

**A Study of
Domestic Violence Policies in Virginia's
Law Enforcement Agencies**

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Commonwealth of Virginia

Department of Criminal Justice Services
Victims Services Section
December 1993

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Commonwealth of Virginia

Department of Criminal Justice Services

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■ Executive Summary

This project was conducted by the Victims Services Section of the Virginia Department of Criminal Justice Services (DCJS) with a grant from the U. S. Department of Justice, Office for Victims of Crime. The purpose of this project was to study the use of arrest in domestic violence, use the information gathered to update the domestic violence curriculum for local law enforcement in Virginia and revise Police/Sheriff's Department General Order 2-32 (model domestic violence policy for Virginia law enforcement agencies).

Several methods were employed to determine the scope and the effectiveness of arrest practices in Virginia. Project staff surveyed local law enforcement agencies to discover the number and characteristics of departments which took advantage of warrantless arrest legislation passed in 1984. They also conducted an in-depth analysis of the Alexandria Domestic Violence Intervention Project (DVIP), a program which implemented an arrest policy three years prior to the evaluation. This analysis included interviews with members of the DVIP multidisciplinary team, a survey of Alexandria police officers, and an examination of batterer recidivism rates.

Interviews with judges, magistrates, prosecutors, law enforcement officers, and service providers yielded some strong differences of opinion, and indicated the ongoing need for

cooperation, coordination, and training. Police officers responding to the survey were considerably more enthusiastic and supportive of arrest than anticipated. Results of the study of batterer recidivism rates generally supported the use of arrest and treatment, with a consistent decline in recidivism from 1988 through 1991. However, rate changes were not statistically significant and caution should be used in drawing conclusions.

A substantial amount of relevant information was gleaned from this project and used to revise the DCJS domestic violence curriculum for law enforcement officers. A series of training sessions was conducted in the summer of 1992 and resulted in the further demand for these classes in 1993. This information was also used to update the model domestic violence intervention policy which will be distributed to all law enforcement agencies in the Commonwealth.

Implications for community intervention programs as well as development of arrest policies are discussed in the recommendation section.

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Introduction

In the fall of 1990 the Department of Criminal Justice Services (DCJS) received a grant from the U. S. Department of Justice to 1) study mandatory arrest as an intervention strategy in domestic violence cases, 2) use the information gleaned from the study to update the domestic violence curriculum used to train Virginia law enforcement officers, 3) conduct a series of training events across the Commonwealth using the revised curriculum, and 4) use study findings to revise the Virginia model domestic violence intervention policy (Police/Sheriff's Department General Order 2-32). The primary objective of this research was to determine the efficacy of mandatory arrest in deterring domestic violence, particularly when used in a community intervention effort.

As in other states, significant legislation had been passed over the preceding ten years supporting emergency shelters for battered women and their children, increasing legal protections for abused spouses, and criminalizing violent acts against family and household members. Six years before DCJS received this grant, the Virginia General Assembly enacted legislation allowing warrantless arrests in domestic violence situations. In 1990, when this study was initiated, only a handful of local law enforcement agencies had developed written arrest policies to address the problem of domestic violence. These were mostly in the urban and suburban parts of the state. Battered women's advocates were frustrated with the lack of implementation. Local law enforcement agencies and victim advocates were asking DCJS to provide the education and information necessary to develop effective policies.

The Victims Services Section (VSS) of DCJS applied to the federal Office for Victims of Crime for this grant to address the issues raised. The VSS also implemented the project. They gathered information from across the Commonwealth to determine how many departments were using arrest, how

many had written policies, how many were considering written policies, the critical elements of these policies, their effectiveness, and whether there was resistance to their development. VSS staff, in cooperation with the DCJS evaluation unit, also conducted an in-depth analysis of the Domestic Violence Intervention Project (DVIP), a model community intervention program in Alexandria, Virginia.

With this information, the Department of Criminal Justice Services 1) revised their training curriculum and provided a series of training programs on domestic violence to better prepare law enforcement personnel to intervene in these cases, 2) modified the existing model policy to promote a consistent response to domestic disputes and 3) made the policy more practical for use in a wide variety of community settings.

The methods used in the project are organized in the report as follows:

- Literature Review
- Survey of Domestic Violence Policies in Virginia's Law Enforcement Agencies
- Description of the Alexandria Domestic Violence Intervention Project (DVIP)
- Alexandria Police Officer Survey: Domestic Violence Policy
- Summary of Anecdotal Information
- Study of Recidivism Rates with Alexandria DVIP
- Other Treatment Alternatives
- Training Activities
- Conclusions and Recommendations

Literature Review

"... without societal intervention, a significant percentage of cases eventually escalate over time into more serious incidents."

■ Overview

Annually, more than one million women in the U.S. are battered by their spouses or partners. It has been estimated that in excess of 50 percent of American couples have experienced one or more incidents of assault during the course of marriage (Feld & Straus, 1989). In addition, a recent poll conducted by EDK Associates, a New York-based public opinion research firm, found that 34 percent of the 1,000 men and women surveyed reported witnessing a man beating his wife or girlfriend.

In FY 1993, 25,922 women sought services from domestic violence programs funded through the Virginia Department of Social Services, and 2,629 victims of domestic violence received direct services from victim/witness programs supported by grants from the Virginia Department of Criminal Justice Services. According to the Virginia State Police Uniform Crime Reporting Section, 11.4% (64) of Virginia homicides were perpetrated by a spouse or boyfriend/girlfriend of the victim. Another 8% (45) were committed by other family members.

Straus and Gelles (1986) found that 39 percent of all violent incidents toward wives were serious, involving punching with a fist, kicking, biting, beatings, and attacks with knives and guns. Acts of domestic violence require medical attention for 1.5 million women and 500,000 men annually; more than one-half of these acts necessitate hospital visits or stays (National Clearinghouse on Domestic Violence, 1980; Straus, 1986). In 1984, 24 percent of U.S. homicide victims were related to their assailants, and one-half of these were spouses (Straus, 1986). Since empirical research on domestic violence began in the late 1970s, it has become apparent that without societal intervention, a significant percentage of cases eventually escalate over time into more serious incidents. Langan and Innes (1986) estimated that 32 percent of victimized women will be revictimized

within a relatively short period of time without effective intervention.

Prior to the late 1970s, the statutory structure for handling domestic violence was one of "benevolent neglect" (Buzawa & Buzawa, 1990); domestic violence had been treated as a family problem and assistance from the state was provided through social welfare institutions. More recently, the criminal justice system has changed both structurally and operationally in response to political and social pressures, to a more activist role in handling domestic violence. Still, the criminal justice response to domestic violence has been criticized for not taking advantage of opportunities to deter future acts of violence, and a general failure to respond to urgent requests for assistance by victims (Buzawa & Buzawa, 1985; Finesmith, 1983; Hanmer et al., 1989; Langley and Levy, 1978).

Historically, the local law enforcement agency has been the primary social institution that intervenes in domestic abuse cases. Dutton (1988) estimated that as many as 14.5 percent of all domestic assaults come into police contact, far more than any other agency. Dispute and disturbance calls are the single largest category of calls received by police (Bannon, 1974). This view has recently been challenged; Ford (1990) found that only 5 percent of police dispatches in Indianapolis, Indiana were domestic violence runs during a one year period. Regardless, domestic violence is a serious crime problem that presents court personnel with frustrations and law enforcement officers with difficult and often dangerous challenges.

Among prosecutors and judges, there exists a well-documented bias against "relationship cases" where the offender and the victim know each other and have some right to interact with each other (Stanko, 1982). Furthermore, domestic violence victim attrition/case dismissal rates are extraordinarily high. Lerman (1981) has shown

Literature Review continued

"... failure to respond exposes individual officers and police departments as organizations to substantive risks of liability awards, fines, and injunctions..."

that absent unusually aggressive measures, attrition rates for victim-initiated cases range from 60 percent to 80 percent. Victims of domestic violence, because of the high attrition rate, have frustrated court personnel and have aroused cynicism; therefore, court personnel feel that nothing must have happened, the victim was not serious enough, etc.

Three research studies have had an impact on the increase in family crisis intervention projects. Bard (1973) focused attention on the concept that changes in the police response could dramatically affect future violence and decrease injuries and other costs to police departments. Wilt and Bannon (1977) showed that domestic violence was directly related to homicide, that police were repeatedly called to the scene of most domestic violence related homicides, and therefore, ineffective police responses contributed to the excessive rates of death and injury to victims and the high costs of intervention to police departments. The Minneapolis Experiment (Sherman & Berk, 1984), by pointing out that arrested batterers had lower recidivism rates than batterers who encountered police using strategies other than arrest, galvanized the movement toward increasing reliance by the police upon the use of arrest powers. In addition to research, another major factor changing the police response to domestic violence has been the growing administrative realization that failure to respond exposes individual officers and police departments as organizations to substantive risks of liability awards, fines, and injunctions (Tracey Thurman et al. vs the City of Torrington, Connecticut, 595 F. Supp. 1521, District Connecticut, 1984).

In the criminal justice system, mandating anything in terms of agency action is a rare occurrence. However, some states (e.g., Connecticut, Louisiana, Minnesota) have enacted domestic violence mandatory arrest statutes. The adoption of a mandatory arrest policy has been based on the belief that

enactment of such policies will actually change street-level justice. The premise assumes that eliminating officer discretion is sufficient for change to occur. Proponents of a mandatory arrest policy do not necessarily believe that abuse of discretion is the only, or even the primary problem with usual police practices. Instead, they believe that the basic problem is the inherent ambiguity of the police-citizen encounter in the context of a domestic violence call (Buzawa & Buzawa, 1990).

According to Buzawa and Buzawa (1990), three problems arise when an attempt is made to change the policies of law enforcement agencies and prosecutors. First, police departments as institutions characteristically resist change. As a consequence, street-level enforcement of the law is made difficult. Second, there is a basic disagreement among practitioners, researchers, and feminists over the central tenet of police policies. Historically police have used their discretion to avoid arresting domestic violence offenders whenever possible. Finally, prosecutors and the police have the same biases. They often assume that discretion is an essential component of their job, sifting cases that lack sufficient public purpose to prosecute, and eliminating cases considered unimportant.

In the absence of a mandatory arrest policy, it has been theorized that women have become disillusioned with police, feel they cannot be protected, and as a result, do not even call (Burris & Jaffe, 1983). If the premise is accepted that arrest deters further violence, then adoption of a mandatory arrest policy should provide even a higher level of deterrence (Burris & Jaffe, 1983).

Little research has demonstrated that a mandatory arrest policy will consistently achieve its intended effect. Join (1983) found that following implementation of a 1977 mandatory arrest law, there were only 10 percent fewer domestic violence assaults and the percentage of homicides among

people of the known relationships decreased from 37 percent to 27 percent. The Minneapolis Police Department acknowledged that in 1986, despite a mandatory arrest policy, only 3,465 arrests were reported out of 24,948 domestic assault cases, or less than 20 percent (Balos & Trotsky, 1988). According to police reports, in 60 percent of these incidents, the officer disposed of the case through "talk" or "mediation" with suspects arrested only about 22 percent of the time.

Based on the literature, there currently appears to be even less consistency and predictability of officer actions. The primary characteristic of the police response to domestic violence today is its inherent unpredictability. This is in contrast to the past when inaction or apathy was the norm (Berk & Loseke, 1980-1981; Stanko, 1989; Worden & Pollitz, 1984).

■ Definition of Domestic Violence

"Domestic violence" refers to any criminal offense involving the use or threatened use of physical force, in which the offender and the victim have a familial or household relationship. Depending on the state laws, domestic relationships may include:

- persons who are spouses or were spouses;
- persons who are related by blood or marriage;
- persons who share a permanent residence or who have shared one in the past; and
- persons who have a child in common (natural or adopted).

In researching this report, the above definitions were used. However, some would also include persons involved in an intimate relationship, who have never cohabited,

married, or had a child together. This additional definition would make policy developers and legislators more aware of the increasing amount of violence in dating relationships.

The reader should note that domestic violence is also perpetrated on men. However, the research strongly indicates that most domestic violence occurs against women (Dobash et al., 1992). Therefore, throughout this literature review, the abuser is referred to as a man and the victim as a woman. It is not the intent of this report to discount same-sex abuse or woman-on-man abuse. The more frequent man on woman abuse scenario has been selected for the sake of generalizing.

■ Statistics and Facts About Battering

According to the National Crime Survey for 1978 through 1982, approximately 2.1 million women suffered from domestic violence each year; on average, the women were victimized three times each (Langan & Innes, 1986). Research shows numbers reaching 3-6 million each year (Mather, 1988; Stark, 1981). Furthermore, acts of serious violence occur frequently. Battering represents the single most common source of serious injury to women, accounting for more injuries than automobile accidents, muggings, and rapes combined (Stark & Flitcraft, 1988). In a study of prosecuted murder cases released in May 1993, the Bureau of Justice Statistics reported that "more than half of the victims had a romantic or social relationship with their murderers" and "a third of the female victims were killed by a spouse or romantic partner compared to 11 percent of the male victims."

One representative survey and a number of studies indicate that the majority of abused women are single, separated, or divorced, and that the risk of battering actually increases with separation or divorce

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(Gentemann, 1980; Stark et al., 1979, 1981). During the period from 1979 through 1987, three out of four offenders assaulting women were spouses (9 percent), ex-spouses (35 percent), and boyfriends or ex-boyfriends (32 percent). When considering only spousal abuse, divorced or separated men committed 79 percent of these crimes, and husbands, 21 percent (Harlow, 1991).

During the period from 1979 through 1987, women living in families with low incomes were three times more likely to be victims of domestic assault than families with high incomes (Harlow, 1991). However, many misconstrue this to mean that domestic violence predominantly affects the poor. Although poor victims account for more **reported** domestic violence, many experts believe that middle and upper income victims do not report these crimes because they can afford private counseling and have other alternative resources (Goolkasian, 1986).

According to reported incidents, black women are more likely to be abused than white women; some have found a prevalence among blacks two to three times greater than among whites (Straus et al., 1980). However, black women report their abuse twice as often as whites (Schulman, 1979). Economic constraints may, again, influence this finding more than race itself.

Researchers have consistently found that most batterers witness or experience family violence in their childhood homes (Pagelow, 1992; Schwartz, 1989). One study found that, as children, 81 percent of the batterers (compared to 24 percent of non-batterers) were battered by their parents or witnessed their fathers battering their mothers (Walker, 1983). Apart from the association of abusive behavior and alcohol, no personality factors have been identified that distinguish batterers from non-batterers (Stark & Flitcraft, 1988).

■ The Dynamics of Battering

Domestic violence heeds no boundaries. It exists in all sectors of the population: rich, poor, educated, uneducated, elite, plebeian, black, white, hispanic, asian, atheistic, agnostic, and religious. Many take the position that it naturally evolved through time from when men held property rights in women. For example, courts used to apply the "Rule of Thumb," which allowed a husband to "discipline" his wife with beatings, but not with a stick that had a diameter greater than that of his own thumb (Mather, 1988; Micklow, 1988). Only in the late 1800s did the courts begin to criminalize battering rather than regulate its practice. In the 1970s, women's advocates organized to help end the plight of battered women by providing shelter, counseling and legal alternatives. Such activism led to a wealth of research and greater understanding of the dynamics of domestic violence.

Most researchers have found that abusers experienced or witnessed abuse in their childhood, have low self-esteem, adhere to traditional gender roles, have substance abuse problems, have employment problems (underemployment, unemployment or job dissatisfaction), and repress emotions with outbursts of anger, jealousy and destructiveness (Mather, 1988; Pagelow, 1984). Victims tend to have low self-esteem, adhere to traditional views about gender roles, and feel psychologically and economically dependent on their husbands. Victims find some self-worth by believing that their partners need their help, and therefore remain in the relationship despite their frustration with, and abhorrence of, the physical abuse (Mather, 1988).

The victim lives in fear of the abuser. She fears that if she leaves, the abuser will find her and beat her more severely, perhaps even kill her. Gentemann (1980) and Stark et al., (1981, 1979) showed that violence increases after the victim attempts to, or does, leave the abuser. She also may fear

that he will take the children, or he may threaten that the court will take the children, since she did not protect them.

The use of psychological abuse exacerbates the battering relationship. Batterers often isolate their victims from their friends, family, and activities, even employment. They verbally abuse the victim with derogatory and demeaning comments, including name-calling and humiliating criticism, sometimes in the presence of others (Mather, 1988). Batterers also control the victim economically. They may only give her enough money to do the shopping he tells her to do. He might also keep track of the amounts of money expended, and chastise her for not returning the "proper" amount of change. He might monitor her whereabouts at all times. If it takes longer than he thinks it should take her to run an errand, he might interrogate her or accuse her of infidelity. The impetus behind the battering relationship stems from a strong need for control, physical and psychological.

One widely accepted theory about domestic abuse suggests that the couple goes through three phases called the **Cycle of Violence** (Walker, 1979). The **Tension Building** stage has a number of small battering incidents which escalate over a period of time. During this stage, the victim expends a great amount of energy to anticipate and meet every whim, need and desire of the abuser. She remains passive, but at the same time tries to control the amount, degree and onset of abuse. As the abuse escalates, the tension explodes into the **Acute Battering** incident. The batterer physically assaults the victim. The abuse during both of these stages can also include psychological and sexual abuse, and physical destruction of valued personal property. Following this phase, the couple moves into the **Loving-Contrition**, or reward, stage. During this period, the abuser begs the victim's forgiveness, acts lovingly and kindly, and often promises that the beatings will stop and that he will seek

help. The couple experiences a "honeymoon" period. Eventually, the honeymoon deteriorates. Over time the tension building phase becomes more entrenched and the contrite phase becomes abbreviated or disappears altogether.

