The Police Response to IPV
Chapter 11
Introduction

- Lack of consensus results in practices varying widely from state to state
- Lack of clear directions re how to handle complex problems of IPV causes police officers to respond inappropriately
- Civil protection codes and mental health codes complicate the police response
Criminalization of Intimate Partner Violence

- Police have duty to respond
- *Family Crisis Model:* police officers trained to negotiate with parties and refer to social service agencies
- Important research by the National Institute of Justice’s *Spouse Assault Replication Program*
- *Minneapolis Domestic Violence Experiment*
  - Suspects arrested, reduced the number of re-offenses
- Criminalization of intimate partner violence is strongly influenced by research
The Role of Police

- Domestic disturbances require a substantial portion of police resources
- Between 15 - 50 + percent of calls to police are domestic related
- Role of police is a challenging one
- Legalistic response and expectations to meet victim needs can cause role conflict and increase stress for officers
- Increasingly required by law and police to make arrest in cases of domestic violence
Effects of Arrest on IPV

- SARP research fueled debate on effectiveness of arrest
- Replication studies find use of arrest only occasionally associated with significant reduction in subsequent repeat offending
- Findings by Maxwell et al, provided evidence supporting the argument that arresting male batterers may reduce subsequent intimate partner violence
- ...Research findings are mixed
Typology of Police Responses to Domestic Violence

• Strict Enforcer

• Service Officer

• Integrated Investigator
Police Officer Training

- Training on domestic violence is imperative
- Three-quarters of police departments require specialized domestic violence training
- 63 percent require the training be received during the both in-service and recruit training
- Without extensive adequate training, police will not implement IPV laws properly
Specialized Domestic Violence Response Units

- Officers investigate as if victim is not available to testify on trial
- Specialized domestic violence training with emphasis on evidence collection
- Most written policies will include:
  - Procedures regarding the arrest decision
  - Handling of violations of protection orders
  - Conducting on-scene investigations
- Units significantly increase the likelihood of prosecution, conviction, and sentencing
Arrest Procedures

• Mandate not clear, many states have preferred and mandated arrest policies
• Each state has laws providing police with power to arrest.
• Conditions for arrest, vary greatly
• Three categories:
  • Mandatory arrest (20 states)
  • Pro-arrest (9 states)
  • Arrest is at the officer’s discretion (21 states)
Preferred and Mandatory Arrest Policies

- Arrest policies stated in the laws of each state
- Policies legislated in federal, military, and tribal laws
  - **Mandatory arrest**: requires arrest without warrant, based on probable cause
  - **Pro-arrest**: authority to arrest without warrant as the preferred, but not required. Incident report justifying why no arrest was made may be required
  - **Dual arrest**: both parties are arrested, a discouraged practice, fails to protect victims
Primary Aggressor Determination

• Primary aggressor, “predominate aggressor” or “dominate aggressor”: is the person responsible for the perpetuation of the violence, not necessarily who initiated the particular incident
• Does not include who started the verbal arguments, verbal provocation is not a justifiable cause for assaultive behavior
• 24 states have laws that contain a special aggressor designation
How Do Police Get Involved?

• Majority of calls for service are domestic violence related
• Domestic violence calls are crisis situations, in which violence is still occurring
• Caller may be the victim, a child, neighbor or someone else
• Dispatcher will gather information and prepare the police officer responding to the home
At the Scene

• Be aware that violence is imminent, look and listen, determine the level of anger
• Most calls are misdemeanor crimes
• Police officer must:
  1. Determine if emergency medical care is needed
  2. Investigate to determine who is the perpetrator
  3. Assess the level of risk for injury to the victim
  4. Collect the evidence
To Arrest or Not to Arrest: That is the Question!

Five questions to consider:

1. Does the action constitute a crime?
2. Is there probable cause that a crime was committed?
3. Is the crime a misdemeanor or a felony?
4. Does the officer have the warrantless power of arrest for that crime?
5. Is there an outstanding protection order that has been violated?
Civil Protection Codes

- Varies from state to state
- Many states make it a criminal offense to violate a restraining order
- 33 states mandate an arrest when there is a violation of the restraining order
Mental Health Codes

- It may be necessary to remove suspects and hold them involuntarily for evaluation at a mental health facility.
- Emergency procedures for overnight commitments are specific to each state.
Use of Available Resources

• Local and state resources
• Networking and developing the sources for extralegal interventions are beneficial to both the victim and the officers
• Local elder services or adult protection services
• Local department of social service and child protection agency
• Victim witness programs
• Local crisis centers – emergency shelters
What About Probable Cause?

• The standard of proof that must be satisfied for any search or seizure to occur
• Determining probable cause?
  • Collective knowledge doctrine
  • Knowledge about the suspect
  • Suspect’s behavior to police
  • Reliable hearsay
  • Observations of the police
Search and Seizure

• Exceptions To The Warrant Requirement
• Consent Search
• Exigent Circumstance And Domestic Violence
• Search Incident To A Lawful Arrest
• Plain-view Seizure
What Police Look For

- Victim information,
- Witness information
- Suspect information
- Evidence to be seized whenever possible:
  1. Bloodstained articles and clothes
  2. Photographs of damage to property
  3. Photographs of injury
  4. Photographs of location
  5. If multiple locations, each should be documented for damage, evidence seized
Interviewing

• Separate parties and question individually
• Three phases of the interview:
  1. Preparation,
  2. Establishment of the psychological content, and
  3. The actual questioning
Risk Assessment

1. Does the suspect believe the victim is attempting to end the relationship?
2. Does the suspect possess a weapon?
3. Does the suspect abuse alcohol or drugs?
4. Were threats made?
5. Has the suspect committed any previous sexual or dv assaults against the victim?
6. Has the suspect been following the victim? (stalking)
7. Frequency and severity of the violence?
8. Is the batterer depressed, using, or suffering from mental health problems?
Interviewing the Older Adult Victims

- Investigations should be coordinated with adult protective services
- Joint interviews with public health nurses or others treating medical conditions
- Attempt to establish rapport
- Use audio and video technology, if possible
- Respect confidentiality
- Prevent contamination, avoid disclosures
- Interviewers should ask general questions
- Ask for relevant witnesses and their information
Interrogation of Suspects

• Victim Protections
  • Orders of Protection
  • Gun Control
    • National Instant Criminal Background Check System
  • Possession of Firearm while Subject to Order of Protection
  • Possession of Firearm after Conviction of Misdemeanor Crime of Domestic Violence
IPQA Across State Lines

- Interstate domestic violence and interstate violation of protection orders are two new federal offenses
- Applies when batterer travels across state lines to reach the victim
- Also if the victim was induced to travel across the state lines
Police officers are required to enforce protection orders from other states under the Violence Against Women Act (VAWA)

- Passed by Congress in 1994, reauthorized in 2000
- Comprehensive efforts to address intimate partner violence, sexual assault, and stalking
- Mandate means that a state must enforce another state’s protection order