

Evidenced-Based Practices for Policing Domestic Violence*

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Abstract

The police response to domestic violence has changed dramatically: from a “hands off approach” to one that mandates an arrest be made. Identifying “what works” in policing domestic violence can be challenging given the often-competing goals of criminal justice system actors and victims of domestic violence. Policies that were once thought to be empirically sound, such as mandatory arrest for domestic violence, have been shown over time to have little deterrent effect and many negative, unintended consequences. Practices that rely on non-traditional policing methods like specialized DV units and second responder programs show some promise at reducing recidivism and increasing victims’ confidence in the system, respectively, while risk assessments may help police better connect victims to social service providers. The future of the police response to domestic violence likely emphasizes the role of community-based interventions over traditional policing strategies.

Keywords: intimate partner violence, family violence, mandatory arrest, lethality assessments

Introduction

Police respond to more incidents of domestic violence (DV) – defined here as violence between current or former intimate partners, family members, and household members – than any other violent offense (Sherman, 1992), so it is not surprising that police responses to these incidents have been extensively studied for decades. The police response to DV has shifted drastically throughout American history. Historically, DV – which was commonly referred to as “wife beating” – was seen as a societally-accepted way for husbands to uphold stability in their households (Siegel, 1996). Despite its widespread criminalization before the end of the 19th century, the criminal justice system largely took a hands-off approach, as highlighted by Hirschel and colleagues’ (1992) characterization that “...spousal abuse has been considered more a problem of public order than a criminal matter” (p. 247). As recently as the late 1960s, informal and formal practices highlighted the resistance of the legal system to respond. For example, officers would often delay their arrival to incidents by driving slowly in hopes that the two parties would work out the issue by the time officers arrived (Black, 1980). Meanwhile, formal guidance from the *International Association of Chiefs of Police* (IACP) (1965) recommended that arrest only be made as a last resort (as cited by Parnas, 1967). Further, officers were restricted from making warrantless arrests for incidents they did not personally witness (Buzawa & Buzawa, 1996), lacked training to properly approach these incidents, and held long-standing negative perceptions about the dangers associated with DV and the system’s ability to properly address these cases (e.g., Gover et al., 2011).

However, a “perfect storm” of events converged and changed the landscape of policing – and studying – domestic violence. In the late 1970s women in Oakland, New York, and Los Angeles brought suit against police departments alleging unequal protection after police had failed to arrest their husbands for abuse (Goodmark, 2017). In 1984, research

from the Minneapolis Domestic Violence Experiment (MDVE) – which found that arrest reduced DV recidivism – was published, leading policy makers to advocate for mandatory arrest policies in domestic violence incidents. In 1985, Tracey Thurman won more than \$2 million in damages in a lawsuit against the City of Torrington, Connecticut after the Torrington Police Department failed to protect her against a series of threats and assaults by her estranged husband, which culminated in a violent attack leaving her with serious, lifelong injuries (Goodmark, 2017). Finally, the passage of the Violence Against Women Act – as part of the Violent Crime Control and Law Enforcement Act of 1994 – sent a clear message that DV must be taken seriously as a matter of criminal law. It provided new legal tools (e.g., affording full faith and credit to protection orders issued anywhere in the United States) and significant federal funds for law enforcement activities related to DV (e.g., for training, implementation of mandatory arrest laws). The convergence of landmark court cases, social science, and policy making significantly changed approaches to policing domestic violence.

Early changes in police responses to DV were primarily concerned with enforcing the law and reducing reoffending, with extensive attention placed on the role of arrest and officer behaviors toward compliance with mandatory arrest laws. More contemporary strategies aim to directly increase victim safety and/or victim satisfaction with police response. This chapter reviews the challenges of identifying evidences-based police responses to DV, briefly discusses five such responses, and concludes with considerations regarding the future of police interventions for DV.