Early in the cycle, the victim learns that battering will lead to loving behavior. Sometimes the victim will abandon behaviors that delay the assault and provoke an incident to relieve the stress and tension of the first phase so they can proceed to the honeymoon phase. This allows the victim to exercise some control in an otherwise uncontrollable situation. This also may reduce the amount and degree of anxiety and anxiety symptoms (depression, persistent headaches, backache, and stomach problems) that she experiences, anticipating the next beating (Follingstad et al., 1991).

Psychological theories suggest that other dynamics work in the abusive relationship. The theory of **Intermittent Reinforcement** dictates that when a behavior receives random reinforcement, the behavior becomes very difficult to change or stop. One can see this phenomenon in the abusive relationship where the loving-contrition stage positively reinforces the victim's staying, despite the negative reinforcement of abuse. The love experienced after a beating gives the victim renewed hope that the batterer and the relationship will change, making it psychologically difficult for the victim to leave (Webster, 1991).

Another theory, called **Learned Helplessness**, proposes that an animal or a human who consistently receives negative reinforcement for whatever action they take, will abandon all attempts to change the situation and resign themselves to helplessness. They come to expect that they cannot exercise any control over the situation, and that expectation prevents them from taking control even when an

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opportunity presents itself. Researchers have documented this phenomenon in prisoners of war who become so passive and withdrawn, they cannot seize an opportunity to escape. This is often an accurate picture of the battered woman who has the physical opportunity to leave but stays even though she knows her partner will abuse her again. Some argue that she should leave before learned helplessness sets in. However, learned helplessness, intermittent reinforcement of love and contrition, dependency, fear, and societal pressure to "make the marriage work," present formidable obstacles to her escape.

Despite all the research and new insights into domestic violence, there still remain many unknowns. Still, at this juncture, legislators could develop effective and sound policies. Reform can begin in the criminal justice system with laws that reflect the waning acceptance of the philosophy that men have property rights in their partners, and the burgeoning awareness that domestic abuse does great harm to individuals, families, and society. The system should acknowledge and respond to the dynamics of the domestic violence relationship, intervene before the "honeymoon" phase begins, hold the batterer accountable for his crimes, take the onus off the victim to press charges, and provide her with support services.

■ The Criminal Justice System's Response

Prior to the late 1970s, the statutory structure for handling domestic violence engendered "benevolent neglect" (Buzawa & Buzawa, 1990); the state treated domestic violence as a family problem and provided assistance through social welfare institutions. More recently, the criminal justice system changed both structurally and operationally in response to political and societal pressures, giving rise to a more

active role in handling domestic violence. Still, the criminal justice response to domestic violence has been criticized for not taking advantage of opportunities to deter future acts of violence, and for a general failure to respond to urgent requests for assistance by victims (Buzawa & Buzawa, 1985; Finesmith, 1983; Hanmer et al., 1989; Langley & Levy, 1978).

Three research studies and one court case have had a strong impact on the increase in family crisis intervention projects. Bard (1973) found that changes in police response could dramatically affect future violence and decrease injuries and other costs to police departments. Wilt and Bannon (1977) showed a direct relationship between calls to domestic homicides and repeated calls, to the same scene, for help with on-going domestic violence. The researchers concluded that ineffective, early police response contributed to the excessive rates of death and injury to victims and the high costs of intervention to police departments. The Minneapolis Experiment (Sherman & Berk, 1984), by pointing out that arrested batterers had lower recidivism rates than batterers who encounter police using separation and mediation techniques, galvanized the movement toward increasing police use of arrest powers. Finally, the growing administrative realization that failure to respond to these crimes potentially exposes officers and their departments to liability claims, fines and injunctions (see Thurman et al. v. City of Torrington, 1984), has changed the police response to domestic violence.

Studies and cases such as these have prompted legislative reform and community intervention efforts (see Nearing vs. Weaver, Oregon, 1983; Sorichetti vs. City of New York; Baker vs. City of New York). Legislators, at the local and state levels, have adopted warrantless arrest provisions, which direct that an officer can, should, or must, arrest a suspected abuser if probable cause exists to show that he committed an

assault or battery against the alleged victim. Legislators and advocates maintain that this policy sends a message to the community that domestic assault is not acceptable and warns the abuser that his behavior constitutes a punishable crime (Micklow, 1988). New laws also strengthen protective orders which may require the abuser to desist from future abuse, to stay away from the family home, to not take the children from the family home, or to continue to provide financial support to the family. Some states and localities allow for arrest if the abuser violates the order.

Prosecutors, police departments, victim advocates, counselors, and shelter providers, have banded together in some localities to provide a holistic response to domestic violence. Police arrest the alleged abuser and contact victim advocates or inform the victims of available support services. Prosecutors' offices appoint one attorney to aggressively pursue all domestic violence cases. Victims, abusers, or both, can avail themselves of counseling services—judges often order abusers into treatment as a condition to dismissing charges or as part of their sentence. Proponents of community intervention assert that such programs provide emotional support to the victim (which helps break the cycle of violence), reduce the legal burden on the already overburdened victim, and inform the public that the criminal justice system does not tolerate domestic violence.

As noted above, the courts also now recognize causes of action for the failure of police, probation officials and other criminal justice personnel to properly intervene and provide equal access to the protection of the laws (Thurman v. City of Torrington 1984). In this case, an abuse victim received a judgment against the responding police department for violating her constitutional right to equal protection. The officers in the Thurman case watched a beating occur and still failed to prevent further abuse. A duty to protect arises when the actions of the police actually

increase the danger that the victim would be in without the intervention of the police (Scofield, 1991). If the police have notice of the attacks on a victim and fail to act in accordance with their duty to protect, the individual police officers and the police agency violate the victim's constitutional right to equal protection.

Despite the new legislation, cases, and research, police remain reluctant to become involved in domestic disputes. Many still strongly adhere to the myths and misconceptions surrounding domestic violence. Some may think that the abuser has some "right" to abuse his partner, that the victim deserved or provoked the violence, that the victim actually enjoys the beatings, or that the couple should privately resolve the matter. These officers might cling to these beliefs because they see the victim drop charges and beg them not to arrest the abuser. Some police officers themselves engage in spouse abuse, which may deter them from punishing others for their same wrongdoing (Clark, 1991). Other sources suggest police do not like "acting as social workers", that they are often prejudiced against minorities and the poor, or feel that mandatory arrest interferes with officer discretion (Ferraro and Johnson, 1984). In general, police view domestics as "nuisance calls" (Pagelow, 1992) and officers regularly fail to act with the dynamics of the abusive relationship in mind.

As articulated in policy and case law, the criminal justice system has greatly improved on its old standard of benign neglect. However, articulation varies from implementation, and many advocates for change argue that the system needs to offer more than ivory tower rhetoric that merely pays lip service to the problem of domestic violence. Others argue that the research has not yielded sufficient reliability and community acceptance to justify wide-scale changes such as mandatory arrest and court-ordered counseling. Mandatory arrest, in particular, has sparked controversy and growing amounts of research.

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■ Pro, Presumptive, and Mandatory Arrest Policies

Some states and localities have implemented mandatory, presumptive or pro arrest policies. Under these policies, the dispatched officer must determine whether probable cause exists to believe that a suspect committed assault or battery such that the officer can (pro), should (presumptive), or must (mandatory), arrest the alleged abuser for domestic assault and battery. After the Minneapolis Experiment, a number of agencies and states moved to either a presumptive or a mandatory arrest policy for handling domestic assaults, in order to deter further abuse in the community. Regardless of the type of policy a state has, all statutes look to probable cause to determine whether an arrest should occur. Some states use the terms (pro, presumptive, mandatory) interchangeably, but the impact and implementation of this legislation are virtually the same.

Subsequent replications of the Minneapolis Experiment supported, as well as contradicted, the study's finding of the deterrent value of mandatory arrest. The Omaha replication (Dunford et al., 1989) did not find that arrest reduced the incidence of domestic violence; arrest had the same effect on violence as separation and mediation. However, abuse also did not increase after arrest; therefore, arrest neither hurt nor helped. The researchers admitted that a policy not encouraging arrest would send a poor message to the community and, therefore, policy-makers should take at least a presumptive arrest stance. They recommended that the criminal justice system make a coordinated effort to vigorously prosecute the cases. Vigorous prosecution sends the message that the state/locality supports arrest decisions and that they take the issue seriously. The researchers also suggested that administrators should emphasize the potential liability to officers, and their departments, for failure to arrest; impress upon the officers the need

for careful decision-making when making a determination of probable cause and arrest, versus merely walking away from a scene unresponsively. They argued that the victim should maintain some control over the decision of whether to prosecute as well, to help restore her sense of control.

Sherman et al. (1991) found that, in Milwaukee, arrest had no effect on employed abusers; however, violence **increased** after arrest with unemployed abusers. They also re-analyzed the Omaha data and found that arrest **lowered** rates of violence with employed abusers, but not with unemployed abusers. Short-term effects showed that abuse did subside somewhat; over the long-term, however, if the accused had no job, violence in the home increased. Further, when the abuser experienced short-term incarceration, the likelihood of more violence also increased. Long-term incarceration had no greater deterrent effect, even for a short time after incarceration. The researchers contend that more research should come in before making generalized conclusions about the utility and effectiveness of arrest.

The Charlotte replication (Hirschel et al., 1992) also found that arrest had no greater deterrent effect than mediation and separation. The researchers indicated that, for most of the couples studied, abuse occurred chronically and therefore a short time in jail could not realistically curb habitual behavior. Further, the majority of the abusers studied had prior criminal records; having previously spent time in jail may dull the impact of spending time in jail for the assault and battery offense. They also noted that most of the abusers were rarely convicted or incarcerated due to jail over-crowding. The authors hypothesized that these variables could explain the disparity between the findings of this and the Minneapolis experiments.

A study conducted by Steinman (1991) found that when aggressive prosecution accompanied arrest, offenders were

rearrested significantly **less** often. He argued that increased cooperation between the police and prosecutors would help deter future abuse; if the police know that their arrests will not result in prosecutor disinterest and dismissed charges, they will arrest more and with less feeling of futility. The same holds true with other criminal justice representatives such as magistrates and judges. He also noted that his research did not indicate that victims call the police less often subsequent to an arrest. Finally, he stressed that policy reform for victims will evolve slowly since most victims are female, and women do not have the necessary political and economic power to expediently effect change.

Ford & Regoli (1991) found that when women can, but do not, drop charges, prosecution and conviction of such cases lead to lower recidivism. They also noted that any contact with the courts results in less subsequent violence. These authors argue that active court participation will help the victim stay away from the abuser and at the same time tell the abuser that the victim, along with the community, will not tolerate further abuse. They suggest that the criminal justice response be to encourage the victim's use of service agencies. They would also allow victims to drop charges when the victim initiates the arrest, to empower the victim and restore her sense of control.

Friday et al. (1991) found that arrest had more impact on those offenders who had no prior records. However, they also noted that the police arrested these offenders least often for the very reason that they did not have a prior criminal history. The police arrest the offenders with prior histories of violence more often, but the researcher found that arrest had the least impact on these offenders. They conclude that policy makers cannot justify not encouraging arrest policies, though arrest alone may not cure the ills of domestic violence. They think that policy-makers should treat domestic

violence as a societal problem as well as a criminal problem, and should seek community solutions.

Hamm & Kite found that **arrest alone** and **arrest with rehabilitation** equally affected rates of recidivism. They also found that arrest with treatment had a greater effect than **arrest with incarceration**. Further, Gondolf (1991) found that arrest alone does not reduce recidivism, though arrest and conviction coupled with treatment does have an additive effect of lower recidivism rates. He recommended follow-up treatment for the victim as well as the abuser. This would include victim advocacy, shelter, emotional and financial support. Another study on the effectiveness of court-ordered counseling showed that treated offenders tend to psychologically abuse less often and have greater periods of abstinence from violence, though treatment did not appear to affect prevalence of abuse (Harrell, 1991).

In the aggregate, it appears that even when researchers found that arrest had no discernible effect on recidivism, the researchers made note of the possibility and probability that coordinated intervention would likely yield a positive effect on recidivism. When coupled with aggressive prosecution and counseling, arrest may act as the key to getting offenders through the system's door to start lowering the incidence of abuse. Indications point to implementing presumptive arrest, if not mandatory arrest, policies, particularly where the criminal justice representatives and service providers intervene as a coalition.

■ Virginia's Laws

At the time of this writing, Virginia has a pro-arrest statute that authorizes an officer to arrest a suspected abuser without a warrant when he/she has probable cause to believe that that person committed an assault against a family or household member (Code of Virginia, 19.2-81.3). Localities

"... any contact with the courts results in less subsequent violence."

"... arrest may act as the key to getting offenders through the system's door to start lowering the incidence of abuse."

Literature Review continued

"Virginia's new laws will provide more protection remedies for the state's domestic violence victims."

can enact presumptive arrest or mandatory arrest policies if they choose, where probable cause exists. That same section defines family or household member as a spouse or ex-spouse (regardless of living arrangements), blood and marital relatives residing in the same home, and any person sharing a child in common with the accused, regardless of marital status or living arrangements. Recent amendments added stepchildren and couples who have cohabited within the previous 12 months. The officer charges the alleged abuser with a class 1 misdemeanor of assault and battery against a family or household member (Code of Virginia, 18.2-57.2). The same section provides that upon a third conviction of assault and battery of a family or household member, the crime rises to a class 6 felony. A class 1 misdemeanor is punishable by a maximum of 12 months in jail and/or \$2,500 fine. A class 6 felony is punishable by a maximum of 5 years in prison and/or \$2,500 fine. All cases involving assault and battery of a family or household member go before the Juvenile and Domestic Relations Court. Family Court legislation has been recently approved by the General Assembly. These cases may be heard in these courts in the near future.

The Code of Virginia (16.1-253.2, 16.1-252.3, and 16.1-279.1) provides for protective orders. Victims can obtain emergency, preliminary or permanent orders of protection. These orders can prohibit the abuser from entering or remaining on the victim's premises, prohibit future acts of violence or mere contact, provide for housing accommodations, and/or require participation in treatment programs. Victims can obtain an emergency protective order through a police officer, who must personally or telephonically request such an order from a judge or magistrate. This order only lasts until 5:00 PM the next business day, by which time the victim must appear and request a permanent (up to one year) or preliminary (up to fifteen days) order to ensure that the abuser stays away.

Violations of orders that prohibit a person from entering onto premises occupied by the victim or further acts of abuse can result in charges of a class 1 misdemeanor.

Other laws that may also help a domestic violence victim include penalties for marital rape (Code of Virginia, 18.2-61), marital sexual assault (Code of Virginia, 18.2-67.2:1), and stalking (Code of Virginia, 18.2-60.3). Stalking is a class 2 misdemeanor (punishable by a maximum of 6 months in jail and/or \$1,000 fine), or a class 1 misdemeanor (punishable by a maximum of 12 months in jail and/or \$2,500 fine) if a protective order exists. A second conviction within five years will also result in a class 1 misdemeanor charge. Victims should obtain certified proof of prior convictions so that the higher level can appear on the warrant. "Stalking" includes repeated acts that cause emotional distress by putting a person in reasonable fear of death or bodily injury.

Virginia's new laws will provide more protection remedies for the state's domestic violence victims. They appropriately address the needs of cohabiting partners and those who need protection from threatening people who stalk them. The transfer of jurisdiction of all domestic violence cases will put these cases in a court more sensitive to these concerns. (See the anecdotal information below on attitudes of district court judges versus domestic court judges.) Allowing magistrates to issue telephonic emergency protective orders gives victims around-the-clock protection, since officers often cannot, or will not, contact judges at late hours.

Legal tools are now available in Virginia to address the problem of domestic violence. The next major step will be full implementation.

Survey of Domestic Violence Policies in Virginia's Law Enforcement Agencies

A warrantless arrest statute was enacted in Virginia in July 1984 which allowed law enforcement officers to make arrests in domestic disputes if probable cause was present. As indicated previously, this study included a survey of local law enforcement agencies designed to analyze the effectiveness of current arrest policies. It was important to determine how many departments took advantage of this legislation and developed arrest policies, what the critical parts of these policies were, their effectiveness, whether there was resistance to their implementation.

■ Methodology

A survey of fourteen questions was developed to determine the number of law enforcement agencies with domestic violence policies and what the policies contained. The survey was distributed by mail to 234 departments. Ninety-four departments responded by the deadline, a response rate of 40%. (A copy of the survey form and the raw data can be found in the appendix.) Information from each question was analyzed, then cross tabulated by type of policy (written policy, unwritten policy, and no policy).

■ Results from Individual Questions

1. Slightly more than one-half (58.5%) of the 94 agencies responding have a domestic violence policy — 34% have a written policy, and 24.5% have an unwritten policy. (See Figure 1.)
2. The domestic relationships most often covered by policy are current spouses and ex-spouses (83.6%).

A significant majority (74%-80%) include cohabitants, persons related by blood or marriage, and persons who have a child in common.

3. The **most common** policy elements found in police domestic violence policy are:
 - a. explaining court options to victims (85.5%);
 - b. explaining legal rights to victims (83.6%);
 - c. securing medical treatment for victims (81.2%);
 - d. insuring the safety of victims children (81.2%);
 - e. taking photographs of personal injuries (80.0%);
 - f. treating the domestic violence crime scene as any other crime scene (80.0%).

The **least common** policy elements found in police domestic violence policy are:

- a. soliciting information as to the possible whereabouts of the suspect from relatives, friends, employers, etc., if suspect has left the scene (67.3%);
 - b. conducting a search of the immediate area for the suspect if suspect has left the scene (67.3%);
 - c. checking to see if a Protective Order exists (61.2%);
 - d. taking photographs of property damage (60.0%);
 - e. drawing diagrams of, and taking notes about, the crime scene (54.5%); and
 - f. giving the victim a copy of the police report (27.3%).
4. Among agencies that have a domestic violence policy, 47.3% (26) have a mandatory arrest policy as defined in the survey instrument. (See Figure 2.) Approximately 65% (36) of these agencies have adopted their policy since 1990.
 5. Among agencies that do not have a mandatory arrest policy, only 22.4% indicated that they would like to

implement one; 31.3% would not like one, and 46.3% are undecided. "Social desirability" may have inflated the undecided response as those surveyed may believe their agencies would be viewed as better than those who would not support implementation.

