

Law Enforcement and Intimate Partner Violence

By Richard L. Davis

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Facts do not cease to exist because they are ignored.

Aldous Huxley (1894-1963)

I recently read, [Police Officer Perceptions of Intimate Partner Violence: An Analysis of Observational Data](#) (POPIPV). The POPIPV explores, among other issues, four “problematic views” of why law enforcement officer’s “often dislike, resist responding to, or are easily frustrated by (intimate partner violence) IPV calls...”

I suggest that anyone who has interactions with the criminal justice system and law enforcement concerning the issue of IPV should read the POPIPV. It appears in the November 1, 2008 issue of the journal [Violence and Victims](#). There is much that researchers in particular and public policy makers, domestic violence interveners, the criminal justice system, and law enforcement officers in general can learn from the POPIPV research.

Researchers claim the reason for officer’s “reluctance or frustration” responding to IPV is law enforcements lack of understanding of the complexities of IPV and their insensitivity for victims. I am not convinced that all researchers clearly understand the complex nature of IPV, nor the multifaceted “perceptions” of victimization it presents to law enforcement. As the POPIPV suggests, some IPV victimization can be more subjective than objective.

The POPIPV reports that individual officer’s perceptions may be similar to many researchers and other professionals concerning IPV. The POPIPV reports that some officers are supportive of victims while other officer’s are less supportive.

My professional experience and research leads me to believe that individual officer perception is representative of officer’s perceptions of IPV victims, victims where there is an emotional bond between offender and victim and victims in general.

The first paragraph of the POPIPV states:

Unlike most other crimes, intimate partner violence (IPV) has a history of being regarded reproachfully by police. Officers historically were reluctant to become involved in IPV cases typically because they viewed IPV as a private matter falling outside police purview (Ford, 1983). However, the women’s movement of the 1970s helped to advance IPV as a matter of serious concern in the criminal justice system generally (Mills, 1998) and in police departments specifically. Thirty years later, both state laws and departmental policies define IPV as a serious crime, although it is unclear to what extent individual officers endorse this view.

The POPIPV documents why some officers *are reluctant and frustrated* when responding to IPV. I believe that many officers are also reluctant and frustrated when responding to child, sibling, spousal, and elder victimization. However, I also believe that past statute laws that limited officer

intervention and IPV mediation training for law enforcement defined officer's actions or inactions far more than officer perception of what was criminal and what was not..

Today, the vast majority of statute laws include all of the above familial victimizations under the umbrella of "domestic violence" not IPV. It is extremely rare that a state will provide a separate, stand alone statute law for IPV. Officers do understand that domestic violence incidents vary dramatically and some can be, for a lengthy variety of reasons that are still being explored, far more complex and multifaceted than most other law enforcement interventions.

My personal experience and my professional research reveals, as the POPIPV and [other studies](#) document the majority of domestic violence incidents officers respond to are minor incidents or incidents where it is difficult to separate the offender from the victim.

The POPIPV documents that almost two of every three (62%) of law enforcement IPV interventions are for "verbal arguments." And one of every five (20.4%) are for incidents where it is difficult to determine who is the offender and who is the victim. Hence, the vast majority (82.4%) of IPV interventions *can be problematic* for responding officers. Researchers often interpret only the raw data of officers responding to "IPV incidents" and report that officers do not make arrests in the majority of IPV they respond to. The POPIPV documents that in the vast majority of interventions there is a great deal of difficulty establishing proper "probable cause" for an arrest.

Minor or isolated incidents or interventions that lack evidence-based data to prove who *initiated* the assault - *initiation* establishes who is "*first*" to assault can be *problematic*. It is difficult but not improbable, under the law of common sense and statute law to proclaim that you are acting in self-defense when you are the partner who *initiated* the assaultive behavior.

Mandatory or preferred arrest statutes are also *problematic*. A [National Institute of Justice](#) report documents that arrests are *60% less likely to result in conviction* in states with preferred or mandatory arrest laws than in states with discretionary arrest laws.

An Implicit Gender Bias

Most criminal justice data documents that in serious incidents females do suffer from more injurious and fatal violence than males. However, as the POPIPV documents most IPV incidents are minor or there is no empirical evidence to demonstrate who initiated the assaultive behavior. Contemporary unprecedented IPV training curriculums establish a bias found nowhere else in the criminal justice system. IPV trainers simply refer to females as victims and males as offenders.

Some states have provided "primary or dominant aggressor" laws and IPV training that are based on what the POPIPV may refer to as "gender clues." The intent of the "gender clues" is to suggest to officers which gender is the offender. These primary or dominant aggressor laws or training implies that when there is little physical evidence or it is difficult to determine who is guilty, the officer's should make an arrest based on the difference in size and strength of the partners or which partner of the two appears most fearful.

It may be these "gender clues and IPV gender based training" and the expectation that *all* IPV interventions should be considered as "serious" incidents plays a role in the extraordinary high rate of arrests being dropped by prosecutor or dismissed by judges because of the lack of evidence.

A [U. S. Department of Justice \(USDOJ\) funded study](#) documents a high rate of IPV conviction for females arrested and a much lower conviction rate for males.