The Challenge

Although the task of identifying “evidence-based police responses to DV” may seem straightforward, the sometimes-divergent goals of the police and larger criminal justice system and victims of domestic violence make it quite complex. Further, the goal(s) of the police response to DV may differ depending on which party – the victim or the perpetrator –

is being prioritized. For example, prior research examining police responses to DV have examined efforts to reduce DV recidivism, reduce DV homicide, increase victim safety, increase victim reporting, and increase victim satisfaction with the system, to name a few. Although some of these goals may overlap (e.g., increasing victim safety and reducing recidivism), the approaches to achieve these goals may also compete with one another. Take for instance the goals of increasing victim satisfaction with police responses to DV (e.g., responsiveness to victim's wishes) and reducing DV recidivism. The practices intended to increase victim satisfaction (e.g., listening to the victim's preference in incident resolution) may be in direct contradiction to the primary way police attempt to reduce DV re-arrest (e.g., through mandatory arrest). Thus, in this chapter we are mindful of the competing goals of different approaches to addressing DV and make note of the specific goal(s) of each response.

Take Away Points

- The history of the criminal justice system's response to DV was characterized by a hands-off approach whereby family violence was considered a "private issue" and the system both formally and informally encouraged its actors (e.g., police) not to intervene.
- Social science research was a major contributor to widespread changes in the police response to DV.
- The police response to DV must be understood within the context of competing goals of police and victims of DV.

Approaches to Programs, Policies, and Practices

Mandatory Arrest

Arrest practices have received the most empirical attention regarding the criminal justice system's response to DV. The Minneapolis Domestic Violence Experiment (MDVE)

– one of the most influential studies in criminology – randomized police response to misdemeanor DV incidents such that incidents were handled via officer mediation, brief separation of the victim and perpetrator, or arrest (Sherman & Berk, 1984). Findings showed that perpetrators who were arrested had lower DV recidivism rates over a 6-month follow-up period (measured by arrest and victim reports) than those who received mediation or separation (Sherman & Berk, 1984). Although Sherman and Berk strongly cautioned against policy changes before additional replication studies, advocates and policy makers were quick to call for reforms and mandatory arrest laws were enacted across multiple states in the years following the MDVE (Goodmark, 2107; Sherman, 1992).

In the early 1990s, the National Institute of Justice supported a series of studies similar to the MDVE examining the impact of arrest on DV reoffending, collectively known as the Spousal Assault Replication Program (SARP; Buzawa & Buzawa, 1996; Sherman, 1992). Results from the SARP were inconsistent: in Colorado Springs and Miami arrest proved to be a significant deterrent to reoffending, while in Charlotte, Milwaukee, and Omaha arrest was not significantly related to reductions in reoffending (Sherman, 1992). Findings also suggested that the deterrent impact of arrest was strongly tied to employment (Sherman, 1992). Further, when the data across the SARP studies were pooled, arrest for the initial offense was not significantly associated with rearrest; however, it was associated with a significant decrease in victim-partner reports of repeat domestic violence (Maxwell, Garner, & Fagan, 2002). Taken together, Exum and colleagues (2018) summarize the evidence as follows: “MDVE found that arrest worked best, SARP found that arrest works sometimes, and a synthesis of SARP results found that arrest did not work at all – at least when using official measures of recidivism” (p. 1000).

Although proponents of mandatory arrest policies argue that symbolically they send the message that DV will not be tolerated (Goodmark, 2017), and substantively, they may

have some deterrent effect on at least some individuals (e.g., those with stakes in conformity through employment; Berk et al., 1992; Pate & Hamilton, 1992), other research suggests that mandatory arrest policies may *increase* arrests for repeat DV (see Sherman, 1992 for an overview). Studies have also shown that mandatory arrest policies are associated with an increase in victim arrests for defensive violence and dual arrests (e.g., in cases where the officer does not or cannot decide who is the perpetrator of the violence) (see Goodmark, 2017). In addition, mandatory arrest policies have been criticized for taking away victims' agency and decision-making and mimicking coercive behaviors of abusive partners (see Hoyle & Sanders, 2000). As a result, mandatory arrest policies may deter victims of abuse from calling law enforcement for future violence. Finally, there is no evidence that mandatory arrest policies lead to higher *conviction* rates for DV (see Goodmark, 2017), and there is some evidence that mandatory arrest may lead to higher rates of DV homicide (see Ivengar, 2009; Sherman & Harris, 2013).

