Chapter 11: Police Response to Intimate Partner Violence

Dr. Babcock
The Role of Police

- Domestic disturbance cases require a substantial portion of law enforcement resources.
- They are the largest single category of police response.
- Domestic-violence-related calls to the police account for between 15% and over 50% of all calls.
Police Officer Training

- Training police officers on domestic violence response is imperative.

- Three-quarters of police departments require specialized domestic violence training for officers.

- Training time varies with departments.

- Academies provide domestic violence training between two or three days and one week of instruction for recruit and special unit training.
Patrol officer training includes victim case studies from actual incident responses and the specific responsibilities the officers have in making domestic violence arrests.

Training also includes mandatory arrest and primary aggressor decision-making and detailed case preparation.

A lethality or dangerousness assessment tool is used to identify the victims who are at the greatest risk.
Specialized Domestic Violence Units (Results)

- Specialized domestic violence units significantly increase the likelihood of prosecution, conviction, and sentencing.
- Specialized units have officers trained to make more extensive inquiries.
- These units also influence prosecution and conviction of abuse suspects, influence victim behavior, reduce subsequent abuse, and increase victim satisfaction.
**Arrest Procedures**

- The mandate to police officers is far from clear.
- Laws are constantly changing with respect to arrest procedures.
- The conditions under which the officer may arrest vary greatly.
- Policies are classified into three categories:
  - **Mandatory arrest** requires a police officer to arrest a person without a warrant, based on a probable cause determination that an offense occurred and that the accused person committed the offense.
  - **Proarrest** gives authority for an arrest without a warrant, but is not required action in cases involving domestic partners.
  - **Arrest** is at the officer’s discretion.
Primary Aggressor Determination

- The primary aggressor in IPV is the person who is responsible for the perpetuation of the violence, not necessarily who initiated it in one particular incident.

- A primary aggressor determination should not include who started verbal arguments.
  - Verbal provocation is not a justifiable cause for assaultive behavior.

- Primary aggressor laws offer guidance to police officers in determining who is the victim and who is the offender.
  - This involves using standards other than gender or size of the individuals involved.

- Officers consider:
  - Who poses the most danger to the other?
  - Who is at most risk of future harm?
To Arrest or Not to Arrest

Five questions that police officers must consider when making the arrest decision:

- Does the action constitute a crime?
- Is there probable cause that a crime was committed?
- Is the crime a misdemeanor or a felony?
- Does the officer have the warrantless power of arrest for that crime?
- Is there an outstanding protection order that has been violated?
What About Probable Cause?

- Probable cause is a standard of proof that must be satisfied for any search or seizure to occur.
  - An arrest is legally defined as a seizure and therefore falls under the same requirement for probable cause as a search.
  - The requirement is stated in the Fourth Amendment of the U.S. Constitution and in state constitutions.

- Sources for determining probable cause include the following:
  - Collective knowledge doctrine
  - Knowledge about the suspect
  - Suspect’s behavior with police
  - Reliable hearsay
  - Observations of the police
Search and seizure

- The probable cause requirement covers searches as well as seizures conducted by government officials.

- Strict adherence to federal and state constitutional guidelines is imperative to obtain evidence that will withstand the scrutiny of the court.

- Searching with a valid warrant is beneficial in domestic cases and should be considered to validate the statements of victims.
Exceptions to the Warrant Requirement

- **Consent search**: Consent must be given freely and voluntarily, not as a mere acquiescence to legal authority or under intimidation.

- **Exigent circumstance and domestic violence**: Police routinely enter homes for domestic calls and may investigate.

- **Search incident to a lawful arrest**: A person who is legally under arrest may be searched.

- **Plain-view seizure**: Articles may be searched if in plain view in public places or where the police have a legitimate right to be present.
The best method of interviewing is to separate the parties and question them individually after a brief cooling-down period.

The interviews should be conducted outside the hearing range of the other, with equal levels of respect afforded to each.

For crimes involving intimate partners, the process may be a long one.

Sufficient time to assess the situation involves skillful interviewing and the desire to be thorough.
Victim Protections

Orders of Protection

These court orders restrict or prohibit one individual’s behavior in order to protect another.

Generally they include provisions restraining contact; prohibiting abuse, intimidation, or harassment; and prohibiting the possession of firearms.

Protection provisions may include financial resources for costs incurred due to partner violence and temporary custody of minor children.
IPV Across State Lines

- Interstate domestic violence and interstate violation of protection orders are newer federal offenses.

- This law applies if a batterer travels across state lines to reach the victim, or if the victim was induced to travel across state lines to come to the batterer.

- The law is gender-neutral; it applies to both male and female victims and their intimate partners.