6. Only 16.7% of agencies with policies had revised their policies recently.
7. Approximately 26% of agencies with policies plan to make revisions or changes in the near future.
8. Support services most available for victims and offenders include mental health counseling for victims (85.1%) and offenders (83.0%) and shelter for victims (81.9%). Anger management is the least available service (35.1%).
9. Law enforcement officers most often directly provide assistance with taking (or arranging for) photographs of injuries (90.4%) and transportation to a friend's or family member's residence (88.3%). However, in nearly two-thirds of these agencies, no written policy addressed these provisions.

Arranging for temporary housing, other than with friends or family, is one of the least provided services (61.7%). Although shelters represent one of the most prevalent services available to victims, officers give assistance with transportation to such sites **less** often than any other assistance (except for the housing arrangements just discussed) (69.1%).
10. Slightly more than one-third (35.1%) of agencies have reviewed and used General Order 2-32 (a model policy designed by DCJS for police intervention in domestic violence) in the development of their policies.
11. Nearly three-fourths (72.3%) of the

agencies are aware of the new provisions of 16.1-253.4 of the Virginia Code authorizing the issuance of Emergency Protective Orders. Less than one third (27.7%) of the agencies plan to change their policies to incorporate these revisions.

12. Less than one-half of the agencies (47.9%) have had officers receive training in domestic violence since 1988.

■ Results from Crosstabs

1. The **types of relationships** agencies consider to be "domestic relationships" do not appear to be influenced by whether an agency has a written or unwritten policy. Of these agencies just less than half include the types of relationships in a written format (See Table 1).
2. Agencies with unwritten policy appear more likely to inquire about suspects, search for them, and remain at the scene, than agencies with written policy or agencies with no policy at all. Otherwise, there appears to be no difference in the prevalence of individual **policy elements** among agencies regardless of policy type (See Table 2). "Social desirability" may play a role in this finding; i.e., agencies with unwritten policy may want the researcher to think that they perform these duties, when in fact, they do not.
3. Among the **agencies with a mandatory arrest policy**, approximately four in five have a written policy. Interestingly, five agencies indicate that they adhere to mandatory arrest, but have unwritten policy (See Figure 2).
4. Agencies with no policy (25.6%), as compared with agencies having an unwritten policy (10.0%), appear more likely to **want a policy of mandatory**

arrest. However, most of both groups would not like a mandatory arrest policy (unwritten 30.0%; no policy 33.3%) or are unsure (unwritten 50.0%; no policy 41.0%) (See Table 3).

5. Agencies having either an unwritten policy or no policy at all, when compared with agencies having a written policy, appear to be located in jurisdictions that have **fewer services available** (See Table 4).
6. Among agencies having a written policy, **the types of assistance provided that are most likely to be written in the policy**, include: information on counseling and support services; obtaining a warrant; and taking/arranging for photographs of victim injuries. **The types of assistance provided that are least likely to be written in the policy** include: transportation to the magistrate; transportation to a friend/family member's residence; and transportation to medical care (See Table 5).

Among agencies with unwritten policy, **the types of assistance most provided** include: taking/arranging for photographs of victim injuries; transportation to a magistrate; and transportation to a friend's or family member's residence. **The types of assistance least provided** include: arranging for temporary housing at a shelter, with a non-family member, or someone who is not a friend of the victim; and victim/witness referral (See Table 5).

Among agencies with no policy, **the types of assistance most provided** include: transportation to a friend/family member's residence; transportation to a magistrate; and taking/arranging for photographs of victim injuries. **The types of assistance least provided**

include: victim/witness referral; and arranging for temporary housing with a non-family member or someone other than a friend of the victim (See Table 5).

7. Agencies located in jurisdictions with populations of more than 50,000 people, **used General Order 2-32** more than agencies located in smaller jurisdictions (See Table 6).
8. Agencies that have a written policy are more likely to have had **officers trained in domestic violence** than agencies that have an unwritten policy or no policy at all (See Table 7).
9. Generally, the larger the population, the more likely the jurisdiction is to have a written policy (See Table 8).

■ Discussion

Results from the individual questions and the cross-tabulations lend some insight into encouraging trends, as well as difficulties encountered, in handling domestic violence through agency policies. That more than half of the responding jurisdictions have domestic violence policies suggests that Virginia police agencies recognize the value of policy in guiding officer conduct in domestic violence situations. However, 42% of those jurisdictions who have policies have "unwritten" policy. Data received from these jurisdictions are suspect. In these localities, officer behavior constitutes policy. Professional accountability and supervisory control is critically limited where no written standards or formalized guidance exists. In a civil liability suit, **unwritten policy** would be considered the **same as no policy**.

Types of Relationships

In the 1991/92 legislative session, the Commonwealth of Virginia created a new crime: "family abuse" - assault and battery against a family or household member. The

"Professional accountability and supervisory control is critically limited where no written standards or formalized guidance exists."

"...services for victims and abusers may be necessary for the successful implementation of an arrest policy."

General Assembly of Virginia also expanded the definition of "family or household member" to include not only persons related by blood or marriage, but also persons previously married, persons with a child in common, and cohabiting or previously cohabiting persons. Penalties for this crime were enhanced and a third or subsequent offense was raised to a felony. Local law enforcement can now use the Virginia Code for guidance in establishing who their policies will cover.

Procedures

The most common procedures reported by all respondents with or without policy included providing legal information and safety services to the victim (80% or more). Many agencies (70% or more) included information and referral to community agencies and investigation procedures in their list. Fewer agencies (less than 70%) reported searching for the suspect or checking the existence of a protective order.

Lack of enthusiasm or education about the protective order seems to be a factor in this survey as well as in the Alexandria study.

Desire for Mandatory Arrest Policies

Question #5 demonstrates the reluctance that some agencies have toward mandatory arrest policies. One third of the responding agencies do not want such a policy, and 46% indicate that, because of their uncertainty, they need more information about mandatory arrest.

It is still a distinct possibility that attitudes about domestic violence in Virginia law enforcement agencies impact the implementation of mandatory arrest policies or any domestic violence intervention policies. Some agency administrators may still believe that any family intervention that does not involve a "serious" injury is inappropriate. Some officers likely feel that mandated arrest policies take away their discretion, even though determining probable cause involves

a fair amount of discretion. And many officers are reluctant to arrest because so many victims drop charges once the case comes to court.

Service Availability

Interestingly, the number of counseling services for victims exceeds the number for offenders. While victims undoubtedly need support services, offenders would seem to require more serious treatment alternatives. The demand for victim services would likely decrease if abusers were penalized and rehabilitated. Without intervention, offenders will likely beat their partners, old or new, again.

It is also interesting to note that in jurisdictions where services are available for victims and offenders, one will find written policies in the law enforcement agencies (See Table 4). Whether this is a function of pressure applied by service providers (victim advocates), factors endemic to the law enforcement agency, or some combination of both is a matter for further research. It does appear though, that services for victims and abusers may be necessary for the successful implementation of an arrest policy.

Police Assistance

The outcome of Question 9 and Table 5 indicate that some forms of assistance, that should come from the officer, do not actually reach the victim. Officers often complain that they are not social workers or counselors. However, assistance with transportation to shelter, medical facilities, and magistrates would not greatly impose upon the individual officer, would not require "counseling" services, and is allowed and encouraged in the Virginia Code (19.2-81.3). This service would greatly assist a victim in crisis, and protect her at the same time. Often, if the officer calls the shelter, a representative from the shelter will arrange the actual transportation. This is a small burden to endure in comparison to the weight of its value, and the officer does not take on counseling or other responsibilities

inconsistent with police duties.

In general, agencies with written or unwritten policies provide more assistance to victims than agencies with no policy (See Table 5). Service availability probably influences this finding. Since areas with written policies have more services, the officer can assist the victim with greater ease. Officers may lose the feeling that they must provide "counseling services" if community agencies respond effectively to police referrals.

Use of Legislation

Only about one third of the agencies have used the model policy (General Order 2-32) or the emergency protective order (Virginia Code 16.1-254.4) to review their own policies. A strategy for implementation of these measures was not included in the legislation. Larger populations tend to utilize the General Order more (See Table #6), but the less populated areas remain resistant to this change. This may be due in part to their conservative nature and geographic isolation and partly due to lack of resources. It is possible that a policy designed specifically for rural law enforcement may have a greater degree of success.

Officer Training

Even though 65% of the agencies have adopted domestic violence policies since 1990, less than half of the agencies have provided their officers with training on domestic violence since 1988 (See Question #12). Areas with written policies are more likely to train their officers (See Table #7); however, education must reach everyone for widespread change to occur.

Because "domestic calls" constitute such a large percentage of police calls and because the problem is so complex, training in the area is virtually essential to the professional law enforcement officer. A properly trained officer providing a professional response can be the foundation of an effective intervention in a family violence situation.

A poorly trained officer can help continue or even speed up the cycle of domestic violence. A formal intervention procedure (written policy) can also be a training and supervisory tool to bring a resistant officer into compliance.

Population Size

Localities with larger populations are more likely to have written policies. This is probably a function of both greater availability of services and greater numbers of victims and victim advocates. Further, these agencies respond to a greater demand, requiring more sophisticated management, more standardized operations, and a cooperative approach. However, less populated areas need services, coherent policy, and a cooperative approach as well. Crime exists everywhere. All victims should have protection and all police officers should have the resources to provide that protection.

"A properly trained officer providing a professional response can be the foundation of an effective intervention in a family violence situation."

Alexandria Domestic Violence Intervention Project

The Department of Criminal Justice Services chose to evaluate the Alexandria program because of its use of mandatory arrest in conjunction with a multi-agency effort, the availability of data on arrest and diversion to treatment, and their interest and cooperation in the project. Information was supplied by the Alexandria Police Department, the Victim/Witness Assistance Program and the Office on Women, the agency which sponsors the Arger Management program.

The mandatory arrest policy was an outgrowth of the Alexandria Victims of Violent Crime Task Force. The Task Force was formed in 1985 in response to issues raised by President Reagan's Task Force on Victims of Crime and concerns raised by local service providers. Representatives from criminal justice, social service, and private agencies began to study the adequacy of local services to victims of crimes and to make suggestions for necessary changes. The Task Force, after a series of work sessions and a public hearing, concluded that Alexandria needed an improved response at all levels of the criminal justice and victim assistance systems.

The Task Force created a subcommittee comprised of eight agency representatives who worked with domestic violence cases. For 18 months the subcommittee examined policies and procedures developed in communities that provided multi-agency responses to domestic violence cases, and reviewed local, state, and national criminal justice trends. The subcommittee advised the use of arrest, probation, court-ordered counseling and a modified work release program as an intervention strategy. As a result of this effort, the police department established a policy, effective January 1988, of mandatory arrest for cases involving domestic violence. Domestic violence, as defined in the policy, includes any criminal offense involving the use, or threatened use, of physical force in which the offender and the victim have a familial relationship, or

share, or have shared, a mutual residence.

Section 19.2-81 of the Code of Virginia provides the basis of the policy. The Code authorizes an officer to arrest a batterer if he/she has probable cause to believe that a suspect has committed a crime. Specifically, the policy states that officers will make arrests in the following situations:

1. when the officer has reasonable grounds or probable cause to believe that an individual committed a felony not in the officer's presence;
2. when any crime is committed in an officer's presence;
3. when assault and battery has been committed, based on probable cause upon reasonable complaint of the victim or an observer of the alleged offense. Where probable cause exists, the officer arrests without a warrant, even if the victim does not wish to prosecute;
4. when trespass has been committed in violation of a Protective Order; and
5. when either party has valid warrants against him/her on file.

After arrest, the officer assists the victim in contacting the Office on Women's Domestic Violence Program (DVP); DVP service evaluators assess the victim's need for services and describe and recommend available resources. The assumptions that partner abuse is a crime and should be treated as such, and that the relationship between batterer and victim creates important distinctions with implications for treatment and sentencing of offenders, provide the framework from which the program operates.

Several components of the criminal justice system in Alexandria make up the Domestic Violence Intervention Project (DVIP) and each plays a critical role in addressing the problem of domestic violence. The components, and their elements, include:

Judicial Component

- Juvenile & Domestic Relations Court Judges
- General District Court Judges
- Commonwealth's Attorney
- Magistrates
- Adult Probation and Parole Officers
- Juvenile Court Service Unit

Service Provider Component

- Victim/Witness Program
- Office on Women's Domestic Violence Program
- Mental Health, Mental Retardation, Substance Abuse Services

Law Enforcement Component

- Police Officers
- Dispatchers

Client Component

- Victims
- Batterers

The policy approaches domestic violence cases in three stages: **the Emergency Stage, the Arrest Stage, and the Sentencing Stage.** During the **Emergency Stage**, the officer dispatched to the scene refers the victim to the DVP and arrests the offender, if probable cause exists. The officer encourages the victim to contact the DVP and, if necessary, provides transportation to a shelter. (If the officer does not find probable cause, he/she may take the victim to a magistrate to swear out a warrant for arrest.) The officer documents the incident and identifies the offense with "domestic violence" in parentheses for easier tracking by other agencies. The officer also takes photographs of visible injuries for the Commonwealth's Attorney's Office. DVP staff are available 24 hours a day for police initiated cases. A DVP staff member assesses the victim's needs, discusses shelter services, and arranges a meeting with a DVP caseworker.

At the **Arrest Stage**, the victim does not have to appear before the magistrate if the

officer made a warrantless arrest based on probable cause. If the victim does appear before a magistrate, a law enforcement officer is dispatched to investigate the case to determine if probable cause exists. The officer completes a report which is used for referral for the DVP. All police reports are screened by Victim/Witness staff. They identify domestic violence cases and send a summary report to the Office on Women for tracking and data collection purposes.

The policy also directs the Commonwealth's Attorney's Office to prosecute domestic cases to the same extent as other criminal cases. When negotiating pleas or case dispositions, the prosecutor considers the victim's needs. Victims cannot drop charges, but may talk to the prosecutor and the court about why they wish to drop the case. The prosecutor can recommend incarceration alternatives such as probation, court-ordered counseling and work release.

If the judge does not sentence the offender to jail, The Juvenile Court Service Unit (J&DR Court cases) or Adult Probation and Parole Office (General District Court cases) will monitor the offenders' progress, provide or refer the offender to treatment programs, supervise and document compliance with the treatment. The Office on Women's Domestic Violence Program and Mental Health, Mental Retardation and Substance Abuse (MHMRSA) provide treatment services to both offenders and victims. These agencies report failure to comply with ordered treatment to the monitoring agency or the court. More service providers have now joined the intervention effort; they follow the same procedures as the Office on Women and MHMRSA.

Alexandria Police Officer Survey: Domestic Violence Policy

The opinions of law enforcement officers toward the mandatory arrest policy have value for a number of reasons. The officers have the initial contact with the disputants. They make the arrest decision. They know their community. Therefore, they have a strong sense of how mandatory arrest works. They can tell, from what they see in the field, whether mandatory arrest makes a difference in their segment of the community. If they do not value the policy, they will not use it in the field, which would suggest that policy-makers should revise the policy if necessary, or provide training to address the need for enforcement.

■ Methodology

A short survey (12 questions) was designed to determine the attitudes of the Alexandria police officers toward the mandatory arrest policy (See Appendix). Three areas were addressed: attitudes toward the policy generally, attitudes toward specific policy elements, and attitudes toward types of support. The surveys were distributed to approximately 125 street officers at roll call. Ninety-two officers completed the survey, a response rate of 74% (See Table 9).

■ Results

1. The officers strongly agreed (90%) that the **policy clearly defines what constitutes a domestic violence incident**. About seven percent (6.7%) disagreed, while 3.3% had no opinion.
2. Approximately three-quarters (73.9%) of the officers agreed that their **supervisors approve of the officer's handling of domestic violence incidents**. The remainder (26.1%) had no opinion.
3. Just over half (54.3%) of the officers believe that **magistrates support their arrest decisions**. One-quarter (25%) had no opinion and 20.7% disagreed.
4. Almost three-quarters (73.9%) of the officers felt that the **domestic violence training** they received helped them. Fifteen percent (15.2%) of the remaining officers offered no opinion, and 10.9% disagreed about the effectiveness of the training.
5. Approximately sixty-nine percent (68.5%) of the officers agreed that **arrest is an appropriate response to domestic violence incidents**. Most of the remaining officers (23.9%) disagreed with this statement, while 7.6% held no opinion.
6. A significant majority of the officers (72.8%) agreed that **warrantless arrests, even when the victim refuses to prosecute, represent good policy**. Of the remaining officers, 22.8% disagreed and 4.3% had no opinion.
7. Most of the officers (65.2%) agreed with the policy of not **requiring a victim to appear before a magistrate**. Thirty percent (30.4%) disagreed and 4.3% had no opinion.
8. Another significant majority of the officers (79.3%) **avored the mandatory arrest policy**. Only 16.3% disagreed and 4.3% had no opinion.
9. About seventy-one percent (70.7%) of the officers agreed that appropriate police duty includes **transporting the victim from the scene, to a magistrate, medical services, or housing**. Almost twenty-three percent (22.8%) of the officers did not agree and 6.5% expressed no opinion.
10. Many, though not a majority, of the officers (42.4%) found **protective orders ineffective** in keeping offenders away from victims. Only 38% viewed the protective orders as effective

" Some officers feel that magistrates do not support their arrest decisions ..."

and 19.6% gave no opinion.

11. A small majority (56%) agreed that the domestic violence **policy effectively deters domestic violence** in Alexandria. The other officers came out even on disagreeing (22%) and having no opinion (22%).
12. Most of the officers (59.8%) felt that the domestic violence **policy makes their job easier when dealing with domestic disputes**. Twenty-two percent (21.7%) did not agree and 18.5% held no opinion.