Take Away Points:

- Mandatory arrest policies for DV are commonly used across the country but are not consistently found to be related to reduced recidivism.
- One-size-fits-all mandatory arrest policies may have unintended consequences relating to increased recidivism, arrest of victims, removal of victims' agency, reduction in victims' trust in the system, and even increased risk of DV homicide.

Specialized Domestic Violence Units

Given the inconsistent evidence regarding mandatory arrest policies, police departments have adopted additional strategies to respond to DV. Since the early 2000s, many police agencies have implemented specialized domestic violence units (Reaves & Hickman, 2004; Townsend et al., 2005) which are staffed by officers with dedicated time and resources to follow-up with victims, investigate cases, and establish relationships with other

criminal justice agencies and victim service providers. Rigorous research on the impact of DV units is scarce; however, the few available studies suggest these units reduce recidivism. For example, Farrell and Buckley (1999) examined the yearly number of repeat calls for service for DV before and after the implementation of a DV unit in one of seven police divisions. Findings showed that the DV unit division saw a decline in annual repeat calls, while the other six units saw an increase in repeat calls, suggesting that the specialized unit had a positive impact on offender recidivism for DV. However, further analysis showed that this deterrent effect was limited to offenders with fewer than eight prior DV arrests. More recently, Exum and colleagues (2014) examined nearly 900 misdemeanor DV cases in Charlotte, North Carolina and found that after controlling for a host of offender and case characteristics, cases processed by Charlotte's specialized DV unit had lower rates of rearrest at 18- and 30-month follow ups than cases processed by standard patrol officers (Exum et al., 2014).

Second Responder Programs

In addition to specialized DV units within police departments, second responder programs combine police officers and social service providers (e.g., victims advocates) who work together to address a DV incident. The exact approach may vary by jurisdiction, but second responder programs generally involve officers and providers responding to the scene of a DV incident or following up with the victim (and in some cases, perpetrator) at a set time after the incident. In a meta-analysis of 10 second responder programs involving in-person follow-ups, Davis and colleagues (2008) found that although these programs did not impact the likelihood of the DV recidivism, they did appear to increase victims' reports to police about future abuse when compared to a traditional officer-only response. Thus, Davis et al. (2008) concluded that second responder models may increase victims' confidence in the system. More recent research shows that victims who receive second-responder interventions

call the police sooner and more often during 6- or 12- month follow-up periods compared to randomly assigned or matched controls (Davis et al., 2010; Stover et al., 2010).

The results of second responder programs underscore the dilemma of competing goals related to the police response to DV: evaluations of these programs do not suggest that they reduce recidivism, but they do appear to impact victims' confidence in using the system (Davis et al., 2008). Thus, the goals of fewer DV incidences and increased confidence in the system's response to DV are not necessarily both achieved by a given approach. As Davis and colleagues (2008) write: "Policy makers will have to decide whether the small gain in willingness to call the police is worth the cost of these programs."

Although second responder programs have typically focused on the safety of victims of DV, Davis et al. (2008) note that some programs do include perpetrators of the incident, mainly by warning them of additional sanctions if their behaviors continue. Arguing that such a deterrence-focused approach is not particularly effective, Scott et al. (2015) explored the impact of a perpetrator-focused second responder program that combines police and DV intervention treatment providers in a risk-needs-responsivity, therapy-based model. In this program, men who were charged with DV and considered a moderate-to-high risk to re-offend were quickly identified and recruited to voluntarily participate in an intervention program. Results showed decreased recidivism (both domestic and otherwise) and police involvement at 1- and 2-year follow-ups compared to men who did not participate in the second responder intervention. Although replication studies are needed, Scott et al. (2015) suggest that perpetrator-focused second responder programs could be a beneficial approach in addressing DV recidivism.

