, the domestic violence training team includes a police officer who can speak to the concerns of responding officers, a prosecutor to cover legal aspects, and a community advocate who can speak to why battered women might act as they do once police get involved.

Information about the characteristics of domestic violence can be interspersed with discussions about initial response, investigation, report writing, officer safety, and arrest procedures. To reinforce the training goals and avoid contradictions, all team members should understand the dynamics of domestic violence, the role and experiences of patrol officers and other participants, and their jurisdiction's legal authority to intervene. Real-life scenarios allow officers to develop a common understanding of what the policy means, how to implement it, and who to consult with questions.

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- Wisconsin: http://www.doj.state.wi.us/cvs/DAR/model_pol_proc.asp [http://www.doj.state.wi.us/cvs/DAR/model_pol_proc.asp].
 - Model State Code: http://www.ncjfcj.org/dept/fvd/publications/main.cfm?Action=PUBGET&Filename=new_modelcode.pdf [http://www.ncjfcj.org/dept/fvd/publications/main.cfm?Action=PUBGET&Filename=new_modelcode.pdf].
 - The Institute for Law and Justice also has several agency protocols and model laws available: a href="<http://www.ilj.org/dv/research.html>" [<http://www.ilj.org/dv/research.html>].

²⁷Available at <http://www.growing.com/nonviolent> [<http://www.growing.com/nonviolent>].

It is critical that police training be conducted within the context of police work. Advocates can count on having an audience that will be blunt and eager for useful information. This is not the time for an extended lecture on the theoretical framework of battering. It will not be well received by participants and is likely to create a barrier that cannot be overcome by the training that follows. It is also critical that instructors be prepared, knowledgeable, and well versed in adult learning and facilitation.

The train-the-trainer curriculum developed by the Federal Law Enforcement Training Center, *Domestic Violence: A Rural Law Enforcement Response*, begins with an orientation to adult learning and appropriate activities and facilitation techniques. The arrest curriculum available from the California Alliance Against Domestic Violence also includes material on facilitation strategies and overcoming common training problems. The video exercises developed for the course conclude with advice from veteran trainers, almost all of whom at one point describe the stereotypical police audience: everyone clustered at the back of the room, arms crossed or reading the paper. They emphasize the importance of participation versus talking at the audience: "let them teach themselves and each other." Their advice includes:

- Know your audience and appreciate that there will be diverse opinions.
- Stay flexible.
- assess their needs: What are their issues and questions?
- Set a positive tone and be sincere.
- Address concerns up front.
- Take control of the classroom environment.
- Do not take it personally if someone challenges you, but use it to teach.
- Avoid the biggest mistake: failure to prepare.

As one instructor noted, if you do not know the subject and are not prepared, you should not be teaching. "The best curriculum in the world means nothing if the trainer is no good."

Domestic Violence: The Law Enforcement Response was developed by the Duluth Domestic Abuse Intervention Project in 1988 and has been used widely throughout the United States. Revised in 1998, it is an example of a comprehensive training format, built on adult learning principles. It includes an instructor's manual and preparation video, student guide, and videotaped scenarios of officers responding to a variety of domestic violence calls. Targeted to patrol officers, it covers the dynamics of domestic violence and the range of police intervention procedures: interviews, determining primary aggression, evidence collection (including strangulation, harassment, and stalking), and report writing.

Many training resources have emerged over the past twenty years as communities have developed domestic violence intervention projects and the Violence Against Women Act and the COPS Office

have provided grants. Videos, curricula, and manuals provide training on policy development, victim safety, offender accountability, investigation, and coordinated community response. They address specific problems that have emerged as arrest policies have been implemented, such as inappropriate dual arrests and misunderstanding the concept of primary physical aggressor.

Most state domestic violence coalitions can cite communities in their state that model sound police training. No single curriculum will fit all circumstances, so advocates should be familiar with several models. Introducing a new policy or change in the law may be accomplished best in one format while addressing problems with evidence collection or dual arrests may require a different approach. Training 911 and dispatch operators will be different from training sergeants and other supervisors.

Any curriculum must be adapted to the needs of the community, the training issues, and state law. By searching out a variety of models that are well grounded in the principles of victim safety, offender accountability, and community change, advocates can more effectively collaborate with police to develop training that facilitates changes in policy and practice, as well as addresses specific problems that emerge with changing police response, such as dual arrests or incomplete reports.

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Conclusion

Battered women's advocates have repeatedly challenged the police to make significant changes in their response to domestic violence. Where they have succeeded, advocates have acted with an understanding of the structure and function of police work, appreciation for the demands on police time and attention, and solid, documented analyses of problems and recommendations for change.

In many communities today, the level of agency dialogue and collaboration, and the extent to which they support battered women, could barely be imagined twenty years ago. Advocates in other communities, however, continue to face entrenched resistance and rampant victim blaming. Throughout the country, advocates are confronted with the daily challenge of putting the needs of battered women first, ahead of criminal justice system demands to process arrests, cases, and convictions.

We have learned that police can be agents of change. They can reshape institutional policies and practices. They can be allies to advocates in improving safety for battered women. Where this has happened, advocates and police have worked through disagreement and conflict, but they have stayed at the table, willing to continue the discussion and take risks in building relationships with

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- Domestic Violence Train-the-Trainer Program -- A Rural Law Enforcement Response. Federal Law Enforcement Training Center (FLETC) National Center for State and Local Programs: 800-743-5382.
- Beyond the Obvious: Domestic Violence Arrests Training. California Alliance Against Domestic Violence: 916-444-7163.
- Domestic Violence: The Law Enforcement Response, 1998 Edition. Duluth Domestic Abuse Intervention Project: 218-722-2781.

one another. As one advocate observed, "there is no magic potion to pour down people's throats; it's hard work over a long haul and sometimes success is measured by everyone being willing to sit in the same room together."²⁹

²⁹Karla Stacey, quoted in *Challenge and Change: Organizing Domestic Violence Intervention Projects*, Jane Sadusky, Wisconsin Coalition Against Domestic Violence, 1987.