■ Discussion

General Attitudes Toward Policy

A strong majority of the **officers (79.3%) favored the arrest policy for domestic violence cases**. While some disagreement and ambivalence exist, for a relatively new policy and one that addresses an issue so strongly rooted in myth and misconception, this response was encouraging. With time and education, support is likely to increase and myths and misconceptions will dissipate. While one cannot expect 100% support for arrest policies, 79% provides a solid base from which to work for greater agreement.

Over half (56%) the officers reported that they think the **policy provides a deterrent against domestic violence**. This would indicate that the policy has some effect on the incidence of domestic violence now. One fourth of the officers disagreed.

A number of factors could explain why this item yielded such relatively weak agreement. If the arrest approach does have deterrent effects, it may be too soon to detect them, so some officers remain skeptical. Some officers feel that magistrates do not support their arrest decisions, and if magistrates routinely dismiss cases, the policy is rendered ineffective. Lack of enforcement of arrest by

magistrates sends the same message as no arrest, but from a higher authority. Finally, there may have been some differences in how officers defined deterrence. "Specific deterrence" refers to the preventive effect of arrest on the individual arrested. "General deterrence" refers to the preventive effect of an arrest policy on the general population. Some officers likely saw an effect in specific cases but not in general, i.e. an arrested abuser discontinued beating his partner, but the total number of police calls was not affected. Alternatively, officers may have seen arrested abusers go home and beat their partners again, but also a decrease in calls from the neighborhoods they patrol because of the increased potential for prosecution. Officers thinking the former may have thought that the question referred to general deterrence; officers experiencing the latter may have thought the question referred to specific deterrence. Both the scenarios would yield a negative response to the survey item if an officer had the opposite definition in mind. Also, the officer with a general definition of deterrence in mind may answer in the negative because arrest did not deter in all cases. Any researcher wishing to replicate this survey, or address this issue in subsequent research, is advised to specify the form of deterrence they wish to review. Despite the confusion, one can conclude that more officers generally do see the policy as having a deterrent effect.

According to 59.8% of the officers, the **domestic violence policy makes their job easier** in handling these incidents. These officers may view the policy as taking some of the "social work" out of their police responsibilities. Many officers feel that "domestics" require too much counseling and mediation and that officers do not have the appropriate background. In Alexandria, the law enforcement community works in cooperation with the prosecutor's office and other community agencies, allowing police to conduct "police work" and social workers to deliver support services to victims. Further,

judges, not police officers, send abusers to counseling as part of their sentence. With the ability to delegate and refer, rather than provide the services themselves, officers understandably felt that the policy made their job easier. This demonstrates the value of developing a cooperative effort to solve the domestic violence problem.

Almost a fourth (22%) of the officers disagreed that the policy makes their job easier. Some may still not see the utility of arrest in family matters. Some may view arrest as more time consuming or burdensome than just walking away from the scene saying "work it out between yourselves." This would not necessarily indicate they dislike or disapprove of the policy, but that it has not made their job easier. If disapproval negatively impacts implementation, further training and closer supervision may be in order.

Attitudes Toward Specific Policy Elements

Ninety percent (90%) of the officers answered that they clearly understood **what constitutes a domestic violence situation**, as stated in the policy. Assuming that most officers answered honestly, the response indicates that the policy clearly informs the officer which situations merit an arrest. Some officers may have reported understanding when they actually did not because they thought that they **should** understand. "Social desirability," which prompts the subject to answer the way they think the researcher wants them to answer, may play a role in this high percentage. Fear of reprimand from their supervisors also may have influenced the response to this question, despite assurances that the survey results would remain confidential.

Arrest policies demonstrate to the community that assault and battery in the home constitutes a crime which deserves the same punishment as stranger assaults and batteries. It is important for officers to have

clear and specific guidelines to make their arrest decisions. A lack of clarity can result in bad arrests, no arrests, or arrests which can confuse the officer and further endanger the victim. A clear policy, on the other hand, can assure a consistent and professional response to victims as well as protecting the individual officer and the department from civil liability suits.

A majority of the officers (68.5%) agreed that **arrest is an appropriate response to domestic violence**. However, twenty-four percent (23.9%) of the officers disagreed. Many officers still feel that couples should solve their domestic problems at home or at the counselor's office, not at the courthouse. Some officers believe that arrest will not solve the problem, but will actually create more problems, by angering the abuser who will return home after release and beat the victim again, and possibly more severely. As research continues and the utility of arrest becomes more accepted in the community, these officers may change their attitudes. However, supervisors and trainers must regularly remind these officers to put aside their personal beliefs and implement the policy.

Almost three-fourths (72.8%) of the officers agreed that **domestic assaults merit warrantless arrests, even when the victim does not want to prosecute**. This response and the previous one suggest that the majority of officers support the arrest effort, especially in light of the favorable attitude toward the policy, in general. The slight response variance from the previous question may indicate that some officers would rather make the arrest themselves than depend on the victim's initiative, sparing her the shame of accusing her husband or partner, and possibly avoiding dropped charges.

Most of the officers (65.2%) responded that **it is good policy not to require the victim to appear before the magistrate**. Officers appear to be frustrated by lack of magistrate

"A clear policy...can assure a consistent and professional response to victims as well as protecting the individual officer and the department from civil liability suits."

"...unwillingness to intervene in the earlier stages of domestic violence suggests a lack of knowledge about the problem and a critical need for training not just police officers, but also magistrates, judges and attorneys."

support for their arrest decisions. (See below.) Therefore, they may view the victim's appearance as a waste of time or just another stressful event she need not endure. Some officers may just simply believe that arrests should stand even if the victim will not testify against the abuser.

A victim's appearance before the magistrate may not be necessary if the arresting officer collects evidence that provides probable cause for arrest. However, some officers may arrest suspects indiscriminately and let the magistrate sort out the details. If this properly characterizes the situation, it may be better to take the victim to the magistrate to ensure proper arrests, i.e. sufficient probable cause. This could alleviate some of the concern that the "wrong people" (victims rather than primary aggressors) get arrested.

In cases where probable cause cannot be documented (e.g. no visible injuries), accusers should be advised that they must swear out the warrant. In this scenario, the victim should go before the magistrate to explain why she wishes to have the person arrested. This would discourage false accusations. It would also draw the important distinction between a warrantless arrest by an officer on the scene who conducts a professional investigation to determine probable cause and a warrant voluntarily sworn out by a citizen. In the latter, victims are required to appear before the magistrate. In the former, magistrates could rely on the report of a professional law enforcement officer and reduce the trauma to the victim by not requiring her appearance.

Seventy-one percent (70.7%) of the officers felt that **transporting victims to a magistrate, medical services, or housing represents appropriate police duty.**

Again, because of the existing cooperation of the agencies involved with the Alexandria Domestic Violence Intervention Project, officers have become more willing to provide these services to victims. They view these services as administrative duties and no longer as social work. Making a call to a

victim advocate or getting the victim to the appropriate authority may leave the officer feeling positive about aiding the victim. This interpretation is consistent with the finding that the domestic violence policy makes the officer's job easier.

Attitudes Toward Types of Support

Almost three-fourths of the officers (73.9%) said that their **supervisor approves of their handling of domestic violence cases.**

This indicates that the majority of the officers act consistently with the policy; otherwise they would presumably receive reprimands from their supervisors.

Interestingly, none of the officers felt that their supervisors disapproved of the way they handled domestic violence situations. Twenty-six percent (26.1%) of the officers said that they had no opinion about the matter. Perhaps officers do not wish to complain about their supervisors or, fear retaliation from their supervisor, should the supervisor find out about a negative response.

One interpretation could be that the officers do not abide by the policy, and supervisors do not enforce the policy. Therefore, they do not interfere with the officer's activities. However, since 79% of the officers said they favored the policy, this probably does not accurately describe the situation.

Only 54.3% of the officers felt that the **magistrates back their arrest decisions.** For the policy to have an impact on the incidence of domestic violence, magistrates must support the arrest decision, if probable cause exists for the arrest. Some magistrates appear to impose their own values when issuing warrants for domestic assault. For example, some magistrates may believe that arrest does not appropriately address the domestic violence problem since such behavior is "a private, family matter" requiring counseling; or others may only find probable cause in the extremely violent cases. Magistrates frequently

dismiss cases and send the parties home to "work it out."

Magistrates often reflect the attitudes of local judges. Some judges feel that officers should arrest only where the action merits jail time and not "just" counseling. They may believe that social service agencies should handle these cases. This unwillingness to intervene in the earlier stages of domestic violence suggests a lack of knowledge about the problem and a critical need for training not just police officers, but also magistrates, judges and attorneys. Consistent enforcement at all levels appears to be necessary to achieve a reduction in the incidence of domestic violence.

Almost three-fourths of the officers (73.9%) agreed that **domestic violence policy training helped** them. This response demonstrates the value in training law enforcement in this area. Policy development in domestic violence, an area filled with myth and misconception, necessitates education and training. Officers can, and do, subvert the policy by allowing their personal beliefs into their decision-making process when making an arrest. Clear policy directives and training can help reduce this personalized enforcement of the law. Training can make the officer more sensitive to victim issues and can teach that assault and battery are crimes, regardless of the relationship between the people involved.

There was no clear cut support for the **use of protective orders**. Many officers (42.4%) reported that protective orders do not effectively keep the offender away from the victim, yet nearly as many (38%) felt they were effective. Protective orders do not actually protect the victim, but are used by some as an alternative to pressing criminal charges. They can order the abuser to vacate the joint residence and refrain from further contact. Arrest, in conjunction with protective orders, may have the greatest impact on the abuser and helps keep the abuser away longer. Arrest will remove the

abuser, even if only for a short time, and provide a window of opportunity for the victim to find outside support. This approach will have greater efficacy if an officer provides the victim with immediate transportation and referrals to the support network. An arrest record may make the abuser aware of the seriousness of the offense and discourage repetition of the behavior.

"Arrest will remove the abuser, even if only for a short time, and provide a window of opportunity for the victim to find outside support."

Summary of Anecdotal Information

"Fewer dismissals, better evidence, and few appeals on the issue of guilt, provide tangible proof that domestic violence is being taken more seriously in Alexandria."

In May of 1991 a number of interviews were conducted with various participants in the Alexandria Domestic Violence Intervention Project (DVIP) in an attempt to identify the overall attitude toward mandatory arrest and the coordinated intervention approach to domestic violence. Judges, magistrates, the Alexandria Commonwealth's Attorney, law enforcement officers and various service providers were interviewed. This summary includes strengths and weaknesses of the DVIP and mandatory arrest, recommendations for improvements or alternatives, and comments on effectiveness.

The Commonwealth's Attorney

Generally, the Commonwealth's Attorney thought that the DVIP has met with some success. He noted that the number of dismissed cases due to victim attrition has decreased, in part because the Commonwealth prosecutes as aggressively as possible and does not allow the victim to drop the charges against the abuser. However, he did assert that the victim should have a voice, though not the final voice, in whether or not to prosecute the abuser. He said that the number of domestic prosecutions has increased and the state uses better evidence when prosecuting the cases. Abusers tend not to appeal on verdict issues, but on sentencing issues, such as revocation of suspended sentences. These observations suggest that the mandatory arrest policy has positively impacted some of the problem areas it was designed to rectify. Fewer dismissals, better evidence, and few appeals on the issue of guilt, provide tangible proof that domestic violence is being taken more seriously in Alexandria.

The prosecutor also recommended that better techniques be used in collecting data relating to the effectiveness of arrests. He would use this data to demonstrate the benefits of coordinated efforts in reducing domestic violence. He suggested that DVIP participants track the offender's progress

through the legal system and treatment process better. Interviewing defendants and victims after arrest and treatment may also help in analyzing the efficacy of the program. Finally, he recommended that other programs should join the intervention effort: "We need more tools."

The Magistrates

Both magistrates appeared less enthusiastic about the mandatory arrest policy and its utility. They both think that police officers feel obligated to make an arrest, even when the situation does not merit arrest. One magistrate said that probable cause, in and of itself, does not make for a sound arrest; the officer must determine whether one person holds no blame. This magistrate said that the greatest problem with the program is that it does not address the problem of mutually abusive spouses. Both magistrates fear that people will be convicted of a Class 1 misdemeanor when they do not deserve it. Finally, something more than "He shoved me," should be the threshold for finding probable cause.

One magistrate recognized that the DVIP can provide some people with help, particularly through anger management services; the other, however, felt that counseling affords the offender an opportunity to stay out of jail. Further, this second magistrate felt that the mandatory arrest policy would only help "women, afraid of their husbands, [who], consequently, would not get a warrant." Arrest may also prove effective in situations where neighbors call the police when a "wife is about to be killed." Finally, one magistrate stated that the police should not use the policy when the situation involves a "petty, jealous spat."

One magistrate suggested that children should not be allowed to get a warrant against a parent without a good investigation because he thinks that these children use it to punish their parents. Both magistrates recommended that the Alexandria agencies

Summary of Anecdotal Information continued

"... use of probable cause as the basis for domestic violence arrests represents a strength of the program."

should amend the policy so officers can have greater latitude in making their arrest decisions or, at least, stress that officers are not required to make an arrest.

The magistrates and one judge are the least supportive of mandatory arrest and the DVIP. They appear most angered by what they perceive as capricious and unsubstantiated arrests, the futility of counseling, and the inappropriateness of court-ordered counseling.

The Judges

Three judges were interviewed. Two were General District Court judges and one was a Juvenile and Domestic Relations Court judge. At the time of the interviews, cases involving family members were heard in the Juvenile and Domestic Relations Court and cases involving unrelated persons were heard in the General District Court. The courts differ in remedies provided. One judge viewed the DVIP favorably, one unfavorably, and one with enthusiasm. Personal judicial philosophy explains many of the differences in commitment toward mandatory arrest and the DVIP.

Like the magistrates, one judge suggested that too many people get arrested unfairly under this policy. He believes only those requiring incarceration should come before the courts. Further, he suggests that counseling merely provides an escape from serving jail time. He thinks that he should not "send anyone anywhere except to jail—it's not my job to be a social worker." This judge does not believe in suspended sentences, diversion or counseling: "If you've done something that's wrong, and you are convicted of it, then you should have a record." He prefers community alternatives for handling this social problem.

One suggestion that he posed would change the definition of "family" so that all domestic violence cases, not just those between married offenders, would go to the Juvenile

and Domestic Relations Court. Further, he would dispatch two officers to every domestic violence scene, each officer taking one party aside to explain their protective capacity and to advise that, if either party wishes to charge the other, the officer will take the complainant to the magistrate. The magistrate then can determine whether a warrant should ensue. This judge's "Bring them to me to try, or don't bring them to me at all" philosophy appears very skeptical, and even somewhat hostile, toward the DVIP.

The second judge favors the policy, but believes that if an offender does not comply with the counseling, the offender should go to jail for a set period of time. He finds that a weak point in the DVIP stems from prosecutors using it solely as diversion; i.e. that prosecutors may bring some offenders, who they might not otherwise have prosecuted, before the court in order to send them to treatment. However, the judge believes that use of probable cause as the basis for domestic violence arrests represents a strength of the program. He believes that much of the problem with domestic violence derives from poor education; therefore, he sees Anger Management as "OK," but he would probably solve the problem with public education. Overall, he views the program as having a good effect on the domestic violence problem.

The last judge appears much more enthusiastic about the DVIP, and notably, sits in the Juvenile and Domestic Relations Court. He views mandatory arrest as necessary, "in lieu of mediation or passing out cards, for the purpose of getting [offenders into the system] and tackling the problem." He sees diversion as a positive step because it preserves the family and gives them an opportunity to solve the problem holistically. This judge recommends more formal training for all the components of the criminal justice system that have a hand in the issue of domestic violence. He would also like to see a group, possibly the Office on Women, help assure victim appearances in court. He states that case dismissal, due to victim

attrition, does not pose a problem, but that it is noticeable. Overall, he thinks that DVIP "works well."

The Police

Four interviews were conducted with police officers at different levels and two "ride alongs" were taken during a late night shift. The results of these interviews were not so significant in the analysis of the policy as was the history of police participation in the DVIP.

The police department was minimally involved in the development of the mandatory arrest policy, due in large part to indifference. According to the police planner, the notion of mandatory arrest was discussed and accepted in early meetings of the Alexandria Task Force on Violence. The officer who served as a member of the domestic violence subcommittee and who represented the police department, indicated that a draft of the policy was prepared and circulated within the department for "concurrency" and no objections were noted. However, when the policy became operational and was presented at roll call, the "division commanders went ballistic." According to the recent survey of Alexandria street officers included in this report, that early resistance to the arrest policy has dissipated over the past three years.

The Service Providers

The service providers have the most enthusiasm for and the greatest commitment to the DVIP, despite some friction between competing service providers. All participants acknowledged that some problems exist. Some problems grow out of differing philosophies, such as holding the offender accountable versus the offender and the victim, individual counseling versus couples counseling. Another problem encountered is the inability to serve the rapidly growing minority population in this area. Only one program has specialized services for foreign

speaking clients, and only for Hispanics. Other problems include insufficient computer equipment for the efficient and broader tracking of offender compliance and recidivism, failure to treat substance abuse issues within domestic violence programs, lack of screening criteria to determine which services would best meet the offender's needs, insensitivity to the victim when making the decision to prosecute. Some service providers would like to see more pre-court investigation to make sure that the appropriate person has been charged with the crime. The judges, however, seem more interested in clearing the docket. The service providers still see a substantial number of repeat offenders.

The increase in the number of service agencies may help resolve some of these problem areas. These additional options create an opportunity for treatment approaches more carefully tailored to the individual. In addition, the increase in the number of Alexandria's community agencies has expanded the caseload capacity of the community. But most importantly, the service providers feel that a large number of offenders and victims have benefited from treatment. They think that offenders, (particularly first and second time offenders) have learned how to deal more effectively with anger and stress, and how to curb their violent behavior. Some believe that Anger Management services should come before other treatments for greater safety of others and efficacy in other treatments. Overall, the DVIP participants have a sincere desire to work as a team, "We're all working for the same goal."