This may demonstrate that officer's continue to arrest females based on traditional and proper "probable cause" but they arrest males based on IPV "gender clues" and an IPV training curriculum that creates a gender bias about who is guilty and who is innocent before officers arrive at an IPV call coupled with the hypothesis by IPV trainers that all IPV incidents will become a serious problem for females.

The POPIPV documents that between one-half and three-quarters of all IPV charges are dropped by the prosecution or that the arrested partner is released by the courts when their partner fails to appear to testify against them.

If an officer's arrest vs. conviction rate hovered around fifty percent it would or should be reason enough to dismiss the officer as being incompetent and ineffectual. And no where else in the criminal justice system is it, nor should it be, permissible to stereotype an entire population as "guilty," based on the generalizations of the arrest records of a sub-group of that population. What would the response of the USDOJ be if there were "socioeconomic, race or ethnic" based training to predetermine guilt.

The women's movement of the 1970s and contemporary interveners view "all" IPV as a matter of "serious concern." Most contemporary studies, some of which are available online at the [National Criminal Justice Reference Service](#) (NCJRS), do not substantiate that claim. After using the above NCJRS hyperlink you must type "domestic violence" or "intimate partner" into the search box.

Of the 461 incidents reviewed in the POPIPV, the authors report only a small handful of officers, some of them female, that suggest serious victimization is ignored or there is victim blaming by the officer. The POPIPV seems to document that these "perceptions" appear to be an individual officers "perception" and not a problem induced by an institutional bias.

I do not believe there is a single empirical evidence-based study that demonstrates, historically or contemporarily and with a proper understanding of past statute laws, that law enforcement did not then and does not now take the vast majority of "serious IPV incidents," seriously.

And despite the anecdotal claims by some researchers and interveners that all or most incidents will escalate, there appears to be no empirical evidence-based studies that support this claim. The POPIPV do not address this anecdotal escalation claim.

There are now [an ever growing number of studies](#) that document females can often be as assertive and aggressive, if not causing injury or fatalities, in IPV incidents as males. [A 2004 NIJ Journal](#) documents that females often initiate IPV. The POPIPV documents that not once did the officers arrest a female.

It is difficult to understand how or why the officers did not make a single arrest of a female offender when a recent study from the [Centers for Disease Control and Prevention](#) documents that women are the perpetrators in more than 70% of nonreciprocal IPV incidents.

The data does document, and it was my personal experience from responding to IPV calls, that females do suffer more injuries and fatalities. However, this POPIPV study documents only 5.9% of the IPV incidents involved aggravated assaults and none were fatal.

Conclusion

Most often IPV research and published studies are ["one-size-fits-all."](#) The POPIPV did separate the minor from the serious and because of that the POPIPV provides some unique insight lacking in the majority of IPV research.

I agree that in each and every "serious" incident officers should be mandated to err on the side of caution. If your state does not have a mandatory arrest policy for "serious" incidents, your department should implement one and stringently enforce it. Each and every department should have a computer system that tracks "chronic or violent" offenders. When law enforcement responds to an apparent minor event that involves a "chronic or violent" offender, an arrest should be made.

However, POPIPV quite clearly documents most intervention are not serious. [Some USDOJ researchers](#) worry that arresting all suspects regardless of how minor an incident may reduce resources and limit efforts for a unified community-wide response to properly identify and track the most chronic and violent offenders.

I have worked with many social workers and domestic violence interveners, whose specific education and extensive training is intended to prepare them for "family interventions." Regardless, some social workers express "frustration" when dealing with families in conflict and victims who appear to exhibit self-destructive behavior. This frustration is not unique to law enforcement and I am not sure what level of training will quell that frustration.

Officers are extensively trained to recognize that there are minor incidents (misdemeanors) and serious incidents (felonies). Most, if not all, IPV training continues to be "one-size-fits-all." Most officers understand that verbal arguments are ["family conflict"](#) incidents and most officers do not view verbal arguments as either minor or serious acts of "violence." The above family conflict hyperlink is included to provide some additional insight into the difference between "family conflict" and "battering behavior."

Further, everywhere other than IPV, officers are trained not to pre-judge and that they must understand and appreciate the need for "Just the facts Mame." Empirical factual evidence traditionally includes the relevancy of who *initiated* the assaultive behavior, credible independent witnesses, physical evidence, and victims who cooperate with the officer's investigation. Lacking any, or in some instances, all of the above does create frustration for some officers.

Most studies of law enforcement IPV intervention are based exclusively or primarily on raw retrospective data sets. The POPIPV is of particular interest as the authors did take more time and effort than most studies in an attempt to understand officers' "perceptions" by actually reading what officers expressed about in the interventions. For that they have my gratitude.

It is difficult to understand, how or why with the exception of [one study](#), after thirty years of exploration researchers remain unable to sit down with officers and ask officers what their "perceptions" of IPV actually are. After three decades of observation perhaps it is time to talk.

Perhaps simply talking to officers might provide understanding that could introduce important and detailed comprehension about law enforcement and its intersection with IPV.

And, as usual, I hope you will read and find helpful the hyperlinked studies provided in this column.