■ Discussion

It appears from these interviews that police officers in Alexandria have had more training and are more consistent in their response to domestic violence victims than other members of the DVIP. The magistrates, in particular, seem to lack an understanding of the dynamics of abuse, thinking it

"...early resistance to the arrest policy has dissipated over the past three years."

Summary of Anecdotal Information continued

"...members understand the role of each agency and keep communication open, even when conflict arises."

inappropriate to arrest until "serious" injuries are sustained. Research indicates that the earlier the intervention, the more likely it is to succeed (Fagan, 1989). The research also shows that domestic violence continues to escalate in frequency and in intensity over time (Walker, 1984). Formalized training for all components of the criminal justice system could provide everyone with the same framework from which to operate.

for an intervention strategy strongly supported by a commonwealth's attorney who understands the dynamics of domestic violence, prosecutes abusers tenaciously, and acknowledges the victim's need to influence the process. Before this evaluation the Juvenile and Domestic Relations Court judge frequently ordered abusers into treatment, but since the completion of this evaluation, has seen the importance of earlier intervention and now regularly orders first and second time offenders to counseling programs.

Lack of human resources and equipment are not unusual in this field. Several members of the DVIP are committed to identifying and mobilizing additional support for increased services and data collection.

Attitudes of police have progressed past resistance to acceptance. A growing number of officers now approve a formalized procedure for dealing with domestic violence situations.

Friction, or perhaps competition, exists among several of the community agencies. Some of this is based on treatment philosophies. This conflict among team members can also be considered healthy, as it promotes constant self-evaluation.

Ironically, none of the agencies use the Duluth model, considered "state of the art" for the rehabilitation of batterers. "Anger management" models treat abusers for lack of impulse control. The Duluth model interprets abusive behavior as an attempt to overcontrol or abuse power in a relationship.

Despite these issues, a spirit of cooperation exists and is exhibited by most members. These members understand the role of each agency and keep communication open, even when conflict arises. Perhaps the best evidence of effectiveness is the attitude of DVIP members who report seeing a difference in the individuals and families with whom they work.

The strengths of the DVIP begin with a more consistent police response than is found in most other areas of the commonwealth. Attitudes of police have progressed past resistance to acceptance. A growing number of officers now approve a formalized procedure for dealing with domestic violence situations. This procedure is the cornerstone

Study of Recidivism Rates with Alexandria DVIP

"Alexandria organized the Domestic Violence Intervention Project, which created a cooperative effort among police, prosecutors, judges and service providers to address the domestic violence problem in the city."

Project staff examined records maintained by the Alexandria DVIP to determine whether arrest had any impact on the incidence of abuse. As mentioned earlier, Alexandria organized the Domestic Violence Intervention Project, which created a cooperative effort among police, prosecutors, judges and service providers to address the domestic violence problem in the city. The Alexandria Police Department and the Office on Women provided data on arrest rates and demographic information on arrested abusers. Unfortunately, none of the groups collected data prior to the implementation of the program (1988), so staff could not do a comparative analysis on whether recidivism rates changed after the mandatory arrest program began. A number of problems existed with data collection and research methodology. However, project staff still found some interesting trends in recidivism rates during the period of 1988 to 1991.

■ Methodology

The study made use of four years of data, from 1988-1991. The Alexandria Police Department (APD), the Alexandria Victim/Witness Program (V/W), and the Alexandria Office on Women (AOW) maintain individual databases. Each agency uses its database for its own specific purposes. In some cases they add unique data onto one another's databases to meet particular needs. This study attempted to combine data from all three databases.

Each day, the APD sends copies of all its police reports from the previous day to the V/W. Victim/Witness then determines which reports stem from domestic violence incidents. Victim/Witness staff then enter the reports into the V/W database and return the reports to the APD for their APD data entry. The APD database contains large numbers of variables regarding each arrest. The V/W database contains only a fraction of these variables, but includes dispositional

data not available from the APD database. The V/W database also has a "cleaner" database (e.g. more accurate data entries) than the APD database. The AOW database includes information on participants in the anger management program which the other two databases do not provide. All three databases contain information on domestic violence incidents only.

The APD and the V/W databases use the same case numbers which allow for verification that the same names correspond to the same arrest. Comparison of the two databases showed a number of cases which appeared in the APD database that did not appear in the V/W database, and vice versa.

To determine recidivism, the study could only use the offender name as an identifier. Since the V/W database had cleaner data than the APD database, the study used the V/W database as the basis for the data analysis. To obtain information on the offenders in the V/W database, who also appeared in the APD database, the study matched names and case numbers. The staff added information on anger management to the database by hand from typewritten lists supplied by the AOW.

The database resulting from these matching procedures yielded 4,738 arrests. For purposes of this study, when an offender appeared on the database (years 1988-1991) more than one time, an act of recidivism occurred. Project staff initially conducted a computer match to identify recidivists by comparing names. Then the database was reviewed manually several times to identify any cases with misspellings, or arrests with the same offender name that really represented different individuals. A number of instances arose where misspelled names did not allow the computer to identify recidivists. These misspellings were corrected prior to the data analysis.

This process resulted in a final database which consisted of 3,467 unique individual

offenders. Of the 3,467 offenders, 714 (20.6%) reoffended; i.e., had more than one arrest during the 4-year period. The number of recidivism events varied from a low of zero (one arrest only) to a high of 11 (12 arrests total).

The study used a number of different approaches to examine the incidence of recidivism among these offenders. In all analyses, z-statistics were used to determine the statistical significance of the differences between recidivism rates from one year to the next.

The analysis attempted to identify the recidivism rates by year. For this analysis, a recidivist was defined as an offender arrested in a given year who was subsequently rearrested in a later year. The staff counted the recidivism in the year of the first arrest. For example, if a person was arrested in 1988, and again in 1989, he would be considered a recidivist and included in the 1988 year of measurement.

Again, one expects the number of recidivists to decrease in later years, since the offender has less time in which to reoffend and be arrested. To control for this, staff looked at specific follow-up periods of 6, 12, 18, 24, and 36 months. The length of follow-up depended on the date of the first arrest; for example, 3-year follow-ups were available only for those first arrested in 1988.

Staff made a comparison of selected characteristics of the 714 recidivists and the 2,753 non-recidivists. These characteristics included race, sex, relationship between offender and victim, and type of offense charged. The information on these variables came from the APD database.

As noted previously, staff manually entered anger management information including whether or not the offender complied and date of completion into the study's database. Compliance was defined by the program as missing no more than two sessions. The

results of this procedure revealed that during the 4-year period, the court ordered a total of 527 offenders to the program. Of these, 327 (62%) complied with the full program, while the other 200 (38%) failed to complete the program.

A series of analyses was conducted on the data to compare the recidivism rates of the three groups: those who successfully completed the 10-week anger management program (compliant), those who failed to complete the program (non-compliant), and those not court-ordered to attend (non-participants). For these analyses, the year of measurement was determined for those ordered to attend anger management by the date they completed (or had been scheduled to complete) the program. For the rest of the offenders, date of first arrest was used to place them into the appropriate year of measurement.

An analysis of the number of prior arrests for these three groups was also undertaken. This analysis was conducted on three years: 1989, 1990, and 1991 (data prior to 1988 were unavailable). For each year, the study compared the number of arrests prior to that year for anger management participants (compliant and non-compliant) to non-participants' arrests in the prior year. For example, the number of 1988 arrests of those who completed anger management in 1989 was compared with the number of 1988 arrests of the non-participants. In 1990, arrests for both 1988 and 1989 were considered, while for 1991, three years worth of arrests were examined. In each case, staff compared the average number of prior arrests to the number of prior arrests, if any, of each group. The statistical significance of these differences was tested using one-way analysis of variance in the former case and contingency table analysis using the chi-squared test in the latter case.

■ Results

Recidivist Characteristics

Among the recidivist population, race representation broke down as follows:

Black	70.7%
White	21.1%
Other	8.2%

As mentioned in other sections of this report, lower socioeconomic standing influences use of police intervention; this skews minority representation. Since more people in minority communities rely on police intervention, they make up more of the population of offenders who get arrested; resulting in higher representation in the recidivist population.

Statistics on gender representation among recidivists showed the following:

Male	91.3%
Female	8.7%

Males make up the majority of batterers. Therefore, they will most likely represent the majority of recidivists.

Relationships vary in the recidivist population:

Boy/girlfriend	37.6%
Spouses	30.8%
Estranged boy/girlfriend	12.8%
Estranged spouses	4.9%
Other	13.9%

In light of the findings of Gentemann (1980) and Stark et al., (1979) (that violence increases when the partner attempts to or does leave the abuser), the author expected to see higher representation among the estranged relationships. Possibly, an attempt to leave, followed by a more violent beating could result in the partner succumbing to the batterer's pressure to stay in the relationship, thereby preserving the status as spouse or boy/girlfriend.

The officers primarily charge the recidivist with assault and battery (85.3%). Some incidents rise to the level of felonious assault (2.9%). Miscellaneous charges make up the remaining 11.8% of acts of recidivism. These numbers do not vary greatly from the population of non-recidivists:

Assault and battery	84.3%
Felonious assault	3.2%
Other	12.5%

Recidivism

Numerically, the recidivism rates have declined over the course of the program, when holding the examined time-frame constant (See Table 11). This downward trend only has statistical significance when examining certain follow-up periods. Changes in recidivism rates after a six month follow-up period showed no statistical significance (See Table 12). When looking at 1 year follow-up periods, the difference between the 1988 and 1990 rates had statistical significance, while other year comparisons did not (See Table 13). The 18 month and 2 year follow-up rates also had statistical significance (See Table 15).

Initially, the Anger Management results came as a surprise. Across the whole population of recidivists, those who attended and complied with the program had the highest rate of recidivism. Non-compliant participants had the next highest, with those not ordered to attend with the lowest rate:

Compliant	21.4%
Non-compliant	19.0%
Non-participants	17.0%

The difference between the compliant and non-compliant groups showed no statistical significance. However, the rate difference between the compliant participants and the non-participants had statistical significance ($z = 1.99$, at the .05 level).

Study of Recidivism Rates... continued

"Just because the risk of punishment increases, does not mean that these offenders will change their behavior."

When examining the follow-up periods over time, the differences between compliant and non-compliant participants was never statistically significant, though usually the compliant groups' numbers came out slightly higher. The compliant group only exceeded the rates of the non-participants with statistical significance in certain years and time periods (six-month follow-up in 1989, 18-month follow-up in 1989 and 1990, 2-year follow-up in 1989 and 1990, and 30-month follow-up in 1989 and 1990). On one occasion, the non-compliant group's rate exceeded that of the non-participants with statistical significance (six-month follow-up in 1989). (See Tables 16 - 29.)

Strongly suspecting that Anger Management itself did not cause these results, staff examined whether offenders referred to the program had more prior offenses than those not ordered. As mentioned earlier, the study used 2 statistical analyses for this data. The one way variance revealed the following significant findings:

- 1989 Compliant and Non-compliant had a significantly greater number of prior offenses than not-ordered, $F = 19.3, p < .001$ (See Table 30).
- 1990 Non-compliant had significantly greater number of prior offenses than not-ordered, $F = 7.31, p < .001$. (See Table 32).
- 1991 No significant difference between the three groups.

The chi-squared test yielded the following significant findings:

- 1989 Not-ordered were significantly less likely to have a prior offense, $\text{chi-squared} = 29.8, p < .001$ (See Table 31).
- 1990 Not-ordered were significantly less likely to have a prior offense,

$\text{chi-squared} = 10.2, p < .01$
(See Table 33).

- 1991 Not-ordered were significantly more likely to have a prior offense, $\text{chi-squared} = 12.6, p < .01$ (See Table 35).

■ Discussion

The statistics show a notable decrease in recidivism rates for each year since Alexandria implemented the DVIP. Unfortunately, only some of the years and follow-up periods showed statistical significance. When comparing six-month follow-ups, none of the years' differences had any significance. Possibly, the program's intervention may actually delay the onset of a subsequent battering incident. The numbers, however, do not show statistical significance from which to draw strong conclusions.

When evaluating the one-year follow-up, comparison between 1988 and 1990 rates showed a significant decrease (19.9% - 15.8%) in recidivism. Year-to-year comparisons, however, held no significance. The data also showed significant rate changes with 18 month and 2 year follow-ups when comparing 1988 and 1989. The use of longer periods may lead to the capture of incidents of recidivism otherwise undetectable and provides a more representative sample of the actual reoccurrence of violence; having a larger population will reveal differences between groups.

The significant decline in rates could result because some other variable than arrest and intervention affects the domestic violence. However, police make more arrests each year and the program has grown each year, thus making the DVIP a very identifiable and prevalent force in the community. In addition, the significant differences in recidivism rates may appear in the longer follow-up periods because the arrest and after-care

intervention actually interrupt the cycle of violence. This interruption may merely delay or, possibly, end future violence. If the former, delaying the onset of more violence at least provides the victim more time and opportunity to develop the support needed to effectively escape the violent situation.

One expects the rates to decline slowly. Batterers have strongly rooted behavioral patterns that they cannot change easily, or immediately. Just because the risk of punishment increases, does not mean that these offenders will change their behavior. Some have learned that nothing happens to abusers, so they continue abusing until adequately punished for their criminal behavior and rewarded for appropriate behavior. Over the long run, the DVIP (mandatory arrest, aggressive prosecution, and court ordered treatment) seems to have met with significant success in curbing the incidence of domestic violence.

The findings suggest that the DVIP impacts the incidence of domestic violence. The data clearly show a trend of declining rates, with some significance at longer intervals. While other variables could explain this trend, the most readily identifiable variable in this situation is the DVIP. As time goes on, the program becomes more cohesive, more participants enter the field, the participants gain a better understanding of how the program operates, victims and offenders become more aware of the repercussions for battering, and dissemination continues. All of these factors help strengthen the program and, as a result, help reduce the incidence of domestic violence and its reoccurrence.

Upon first review, the Anger Management court-ordered treatment appeared to have the opposite result than desired. The data showed that Compliant participants had a greater recidivism rate than Non-participants in 18 month and 2 year follow-up periods (19.3% - 14.5%, 19.9% - 15.5% respectively). All other comparisons, with a steady follow-up period showed no significance. When examining the follow-up

periods by year, very few comparisons had any significance (See Tables 17 - 29); although, those that did were usually between Compliant and Non-participants, one between Non-compliant and Non-participants, and always in 1989 and/or 1990. In each of these cases, those who attended Anger Management had higher rates of recidivism than those who did not attend.

Comparisons between Compliant and Non-compliant participants numerically showed the Compliant participants at an insignificant, but higher, rate of recidivism with longer follow-up periods. This again could mean that completed Anger Management intervention delays recidivism such that recidivism does not occur until later than it would have if the offender did not complete treatment. The problem still exists. These numbers have no statistical significance, however, so no conclusions can be drawn.

Because the Compliant participants always showed a higher recidivism rate than the Non-participants, staff, questioning that treatment itself caused the increase, looked at prior arrest history. They found that offenders ordered to the program generally had more prior arrests, suggesting that Anger Management received the worst of the offenders. These offenders have deeply entrenched behaviors that must be unlearned; this may make them less capable of rehabilitation.

Before these results came out, Anger Management staff expressed the need to lengthen the term of the program. Possibly, if the program were longer and the court referred people with less history of violence, the program could rehabilitate those whose behavior has become less ingrained. Early intervention may be the key to reducing recidivism and the incidence of domestic violence. As a result of this study, the Alexandria Juvenile and Domestic Relations Court judge now regularly orders first and second time offenders to the Anger Management program.

"These offenders have deeply entrenched behaviors that must be unlearned; this may make them less capable of rehabilitation."

Considering the data as a whole, it appears that the DVIP has created a program that has great value in reducing the incidence of domestic violence. Recidivism rates have consistently declined. The data on Anger Management, while somewhat discouraging, provide important insight into more effective decision-making on court-ordered treatment. If the program continues, this research suggests that the DVIP, with some fine tuning, will continue to significantly impact domestic violence and, therefore, provide a good model for other localities to emulate.

In summary, this phase of the analysis sought to examine trends in recidivism rates over the four years for which data on the program had been maintained. Lacking data on arrest rates prior to the implementation of the mandatory arrest procedure, the recidivism analysis focused on changes over time in recidivism rates. This focus was based on the assumption that any observed decreases in recidivism rates over time would reflect positively on the program. The results in general supported this notion, with consistent decreases in recidivism rates observed from 1988 through 1991. The accuracy of the recidivism data reported is subject to a number of limitations, including the failure of the database to include arrests in jurisdictions other than Alexandria, and the failure to consider rearrest for offenses other than domestic violence. In light of these limitations, attempts to directly compare the reported recidivism rates to those of other jurisdictions must be made cautiously.

Other Treatment Alternatives

As noted previously, DVIP clients may be referred from both the General District Court and the Juvenile and Domestic Relations Court. For the latter group of clients, Anger Management is only one of many treatment alternatives available. An attempt was made in this study to examine treatment alternatives other than Anger Management. This information was compiled by the staff of the Alexandria Court Service Unit and forwarded to the project staff for analysis.

According to the data contained on the Victim/Witness data base, of the 3,467 individuals included in the analyses presented here, 1,400 (40%) were seen in the General District Court, while 1,248 (36%) were seen in the Juvenile and Domestic Relations Court (the remaining 819 individuals' cases were not heard in either court). Information on a total of 612 individuals was received from the Court Service Unit. The information received included name, case number, type of treatment, whether or not the person complied with treatment, trial date, and treatment completion date.

A total of 17 different treatment alternatives (places or types of treatment) were identified in the data. The most common type of treatment for these 612 individuals was Anger Management - 29% were ordered to receive Anger Management. Substance abuse treatment was also common, with 24% of the total ordered to receive this treatment. Court Service Unit therapy and supervision accounted for 9% and 4% of the total respectively. Over all treatment types, 68% of the 612 individuals were compliant with the treatment, while the remaining 32% were not.

An initial attempt at comparing recidivism rates for the various treatment types was not feasible due to difficulties encountered with the data. Since recidivism data were available only on the V/W data file, the 612 cases received from the CSU were matched to the V/W data base. Of the 612, 125 cases

could not be matched to the V/W file. This may be due to the cases being handled prior to the V/W files having been established, or to the fact that these may have been cases involving family members other than spouses. In any case, this left 487 cases which had both treatment and recidivism information. Of these 487, 127 did not comply with the treatment leaving only 360 of the original 612 cases to examine. This number was deemed insufficient for carrying out the planned analyses. Thus, no conclusions can be offered concerning the relative merits of the various types of treatments received by the Court Service Unit clients.

Training Component

DCJS used the results from this study to revise the domestic violence component of their victim assistance training curriculum for law enforcement officers. The study's findings and those of other researchers were incorporated into the development of new training materials and the update of Police/Sheriff's Department General Order 2-32 (the Virginia model domestic violence intervention policy) as well. (A copy of General Order 2-32 is included in the appendix.)

As recruits, officers receive training in law enforcement, arrest techniques, and officer safety. However, information on the causes of domestic violence, characteristics of batterers and victims, the importance of the officer's role in intervention, and the risk of civil liability is not regularly included as part of an officer's basic education. A series of training sessions using the new domestic violence curriculum was conducted in July and August of 1992. Because of the interest generated by this series, another 4 sessions were conducted this spring. It is anticipated that another 4 sessions will be conducted before the end of CY1993. (A copy of the training announcement, a list of the curriculum elements, and an attendance report are included in the appendix.)

This training and related materials will continue to be available to law enforcement officers throughout the Commonwealth at regional workshops and training academies. Though focused on the law enforcement officer, this report, as well as the curriculum will be used in the training of other criminal justice personnel including judges, magistrates, commonwealth's attorneys, defense attorneys, and social service providers. It is anticipated that this report and the use of the revised curriculum will generate interest in the use of formalized arrest policies in domestic violence situations and the development of multi-disciplinary community approaches to intervention.

Conclusions and Recommendations

"... a coherent, coordinated, consistent approach to domestic violence can result in effective interventions at the community level."

■ Conclusions

At this time, the research and literature do not clearly support mandatory arrest. The Minneapolis Experiment and the subsequent replication studies yielded conflicting results. The findings of this study were also inconclusive on the use of arrest and/or treatment groups for batterers as a primary prevention strategy. The field is still too new and the relevant data still too difficult to collect and analyze. What they do suggest is that the problem is large and complex, and that a coherent, coordinated, consistent approach to domestic violence can result in effective interventions at the community level. The following recommendations are made not only because they follow from the findings but also because they are designed to protect the victim and the victim's rights and to hold the abuser accountable for criminal acts.

■ Recommendations

Implement Written Domestic Violence Arrest Policies

Most researchers agree that arrest has positive effects when used in conjunction with support services for victims and rehabilitative treatment for abusers. Even when viewed skeptically, an arrest can provide a window of escape for a victim fleeing a dangerous partner. Policy makers can no longer justify ignoring family violence.

Many law enforcement agencies have come to recognize the importance of creating and maintaining written policies. Some agencies still allow officers to perform common but potentially dangerous police activities with no written guidance. Unwritten policy, however, is just as legally binding as a written policy, with one major disadvantage: if the chief executive has not written it, it is whatever the line officer claims it is.

Written policy is good management practice. It is inseparable from supervision, training

and on-going evaluation of performance. In it officers should be able to discover what is expected of them and what standards of law enforcement work are set by their particular agency. Domestic violence policies should clearly outline relationships covered and specific procedures to be used. Procedures should include investigation methods, referrals for victims, identifiers for probable cause. Even in "mandatory arrest" policies, officers should be advised of the considerable amount of discretion involved in determining whether probable cause exists and that to ignore probable cause could result in substantial civil liability.

Get the Abusive Partner into the System Earlier

Without early intervention, abusive behavior becomes ingrained. The longer the behavior goes unchecked, the more severe and frequent the abuse becomes. Treatment providers have greater success with abusers who have less violent histories; chronic offenders have less chance of rehabilitation. The combined use of presumptive arrest by police and court-ordered treatment on a first offense by judges would interrupt this cycle earlier and likely produce a decline in recidivism.

Form Community Intervention Projects

There appears to be a connection between the availability of victims services and the existence of written policies on domestic violence in local law enforcement agencies. This could be a result of local advocacy by victim service providers or professional evolution on the part of law enforcement. In any case, it does appear that services for victims and abusers may be necessary for the successful implementation of an arrest policy and effective intervention with affected families.

Community intervention teams should involve all levels of the local criminal justice

"(DVIP) is a dynamic group which experiences conflict but maintains a spirit of cooperation in pursuing their mission - to end domestic violence in their community."

system and social service providers. The development of regular interagency communication, written policy, and self evaluation will insure a consistent and comprehensive response

Court-Ordered Treatment Should Include Multidimensional, Multi-Disciplinary Approaches

A number of variables contribute to the abusive dynamic. Treatment focusing solely on one problem will not adequately address this complex phenomenon. Rehabilitation programs should address multiple issues, including abuse of power and control, anger management, substance abuse, communications, attitudes toward women, etc. Staff providing this treatment should stay current on the literature, as this field is still in the development stages.

Use Incarceration as a Sentencing Disposition

Historically, penalties for battering have been minimal or nonexistent because the criminal justice system did not consider this crime a serious one unless visible injuries were present. Courts were reluctant to intervene early on in the cycle of abuse. Unfortunately, this contributed to the increasing intensity of the abusive dynamics. First-time offenders should receive, in addition to treatment, suspended sentences, with their case taken under advisement for a year. Second-time, or subsequent, offenders should receive jail, treatment and any suspended sentence from previous offenses. Only in this way will domestic violence be treated as a serious crime.

Follow Up on Court Dispositions

Batterers learn that judicial decisions as well as their own violent behavior are not taken seriously if failure to comply with court orders results in no punitive action. Return dates should be set to ensure compliance with

court orders. Failure to satisfy orders should demand strict repercussions.

Develop More Programs Providing Services to Victims and Abusers

Domestic violence is epidemic in the United States. Research suggests that more than half of American couples have experienced one or more incidents of assault and battery during the course of their marriages. Relief services for victims and rehabilitation services for abusers are too scarce. Financial and human resources should be mobilized to address the needs of these families.

Use Automated Equipment to Track Offenders and Evaluate Intervention Strategy

Using computer technology, information can be given quickly to law enforcement officers on number of calls to a particular address, warrants outstanding on particular individuals, existence of protective orders, etc. This information can help officers maximize their responses to domestic violence calls. Computerization can also be important in evaluating the success of intervention techniques. Cooperation among law enforcement, the courts, the commonwealth's attorney, and service agencies in designing compatible databases can increase the quality of intervention at the street level and be essential in the ability to monitor effectiveness.

Look to Other Community Intervention Projects

Many communities have already formed team approaches to domestic violence. The Domestic Violence Intervention Project (DVIP) in Alexandria is one of them. It is a dynamic group which experiences conflict but maintains a spirit of cooperation in pursuing their mission - to end domestic violence in their community. They are

committed to this mission and remain open to constructive recommendations. As a result of the analysis in this report, the Juvenile and Domestic Relations Court judge now orders treatment for first and second time offenders and the participants are redesigning a computerized database to meet the needs of all team members. Other groups may find the Alexandria experience helpful in initiating a multi-disciplinary approach in their own localities.

Provide Training for Criminal Justice System Personnel and Allied Professionals Working with Victims and Abusers

Criminal justice and helping professionals still experience great frustration working with the victims and perpetrators of domestic violence. A bias still exists against "relationship cases" and victim blaming behaviors still distract them from seeing the abuse as a crime and holding the perpetrator accountable. Training is still desperately needed for magistrates, judges, prosecutors and police. Conducting sessions at their professional conferences or meetings can increase acceptance of the information. Continuing education credit hours can be offered consistent with their respective professional standards. Training is also essential for teachers, principals, guidance counselors, students, employers, and medical professionals. The problem is widespread and demands widespread awareness.

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Appendix

- **Survey of Domestic Violence Policies in Virginia's Law Enforcement Agencies**
- **Alexandria Police Officer Survey: Domestic Violence Policy**
- **Tables 1- 35**
- **Figures 1 - 2**
- **Police/Sheriff's Department General Order 2 - 32**
- **Training Component Information**

Survey of Domestic Violence Policies in Virginia's Law Enforcement Agencies

■ **Instructions:** Check the appropriate response(s) to each question and provide additional information where requested. When you finish, return it no later than August 23 to:

Department of Criminal Justice Services
Victims Services Section
805 E. Broad Street, 10th Floor
Richmond, VA 23219

If you have any questions, please do not hesitate to call (804) 371-4809 or (804) 786-4000.

■ Note that the following definitions are used for certain key phrases in the survey:

- Domestic relationship - any of the following relationships:
 - persons who are spouses or were spouses;
 - persons who are related by blood or marriage;
 - persons who share a permanent residence or who have shared one in the past;
 - persons who have a child in common (natural or adopted).
- Domestic violence - any criminal offense involving the use, or threatened use, of physical force, in which the offender and the victim have a domestic relationship.
- Mandatory arrest policy (also referred to as presumptive arrest policy, and pro-arrest policy) - a type of policy that directs officer action and limits officer discretion; officer makes arrest based on probable cause without having seen the assault occur; officer obtains warrant instead of victim.

Results through 08/28/91
N=94 (35.7% Response Rate) (234 mailed)

1. Does your department have a policy on handling domestic violence incidents?

%	#	
34.0	32	Yes, and it is a written policy (Please attach copy)
24.5	23	Yes, but it is not a written policy
41.5	39	No, we have no written or unwritten policy on domestic violence (Skip to question # 5)

2. What types of domestic relationships are covered by the policy? (Check as many as apply)

%	#	N for analysis = 55 (32 + 23) from Q1
83.6	46	persons who are spouses or were spouses
80.0	44	persons who are related by blood or marriage
80.0	44	persons who share a residence or who have shared one in the past
74.5	41	persons who have a child in common (natural or adopted)
9.1	5	other (Please specify) _____

3. Does your department's policy on domestic violence specifically address the following?

N for analysis = 55 (32 + 23) from Q1

	<u>Yes</u>		<u>No</u>	
	%	#	#	%
a. treating the domestic violence crime scene as any other crime scene	80.0	44	11	20.0
b. stressing the criminal nature of domestic violence to the offender and the victim	76.4	42	13	24.6
c. separately interviewing the parties	72.7	40	15	27.3
d. including statements of victims and witnesses in the police report	78.2	43	12	21.8
e. drawing diagrams of and taking notes about the crime scene	54.5	30	25	45.5
f. taking photographs of personal injuries	80.0	44	11	20.0
g. taking photographs of property damage	60.0	33	22	40.0
h. giving the victim a copy of the police report	27.3	15	40	72.7
i. soliciting information as to the possible whereabouts of the suspect from relatives, friends, employers, etc., if suspect has left the scene	67.3	37	18	32.7
j. conducting a search of the immediate area for the suspect if suspect has left the scene	67.3	37	18	32.7
k. referring the matter to the investigating unit, or initiating a warrant when unable to apprehend suspect if suspect has left the scene	74.5	41	14	25.5
l. securing medical treatment for victims	81.2	45	10	18.8
m. insuring the safety of the children of victims	81.2	45	10	18.8

	Yes		No	
	%	#	#	%
n. remaining at the scene until officer is satisfied that there is no further threat of injury to the victim	70.9	39	16	29.1
o. if victim or offender is removing personal property, remaining on the scene to preserve the peace	72.7	40	15	27.3
p. explaining to the victim his/her legal rights	83.6	46	9	16.4
q. explaining to the victim his/her court options	85.5	47	8	14.5
r. explaining to the victim how to obtain a Protective Order	76.4	42	13	23.6
s. giving phone numbers of appropriate service providers (e.g., woman's shelter, counseling services, advocacy groups, etc.)	78.2	43	12	21.8
t. giving victim phone number of, or information about crime victims' compensation	70.9	39	16	29.1
u. checking to see if a Protective Order exists	61.2	34	21	38.8

4. Is your department's domestic violence policy a mandatory arrest policy as defined in the instructions to this survey?

%	#	
47.3	26	Yes (Please answer a. and b. below, then skip to question #6)
52.7	29	No (Skip to question # 5)

a. When did your department adopt this policy?

Year	#
1987	2
1988	3
1989	2
1990	8
1991	9
N/A	2

b. What were the reasons for adopting the mandatory arrest policy?

5. If your department does not have a mandatory arrest policy, would you like to implement one?

N for Analysis = 68 - 1 N/A = 67

NOTE: N/A will not be used in computing % from here to the end—% computed on the basis of actual responses, unless otherwise noted.

%	#	
22.4	15	Yes (Explain why) _____
31.3	21	No (Explain why not) _____
46.3	31	Unsure—would like additional information
—	26	Not applicable—department has a mandatory arrest policy

6. Have you recently changed your department's policy with respect to domestic violence?

%	#	
16.7	15	Yes (Explain the changes and why they were made) _____
<hr/>		
83.3	75	No

7. Are you currently planning any changes in your department's policy with respect to domestic violence?

%	#	
26.1	23	Yes (Explain the planned changes and why they are being implemented)
<hr/>		
<hr/>		
73.9	65	No

8. What services are available for domestic violence victims and offenders in your jurisdiction or nearby? (Check as many as apply.)

%	#	
81.9	77	shelter for victims of domestic violence
55.3	52	victim/witness program
34.0	32	anger management counseling for victims
35.1	33	anger management counseling for offenders
74.5	70	substance abuse services for victims
71.3	67	substance abuse services for offenders
85.1	80	mental health counseling for victims
83.0	78	mental health counseling for offenders
11.7	11	other services (Please list them) _____

9. What assistance do your officers provide victims of domestic violence? (For each service you provide, place a check under the appropriate column.)

SEE TABLE NEXT PAGE

	Yes, written in policy	Yes, but not written in policy
a. transportation to medical care	_____	_____
b. transportation to shelter	_____	_____
c. transportation to magistrate	_____	_____
d. transportation to a friend's or family member's residence	_____	_____
e. assistance in arranging for temporary housing (other than with a friend or family member)	_____	_____
f. information about Spousal Abuse Protective Order	_____	_____
g. obtaining warrant for victim	_____	_____
h. taking or arranging for photographs of injuries	_____	_____
i. providing information on counseling and support services available in the area or nearby	_____	_____
j. referral to victim/witness program	_____	_____
k. other assistance (Please specify) _____	_____	_____

	Yes, written in policy			Yes, but not written in policy			Row Total	
	#	%N	%Row	#	%N	%Row	#	%N
a.	15	16.0	21.7	54	57.4	78.3	69	73.4
b.	17	18.1	26.2	48	51.1	73.8	65	69.1
c.	19	20.2	23.2	63	67.0	76.8	82	87.2
d.	15	16.0	18.1	68	72.3	81.9	83	88.3
e.	18	19.1	31.0	40	42.6	69.0	58	61.7
f.	24	25.5	34.3	46	48.9	65.7	70	74.5
g.	29	30.9	39.2	45	47.9	60.8	74	78.7
h.	28	29.8	32.9	57	60.6	67.1	85	90.4
i.	30	31.9	40.0	45	47.9	60.0	75	79.8
j.	22	23.4	37.3	37	39.4	62.7	59	62.8
k.	8	8.5	**Not specified whether written or unwritten policy**					

10. General Order 2-32 of the Model Manual of Policies and Procedures for Virginia Law Enforcement Agencies, which concerns domestic violence, has been distributed statewide since 1988. Have you reviewed it and used it to help develop your own policy?

%	#	
35.1	33	Yes
62.8	59	No
2.1	2	N/A

11. House Bill No. 1991, enacted by the 1991 Session of the Virginia General Assembly, amended the laws relating to Juvenile and Domestic Relations District Courts by adding a new section (16.1-253.4) authorizing the issuance of Emergency Protective Orders.

a. Are you aware of the provisions of this new section?

%	#	
72.3	68	Yes
27.7	26	No

b. What are you planning to do in response to the provisions of this new section?

c. Will your department's policy with respect to domestic violence be changing as a result of the provisions of this new section?

%	#	
29.8	28	Yes (Explain) _____
44.7	42	No
25.5	24	N/A

12. Have any of your officers received training in domestic violence since 1988?

%	#	
47.9	45	Yes, How many?_____ Briefly describe (a) the training content, (b) the number of hours of instruction, (c) the quality of the instruction, and (d) who delivered it.
		(a) content_____
		(b) no. hours of instruction_____
		(c) quality_____
		(d) who delivered_____
43.6	41	No
8.5	8	N/A

13. Use this space to make any additional comments.

14. Your name and title (Please print)

 (name) (title)

Your phone number (_____) _____

Your jurisdiction _____

Your jurisdiction's approximate population _____

Population Size	#	%
< 10,000	45	47.9
10,000-49,999	28	29.8
50,000-74,999	7	7.4
75,000-99,999	1	1.1
100,000 +	12	12.8
N/A	1	1.1

Number of sworn officers on your force in: 1988 _____ 1989 _____ 1990 _____

Today's date _____

Thank you for your cooperation. Please return the completed survey to:

**Department of Criminal Justice Services
 Victims Services Section
 805 E. Broad Street, 10th Floor
 Richmond, VA 23219**

Alexandria Police Officer Survey: Domestic Violence Policy

PURPOSE OF SURVEY: The Department of Criminal Justice Services (DCJS), in cooperation with the Alexandria Police Department and the Alexandria Domestic Violence Intervention Project (DVIP), is conducting an evaluation of DVIP. For the past six months, DCJS personnel have collected data from the various project agencies. As part of its study, DCJS research staff wants to know your opinion of the department's domestic violence policy (i.e., 11-7, Domestic Violence). Please take a few minutes to complete this survey. Your responses are confidential and your cooperation is appreciated.

INSTRUCTIONS: For each statement, indicate whether you agree, disagree, or have no opinion by checking the corresponding box on the ANSWER SHEET. Do not sign this sheet or the answer sheet.

1. I clearly understand what constitutes a domestic violence incident according to the domestic violence policy.
2. In general, my supervisor approves of the way I handle domestic violence incidents.
3. I receive appropriate support from magistrates in my decisions to arrest.
4. In general, the training I have received in the domestic violence policy has been helpful.
5. Arrest procedures, as defined in the policy, are appropriate for domestic violence incidents.
6. Arresting without a warrant, even if the victim does not want to prosecute, is good policy.
7. Not requiring the victim to appear before a magistrate is good policy.
8. Overall, I am in favor of the domestic violence policy as a police response.
9. Transporting the victim from the scene, to a magistrate, medical services, or housing is an appropriate police duty in domestic violence incidents.
10. In the case of domestic violence, protective orders are effective means for keeping offenders away from victims.
11. Overall, the domestic violence policy is an effective deterrent to domestic violence in Alexandria.
12. Overall, the domestic violence policy makes my job easier when dealing with domestic violence incidents.

Alexandria Police Officer Survey: Domestic Violence Policy - Answer Sheet

INSTRUCTIONS: For each question, place a check in the box that corresponds to your answer. Do not sign this sheet.

- | | | | |
|-----|--------------------------------|-----------------------------------|-------------------------------------|
| 1. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 2. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 3. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 4. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 5. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 6. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 7. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 8. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 9. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 10. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 11. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |
| 12. | <input type="checkbox"/> Agree | <input type="checkbox"/> Disagree | <input type="checkbox"/> No opinion |

Please use the space below and the back of this sheet to make any comments about the Domestic Violence Policy. Suggestions on how it can be improved will be appreciated. Thank you for your cooperation and assistance!

TABLE 1

■ Tables of Relationships by Type of Policy

Relationship	Written Policy N = 32		Unwritten Policy N = 23		Total N = 55	
	#	%	#	%	#	%
Are/Were Spouses	27	84.4	19	82.6	46	83.6
Related—Blood/Marriage	25	78.1	19	82.6	44	80.0
Share(d) Residence	26	81.3	18	78.3	44	80.0
Child in Common	24	75.0	17	73.9	41	74.5

TABLE 2

■ Policy Elements by Type of Policy

Element	Written Policy N = 32		Unwritten Policy N = 23		Total N = 55	
	#	%	#	%	#	%
Treat as any crime	24	75.0	20	87.0	44	80.0
Stress criminal nature	23	71.9	19	82.6	42	76.4
Separate interviews	20	62.5	20	87.0	40	72.7
V/W statements	25	78.1	18	78.3	43	78.2
Diagram & notes	17	53.1	13	56.5	30	54.5
Photos of injuries	24	75.0	20	87.0	44	80.0
Photos, property damage	19	59.4	14	60.9	33	60.0
Give victim copy of report	9	28.1	6	26.1	15	27.3
Suspect's whereabouts	18	56.3	19	82.6	37	67.3
Search area for suspect	17	53.1	20	87.0	37	67.3
Refer to investigation	24	75.0	17	73.9	41	74.5
Secure medical treatment	26	81.3	19	82.6	45	81.8
Child safety	25	78.1	20	87.0	45	81.8
Stay at scene/no threat	20	62.5	19	82.6	39	70.9
Stay to preserve peace	22	68.8	18	78.3	40	72.7
Explain rights to victim	26	81.3	20	87.0	46	83.6
Explain legal options	27	84.4	20	87.0	47	85.5
Explain how to get protective orders	25	78.1	17	73.9	42	76.4
Phone numbers	26	81.3	17	73.9	43	78.2
Victims' compensation information	22	68.8	17	73.9	39	70.9
Does protective order exist?	22	68.8	17	73.9	39	70.9

TABLE 3

■ Type of Policy by interest in Mandatory Arrest

Policy Type		Would Like M.A. Policy		Would Not Like M.A. Policy		Unsure	
		#	Row%	#	Row %	#	Row %
Unwritten	N = 23	2	10.0	6	30.0	10	50.0
No Policy	N = 39	10	25.6	13	33.3	16	41.0

TABLE 4

■ Services Available by Type of Policy

Service	Written Policy N = 32		Unwritten Policy N = 23		No Policy N = 39	
	#	%	#	%	#	%
Shelter	28	87.5	19	82.6	30	76.9
V/W Program	24	75.0	14	60.9	14	35.9
V Anger Management Program	19	59.4	6	26.1	7	17.9
O Anger Management Program	19	59.4	6	26.1	8	20.5
V Substance Abuse Services	30	93.8	15	65.2	25	64.1
O Substance Abuse Services	29	90.6	14	60.9	24	61.5
V Mental Health Counseling	32	100.0	18	78.3	30	76.9
O Mental Health Counseling	30	93.8	18	78.3	30	76.9

V = victim O = offenders

TABLE 5

Officer Assistance by Type of Policy

Assistance Provided	Written Policy				Unwritten Policy		No Policy	
	Included N=32		Not Included N=32		N=23		N=39	
	#	%	#	%	#	%	#	%
Transportation - Medical Care	12	37.5	15	46.9	17	73.9	22	56.4
Transportation - Shelter	15	46.9	12	37.5	13	56.5	23	59.0
Transportation - Magistrate	14	43.8	18	56.3	17	73.9	28	71.8
Transportation - Friend/Family	12	37.5	17	53.1	20	87.0	31	79.5
Housing - Non-Friend/Family	15	46.9	9	28.1	12	52.2	19	48.7
Protective Order Information	21	65.6	7	21.9	16	69.6	23	59.0
Get Warrant	23	71.9	7	21.9	14	60.9	24	61.5
Take/Arrange Photos	23	71.9	9	28.1	20	87.0	28	71.8
Info on Couns/Support Services	25	78.1	6	18.8	15	65.2	24	61.5
V/W Referral	19	59.4	7	21.9	13	56.5	17	43.6

TABLE 6

Population by Use of General Order 2-32

Population		Used G.O. 2-32	
		#	%
less than 10,000	N = 45	16	35.6
10,000 - 49,999	N = 28	6	21.4
50,000 - 99,999	N = 8	4	50.0
100,000 +	N = 12	5	41.7
TOTAL:	N = 93	31	33.3

TABLE 7

Type of Policy by Training

Policy Type		Domestic Violence Training		No Domestic Violence Training	
		#	Row%	#	Row%
Written	N = 32	24	75.0	8	25.0
Unwritten	N = 23	9	39.1	14	60.9
No Policy	N = 39	12	30.8	27	69.2

TABLE 8

Population by Type of Policy

Population		Written Policy		Unwritten Policy		No Policy	
		#	Row%	#	Row%	#	Row%
Less than 10,000	N = 43	11	25.6	10	23.3	22	51.2
10,000 - 49,999	N = 28	6	21.4	10	35.7	12	42.9
50,000 - 99,999	N = 8	4	50.0	0	N/A	4	50.0
100,000 or more	N = 12	10	83.0	2	17.0	0	N/A

TABLE 9

Alexandria Police Officer Survey Responses

N = 92

Question	Agree		Disagree		No Opinion		Missing
	#	%	#	%	#	%	
1.	81	90.0	6	6.7	3	3.3	2
2.	68	73.9	0	0.0	24	26.1	0
3.	50	54.3	19	20.7	23	25.0	0
4.	68	73.9	10	10.9	14	15.2	0
5.	63	68.5	22	23.9	7	7.6	0
6.	67	72.8	21	22.8	4	4.3	0
7.	60	65.2	28	30.4	4	4.3	0
8.	73	79.3	15	16.3	4	4.3	0
9.	65	70.7	21	22.8	6	6.5	0
10.	35	38.0	39	42.4	18	19.6	0
11.	51	56.0	20	22.0	20	22.0	1
12.	55	59.8	20	21.7	17	18.5	0

Percentages were calculated by number of people responding; therefore, N did not include missing values when determining the percentage.

Recidivism Rates of Alexandria DVIP

TABLE 10

■ Arrest Rates

Year	First-Time Offenders	Offenders Arrested	Total Arrests
1988	806	806	944
1989	845	958	1,156
1990	882	1,058	1,229
1991	934	1,178	1,409
TOTAL	3,467	4,000	4,738

TABLE 11

■ Recidivism Rates By Year of First Arrest*

Time	1988	1989	1990	1991
6 Months	13.0%	12.1%	11.1%	10.5%
1 Year	19.9%	16.9%	15.8%	—
18 Months	23.9%	19.6%	—	—
2 Years	26.6%	22.2%	—	—
3 Years	29.9%	—	—	—

* Actual length of time between first and subsequent arrests.

TABLE 12

■ Significance of Rate Changes (Six Month Follow-Up)

Compared Years	Z Value	Significance*	Level
1988 - 1989	0.61	N	
1989 - 1990	0.65	N	
1990 - 1991	0.69	N	
1988 - 1990	1.26	N	
1988 - 1991	1.27	N	
1989 - 1991	0.83	N	

* N = Not significant, S = Significant

TABLE 13

■ Significance of Rate Changes (1 Year Follow-Up)

Compared Years	Z Value	Significance*	Level
1988 - 1989	1.57	N	
1989 - 1990	0.65	N	
1988 - 1990	2.14	S	p .05

* N = Not significant, S = Significant

TABLE 14

■ Significance of Rate Changes (18 Month Follow-Up)

Compared Years	Z Value	Significance*	Level
1988 - 1989	1.96	S	p .05

* N = Not significant, S = Significant

TABLE 15

■ Significance of Rate Changes (2 Year Follow-Up)

Compared Years	Z Value	Significance*	Level
1988 - 1989	2.36	S	p .05

* N = Not significant, S = Significant

Rates for Anger Management All Significance Tables Report Z Values

TABLE 16

■ Recidivism by Length of Follow-Up Period

Period	Recidivists	Compliant	Non-Compliant	Non-Participant
6 Months	323	9.5%	10.5%	9.2%
1 Year	448	14.4%	15.5%	12.6%
18 Months	523	19.3%	17.0%	14.5%
2 Years	558	19.9%	18.0%	15.5%
30 Months	583	20.5%	19.0%	16.3%
3 Years	595	20.8%	19.0%	16.6%

TABLE 17

■ Significance of Rate Differences by Length of Follow-Up Period (Z Values)

Period	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
6 Months	-0.37	0.61	0.18
1 Year	-0.34	1.19	0.92
18 Months	0.66	0.97	2.31*
2 Years	0.54	0.94	2.06*
30 Months	0.42	1.00	1.93
3 Years	0.50	0.88	1.92

* Significant at the .05 level

TABLE 18

■ Six-Month Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	78	8.5%	13.6%	10.8%
1989	88	17.3%	17.7%	9.4%
1990	84	10.0%	5.6%	9.2%
1991	73	—	—	—

TABLE 19

■ Significance of Differences in Six Month Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	-0.65	0.41	-0.49
1989	-0.06	2.07*	2.21*
1990	0.96	0.89	0.28
1991	—	—	—

* Significant at the .05 level

TABLE 20

■ One Year Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	119	17.0%	18.2%	16.3%
1989	118	21.0%	21.0%	13.1%
1990	132	17.5%	18.5%	13.5%
1991	79	—	—	—

TABLE 21

■ Significance of Differences in One Year Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	-0.12	0.24	0.12
1989	0.00	1.73	1.94
1990	-0.16	1.03	1.17
1991	—	—	—

TABLE 22

■ 18 Month Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	145	21.3%	22.7%	19.8%
1989	141	28.4%	24.2%	15.3%
1990	158	24.2%	18.5%	15.9%
1991	79	—	—	—

TABLE 23

■ Significance of Differences in 18 Month Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	-0.13	0.33	0.25
1989	0.56	1.83	2.98*
1990	0.83	1.50	2.24*
1991	—	—	—

*Significant at the .05 level

TABLE 24

■ 2 Year Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	161	25.5%	22.7%	22.0%
1989	156	28.4%	25.8%	17.4%
1990	162	24.2%	20.4%	16.3%
1991	79	24.2%	20.4%	16.3%

Rates for Anger Management continued

TABLE 25

■ Significance of Differences in 2 Year Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	0.25	0.08	0.56
1989	0.34	1.64	2.40*
1990	0.55	0.78	2.12*
1991	—	—	—

*Significant at the .05 level

TABLE 26

■ 30 Month Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	172	27.7%	27.3%	23.4%
1989	170	29.6%	27.4%	19.2%
1990	162	24.2%	20.4%	16.3%
1991	79	—	—	—

TABLE 27

■ Significance of Differences in 30 Month Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	0.03	0.42	0.67
1989	0.29	1.55	2.20*
1990	0.55	0.78	2.12*
1991	—	—	—

*Significant at the .05 level

TABLE 28

■ 3 Year Follow-Up Rates by Year

Year	Recidivists	Compliant	Non-Compliant	Non-Participant
1988	181	29.8%	27.3%	24.6%

TABLE 29

■ Significance of Differences in 3 Year Follow-Ups

Year	Comp/Non-Comp	Non-Comp/Non-Part	Comp/Non-Part
1988	0.21	0.29	0.79

Prior Offenses

TABLE 30

■ Average Number of Previous Offenses 1989

Status	Offenses	N
Compliant	0.56	81
Non-compliant	0.53	62
Not Ordered	0.25	2940

TABLE 31

■ Any Prior Offenses vs. No Prior Offenses 1989

Status	Priors	No Priors
Compliant	43.2%	56.8%
Non-compliant	40.3%	59.7%
Not Ordered	22.3%	77.7%

TABLE 32

■ Average Number of Previous Offenses 1990

Status	Offenses	N
Compliant	0.69	120
Non-compliant	0.87	54
Not Ordered	0.54	2940

TABLE 33

■ Any Prior Offenses vs. No Prior Offenses 1990

<u>Status</u>	<u>Priors</u>	<u>No Priors</u>
Compliant	56.7%	43.3%
Non-compliant	59.3%	40.7%
Not Ordered	45.1%	54.9%

TABLE 34

■ Average Number of Previous Offenses 1991

<u>Status</u>	<u>Offenses</u>	<u>N</u>
Compliant	0.68	79
Non-compliant	0.87	62
Not Ordered	0.87	2940

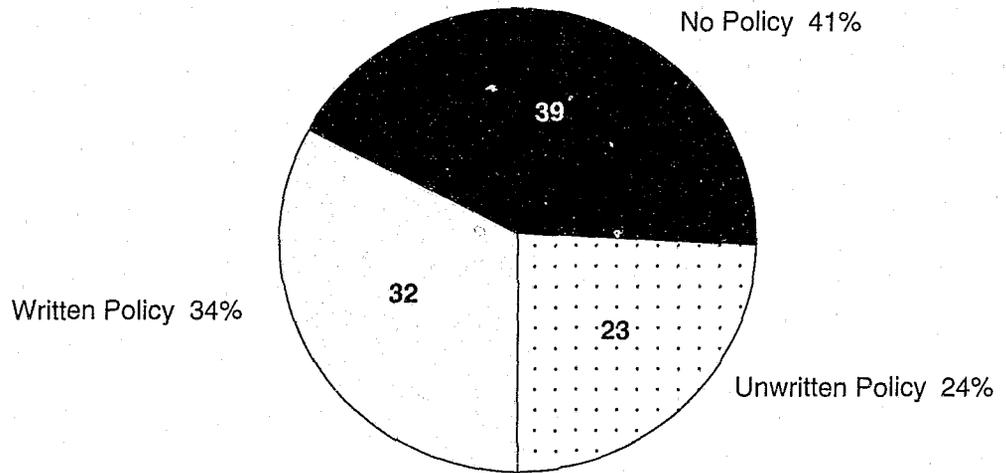
TABLE 35

■ Any Prior Offenses vs. No Prior Offenses 1991

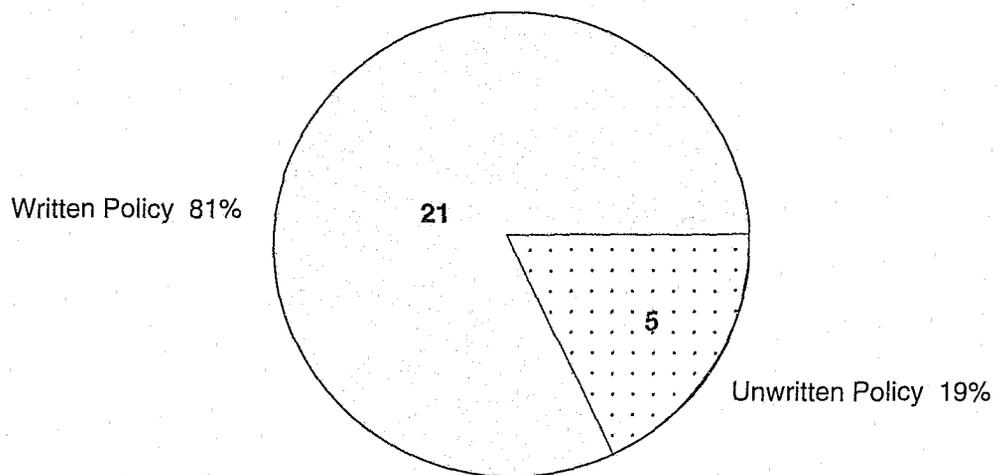
<u>Status</u>	<u>Priors</u>	<u>No Priors</u>
Compliant	54.5%	45.6%
Non-compliant	59.7%	40.3%
Not Ordered	70.5%	29.5%

FIGURES 1 - 2

■ FIGURE 1: Survey Respondents



■ FIGURE 2: Agencies with Mandatory Arrest Policies



Police/Sheriff's Department General Order 2-32

■ Domestic Violence

Domestic violence (spouse abuse) recently has received widespread public attention as a serious social problem affecting people in all economic, social, and ethnic groups. Many law enforcement agencies consider violence within the family to be the most frequent and under-reported crime in the United States. Further, police officers have found spouse abuse to be a difficult and frustrating problem for the criminal justice system to handle effectively. Some people have become frustrated, indifferent or even hostile after encountering victims who are repeatedly abused and either do not press charges or return to the battering relationship. Still others hold onto faulty beliefs that victims really provoke the attack or masochistically enjoy beatings.

Persons who resort to violence do not lack self-control: they try to dominate their partners. Stress, isolation, and family circumstances usually contribute to violence. Many researchers have described a cycle of violence involving three phases:

1. During **tension-building**, the victim tries to keep the peace, but is subjected to increasing verbal threats.
2. The **acute battering phase** occurs when the perpetrator violently assaults the victim.
3. In the **loving respite phase**, the abuser changes behavior, and acts remorseful and loving. Both abuser and victim may believe the abuse will never recur. As the cycle continues, this phase becomes shorter and may entirely disappear.

The patrol officer who responds may find the disputants in any one of these phases. The officer must be aware of this cycle in order to respond appropriately and effectively. Alcohol and drug abuse frequently figure in cases reported to the police.

Policy-makers should know that recent studies of police responses to domestic violence do not necessarily agree on the appropriate guidance to communicate to officers through written policy. For example, one recent study

has concluded that victims of domestic violence are less likely to be repeat victims if they seek help through the legal system. Law enforcement officers must know that abuse often begins as a threat or a shove, but escalates into repeated beatings causing serious physical injury. If effective intervention does not occur, the abuse continues and, in some cases, it may lead to homicide. Yet the precise nature of police intervention is not easy to gauge: different approaches, whether mediation, arrest, or some other solution all appear to have different outcomes depending on the particular suspects, communities, and other characteristics. Some studies have revealed that the deterrent effect of arrest is least among the unemployed. Although the political trend supports mandatory arrest policies, law enforcement executives should know that research does not necessarily support the effectiveness of such a view.

Whatever policy guidance executives provide for their personnel, they should regard as experimental and subject to change. A community with low unemployment might benefit from a mandatory arrest policy; one with high unemployment might explore alternatives along with the arrest option. Whatever course administrators take, they must remain aware of research findings. The best basis upon which to devise policy is to analyze past domestic violence cases: field officers are best served by accurate information. Officers dispatched to domestic violence incidents should know whether they are dealing with chronically violent people: they should respond fully aware of a violent household's history so that they can adjust their behavior accordingly.

The DCJS model order promotes a policy of arrest when the legal elements of the offense are present. Officers are not precluded from making additional decisions concerning the victim or future incidents involving the same people. Law enforcement administrators who wish to learn more about the major domestic violence research projects around the country, or who wish to examine other policy-related materials on the topic should contact the Law Enforcement Section or the Victims Services Section, DCJS.

POLICE/SHERIFF'S DEPARTMENT GENERAL ORDER

SUBJECT: DOMESTIC VIOLENCE

NUMBER: 2-32

EFFECTIVE DATE: June 30, 1993

REVIEW DATE:

AMENDS/SUPERSEDES: GO 2-32, REV. 6/88

CALEA STANDARDS: 41.2, 42.2, 55

APPROVED: _____

Sheriff/Chief of Police

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.

Index Words:

- arrests; in domestic disputes
- dispatcher responsibilities (re domestic violence)
- domestic violence
- interviewing (participants of domestic disputes)
- patrol officer's responsibilities (re domestic violence)
- protective orders
- search of premises
- stalking
- victims; of domestic violence

I. POLICY

The department assigns domestic violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate legal response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) end the conflict, (2) arrest persons when probable cause exists that a crime has occurred, (3) provide safety and security for the crime victim(s), and (4) refer participants to appropriate agencies to help prevent future occurrences.

II. PROCEDURES

A. Definitions

1. "Domestic violence" means: (1) the use, or threatened use, of physical force to inflict physical harm, bodily injury or assault, (2) intimidation, or (3) forceful detention (interference with personal liberty) by one family or household member on another. (See Virginia Code 16.1-228, Spouse Abuse and Child Abuse.)
2. "Intimidation" means: to compel or deter another person or to make fearful through the use of threats, force, and/or menacing annoyances (harassment).

3. "Assault": See Virginia Code 18.2-51. See Also 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which at a third or subsequent conviction within a ten-year period shall be treated as a Class 6 felony).
4. "Family abuse" means any act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against such person's family or household member.
5. "Family or Household Member," per Virginia Code 16.1-228, includes:
 - spouses,
 - former spouses,
 - persons who have a child in common, whether or not they reside in the same home;

 - parents/children,
 - stepparents/stepchildren,
 - grandparents/grandchildren,
 - parents-in-law/children-in-law,
 - siblings,
 - siblings-in-law, who reside in the same home;

 - persons who cohabit (includes same-sex couples),
 - the children of either cohabiting person, who currently reside together or have resided together within the previous 12 months.

Warrants against family/household members are heard by Juvenile and Domestic Relations Court.

6. "Protective order" is a court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, and may order the abuser to refrain from further contact and/or vacate the residence (see Virginia Code 16.1-279.1). Three types of protective orders exist:
 - a. An **emergency** protective order (see Virginia Code 16.1-253.4) may be requested by a law enforcement officer by telephone or in person from a judge or a magistrate. The emergency protective order may be oral or written. It must be put in writing as soon as possible by the officer on form DC-626. This order expires at 5:00 p.m. on the next business day. The officer must serve a copy of this order on the respondent, and give a copy to the abused family/household member. The officer must forward the original to the issuing judge or magistrate for verification, who then files it with the Juvenile and Domestic Relations Court within five days of issuance.
 - b. An abused family/household member may petition for a **preliminary** protective order (see Virginia Code 16.1-253.1) through the Court Services Unit. After an ex parte hearing, the court may issue a preliminary protective order which is good for 15 days. Officers shall issue the order as soon as possible on the abusing person and shall specify a date for the full hearing.
 - c. The court may issue a **permanent** protective order after a preponderance of the evidence pursuant to Section 16.1-279.1 for up to 12 months.

Any person violating a protective order shall be guilty of a Class 1 misdemeanor under Section 16.1-253.2.

7. "Domestic violence shelters/programs" means services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
8. "Stalking" means any person who on more than one occasion engages in conduct with the intent to cause emotional distress to another person by placing that person in fear of death or bodily harm shall be guilty of

a Class 2 misdemeanor (Section 18.2-60.3). A person who violates this section when there is a protective order in effect or for a second time within five years of the first offense will be guilty of a Class 1 misdemeanor. A third conviction within five years of the first one will be a Class 6 felony.

- a. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats.

B. General Responsibilities

1. Department personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs. Referrals help prevent future disturbances.
2. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

C. Dispatcher (communications center) responsibilities

1. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
2. The dispatcher is responsible for deciding whether a police officer is needed at the scene. To make that decision, the dispatcher shall determine the following, if possible:
 - a. Who is complaining?
 - b. Is the crime (incident) in progress?
 - c. Is a weapon involved?
 - d. Have people at the scene been injured? Is an ambulance needed?
 - e. Name of caller and location of incident?

At this point, if evidence of injury or a weapon exists, or someone has threatened violence, dispatch an officer immediately, and an ambulance, if needed. Keep the complainant on the telephone, if possible, and obtain additional information:

 - f. Assailant's whereabouts? If not known, obtain direction of travel and elapsed time.
 - g. Were alcohol or drugs involved?
 - h. A history of calls to this address?
 - i. A history of previous arrests?
 - j. A protective order in effect?

3. Maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. Advise the victim of the intended department response. Use crisis intervention skills. (See Appendix to GO 2-28.)
4. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
5. See Victim Services, GO 2-28, dispatcher responsibilities.

D. Patrol responsibilities

- I. Arrival at scene.
 - a. Obtain all available information from the dispatcher upon arrival.
2. Approaching the scene.
 - a. When possible, officers should arrive in pairs;
 - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers;
 - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away.
 - d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons).
 - e. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.
3. Initial contact with occupant(s).
 - a. Identify selves as police officers by name, give an explanation of the police presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her.
 - b. If entry is refused, officers must explain that they must make sure there are no injured persons inside.
 - c. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.
 - (l) In making the decision to make a forced warrantless entry, officers shall evaluate the following elements: (a) the degree of urgency involved and the time required to get a warrant; (b) the possibility of danger to others, including officers left to guard the site; (c) whether the suspected offense involved violence; and (d) whether officers reasonably believe that persons may be armed.
 - d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent.
 - (l) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
 - e. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: police believe that someone is in distress and in need of assistance).
 - (l) Officers shall evaluate the following elements when considering a warrantless entry:
 - (a) the degree of urgency involved and the time required to get a warrant;

(b) the possibility of danger to others, including police officers left to guard the site; (c) whether the suspected offense is serious or involves violence; (d) whether officers reasonably believe that persons may be armed. Finally, officers are reminded that they have a lawful right to investigate any situation which they might reasonably believe to be an emergency.

- f. Once inside, establish control by:
- (1) Inquiring about the nature of the dispute;
 - (2) Identifying disputants;
 - (3) Being aware of potential weapons in surroundings;
 - (4) Determining if persons are in other rooms, whether children or adults, and the extent of their injuries. These persons should be separated from the parties involved and kept out of hearing range (so their status as possible witnesses won't be compromised).
 - (5) Protecting the victim from further abuse. Separate from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.
 - (6) Ascertaining whether a protective order has been violated. If so, see paragraph 8.b.(2).
4. Transporting family/household members to the hospital, safe shelter, or magistrate. See Virginia Code 16.1-253.2, and GO 2-28, transportation services for victims.
5. Interviewing the parties (disputants)
- a. Ensure safety and privacy by interviewing the victim in a place separate from the assailant, if identifiable.
 - b. Critical to the success of the interview is the police officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals (see appendices to GO 2-28).
 - c. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance along with appropriate facial and head movements demonstrates interest and encourages the victim to continue speaking.
 - d. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.)
 - e. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).
6. Interviewing witnesses
- a. Interview any witnesses to the incident—children, other family members, neighbors—as soon as possible.
 - b. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.

- c. If witnesses provide information about prior assaults, document them to help establish a pattern.
- d. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

7. Issuing an emergency protective order

- a. If an officer has at least a reasonable belief that an assault has been committed or that a probable danger exists of an assault to a family or household member, the officer may petition a judge or magistrate to issue an emergency protective order.
- b. An officer can petition for an emergency protective order by telephone or in person.
- c. The order will be valid until 5:00 p.m. on the next business day. The officer will attempt to serve the order as soon as practicable to the assailant.
- d. The officer must complete form DC-626 and serve a copy to the respondent as soon as possible.
- e. The officer must submit the original order to the issuing judge or magistrate, provide a copy to the victim, and file a copy with the incident report.

8. Decision to arrest

- a. Once officers have assessed the situation, they must make a determination whether or not to arrest the assailant. If so, the arrest will follow the requirements of GO 2-4.
- b. Officers can make an arrest without a warrant if there has been probable cause to believe that a misdemeanor or a felony has been committed (Virginia Code 19.2-81). Further, the department promotes a policy of arrest when the elements of an appropriate offense are present. The probable cause standard for domestic disputes is no different from that standard as applied to other offenses (see GO 2-1, "probable cause and reasonable suspicion.")
 - (1) When the complainant or victim does not want the offender arrested or otherwise communicates a reluctance to prosecute, the officer must decide, within his or her discretion, whether to arrest.
 - (2) In cases where the trespassing conditions of a protective order have been violated (Section 18.2-119), officers shall review the victim's copy of the order, checking it for validity and ensuring that the order grants the complainant sole access to the residence, and that the order was issued in [the local jurisdiction], and signed by the appropriate authority. When these conditions are satisfied, the officer may take enforcement action for trespassing. Officers cannot enforce trespassing if the violator has not been served with the order.
 - (3) In determining probable cause, the officer shall not consider:
 - (a) whether the parties are married or living together;
 - (b) whether the complainant has not sought or obtained a legal restraining order;
 - (c) his or her own preference to reconcile the parties despite the complainant's insistence that an arrest be made;
 - (d) that the complainant has called for police protection previously and has not pursued or withdrawn the criminal complaint against the abuser; or
 - (e) that the complainant has not begun divorce proceedings.

c. Arrest is the most appropriate response when these factors are present:

- (1) serious, intense conflict;
- (2) use of a weapon;
- (3) previous injury or damage;
- (4) previous court appearance against the offending party;
- (5) previous attempt to sever the relationship;
- (6) second call for police;
- (7) when a felony has occurred;
- (8) evidence of drugs or alcohol at the assault;
- (9) offenses committed with the officer present;
- (10) valid warrants on file for other crimes;
- (11) a protective order has been violated. Charge as a Class I misdemeanor under Virginia Code 16.1-253.2.

d. If the abusive person is not arrested:

- (1) complete an incident report;
- (2) inform the victim that he or she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location, and case number, if available;
- (3) advise the victim of the importance of preserving evidence;
- (4) explain to the victim about protective orders and restraining orders and how to obtain them (obtain information from the commonwealth's attorney);
- (5) if the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers;
- (6) give the victim telephone numbers of emergency shelters in the area and the police emergency number;
- (7) assure the victim that the police department will assist in future emergencies but that he or she must become responsible for their own safety.

e. If an arrest is made, advise the victim that the case may be prosecuted even if the victim later declines to press charges.

9. Gathering evidence

- a. Physical evidence takes three forms in domestic violence cases: the injuries of the victim; evidentiary articles that substantiate an attack; and the crime scene itself.
- b. The victim's account of injuries sustained should be corroborated by a physician.

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- c. When feasible, take photographs of injuries.
 - d. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
 - e. Collect evidence according to the same principles as applied to any crime scene (see the appendix to GO 2-14).

10. Documenting the incident

- a. All incident reports on domestic violence shall follow the general reporting procedures, with special attention to the victims services crime report procedure in GO 2-28.
- b. Include in all incidents of domestic violence:
 - (1) facts and circumstances of domestic violence;
 - (2) victim's statements as to the frequency and severity of prior incidents of abuse by the same family member;
 - (3) the victim's statements as to the number of prior calls for police assistance;
 - (4) the disposition of the investigation.
- c. If an arrest is not made, the incident must still be documented, either where no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - (1) what referral information was given;
 - (2) the name of any counselor contacted;
 - (3) why no arrest was made, nor any warrant issued.

Announcement of Training in Domestic Violence for Law Enforcement Officers

Sponsored by Department of Criminal Justice Services

DCJS will be conducting its updated Domestic Violence Victim Assistance Training for Law Enforcement Officers and others who work with domestic violence victims. Two sessions will be offered at each location: one 8 hour curriculum for new trainees on the first day, and one 4 hour curriculum for trainees who previously completed the DCJS victimology curriculum on the second day.

■ **TOPICS OF DISCUSSION:** Dynamics of the battering relationship, practical intervention techniques, mandatory arrest laws, community intervention projects, new legislation, officer and department liability, and current research and developments of domestic violence issues.

■ **CREDIT:** Law enforcement officers will receive DCJS in-service credit and possible teaching certification.

■ **DATES AND LOCATIONS:**

July 14 and 15: VA State Police Academy—Richmond

July 20 and 21: Central Shenandoah Criminal Justice Academy—Waynesboro

July 23 and 24: Northern VA Criminal Justice Academy—Arlington

July 28 and 29: Rappahannock Reg. Criminal Justice Acad.—Fredericksburg

July 30 and 31: Hampton Roads Academy of Justice—Hampton

August 3 and 4: Cardinal Criminal Justice Academy—Salem

August 5 and 6: Southwest Law Enforcement Academy—Richlands

■ **REGISTRATION:** Contact DCJS, 805 E. Broad St., Richmond VA 23219 (804) 786-4000.

Domestic Violence Training Agenda

■ Tentative Timeframes

8:30 AM	Introductions
8:45 AM	Definitions
9:00 AM	Historical Perspective on Domestic Violence
9:20 AM	Break
9:30 AM	Nature and Scope of the Problem
9:50 AM	Historical Role of the Police
10:20 AM	Break
10:30 AM	Personality Traits of Victims and Batterers
11:00 AM	Dynamics of Domestic Violence
11:20 AM	Break
11:30 AM	Dynamics of Domestic Violence
11:50 AM	Theories of Domestic Violence
12:20 PM	Lunch
1:30 PM	Current Practices and Recommendations in Arrest Response
2:20 PM	Break
2:30 PM	Key Legislation for Domestic Violence
3:00 PM	Danger to Police in Domestic Calls
3:20 PM	Break
3:30 PM	Suggested Model for Handling Domestic Calls
4:00 PM	Role Play
4:30 PM	Break
4:40 PM	Concluding Remarks and Evaluation

Training Conducted Using the Revised Domestic Violence Curriculum

<u>Month</u>	<u>Location</u>	<u>Attendance</u>	<u>Hours</u>	<u>Training Hours</u>
July 92	Richmond	11	8	88
July 92	Richmond	10	4	40
July 92	Waynesboro	16	8	128
July 92	Waynesboro	5	4	20
July 92	Arlington	9	8	72
July 92	Arlington	11	4	44
July 92	Fredericksburg	14	8	112
July 92	Fredericksburg	10	4	40
July 92	Hampton	32	8	256
July 92	Hampton	14	4	56
Aug 92	Salem	35	8	280
Aug 92	Salem	4	4	16
Aug 92	Richlands	15	8	120
Aug 92	Richlands	6	4	24
Feb 93	Hampton	36	6	216
Mar 93	Martinsville	19	8	152
Apr 93	Virginia Beach	27	8	216
Apr 93	Richmond	22	3	66
May 93	Melfa	36	8	288
July 93	Salem	40	8	320
July 93	Salem	42	8	336
July 93	Salem	51	8	408
Oct 93	Richmond	21	8	168
TOTAL AS OF DECEMBER 1993		486	149	3,466