Take Away Points

- The introduction of a victim advocate/social service provider into the police response to DV may mitigate long-standing concerns by victims that they will not be believed or that their concerns will not be taken seriously.
- Evidence suggests that coordination of police and social service providers increases victim confidence or trust in the system to call in the future but does not decrease recidivism.
- Perpetrator-focused second responder programs for medium and/or high-risk offenders show some promise for reducing DV recidivism.

Risk Assessments

Given the increased demand for police services for DV, police departments have also adopted strategies to identify the most high-risk cases to better direct finite resources, prevent an escalation of violence, or intervene prior to lethal DV. One of the most used DV risk assessments in the policing context is the Lethality Assessment Program (LAP) which aims to help law enforcement and other first responders identify victims of DV who are at the greatest risk for re-assault or lethality and connect them to victim service providers by phone at the time of a DV assault (Maryland Network Against Domestic Violence, n.d.).

Specifically, law enforcement officers administer the Lethality Screen (i.e., an 11-item version of the Danger Assessment) with victims, and victims who endorse high-risk items or a series of items are connected via phone to a victim service provider who can assist with immediate safety planning and encourage victims to engage in follow-up services. Limited research on the impact of the LAP has been conducted. However, one quasi-experimental study demonstrated that victims who received the LAP were more likely to report having engaged in self-protective measures such as establishing a code with family/friends, applying for a protective order, or going somewhere her partner could not find her compared to victims who received a card with advocacy resources (Messing et al., 2015). Additional research on

the LAP cautions that officer training is paramount, so that victims understand the limitations of the screen and do not consider failure to be designated as “high-risk” on the LAP as an indication that they are not in danger (Richards et al., 2019).

More generally, in Roehl et al.’s (2005) prospective study of the predictive validity of four instruments: the Danger Assessment (Campbell, 1986, 1995; Campbell et al., 2003), DV-MOSAIC (De Becker et al., 2000), the Domestic Violence Screening Instrument (Williams & Houghton, 2004), and the Kingston Screening Instrument for Domestic Violence (Gelles, 1998), findings showed the assessments were better than chance, but there was a high number of both false positives and false negatives across instruments. The most predictive instrument, the Danger Assessment, performed only slightly better than victims’ own predictions of their likelihood of abuse. Further, research shows that officers tend to focus on a “small constellation of risk factors” (e.g., physical violence or the threat of violence, weapons, escalation in incidents) that they view as especially important in determining their response irrespective of these formal tools, (Robinson et al., 2018; Trujillo & Ross, 2008). Further, police may simply not have time to complete a risk assessment in a crisis. Taken together, it may benefit police response to DV to provide consistent training to police on the most predictive risk factors for severe or lethal DV – strangulation, access to a firearm, previous threats to kill the victim (Campbell et al., 2003) – and encourage officers to consider victim’s own self-assessments in making decisions in the field. More formal risk assessments can then be administered by victim service providers later when the victim is not in crisis.

Take Away Points:

- Many police departments are using risk assessments to identify victims who are most at risk of severe DV or lethal violence.

- Evidence suggests that risk assessments may only be slightly more predictive than the victim’s own perceptions about the likelihood of re-abuse.
- Implementations of risk assessments must include officer training on the limitations of these tools and victim’s accounts should also be considered – particularly if they predict higher danger than the assessment.

Conclusion

Any discussion of evidence-based policing practices for responding to DV requires a deep dive into the various – and sometimes competing – goals of this response. Despite the extent of research that has been conducted on the topic, the evidence concerning the efficacy of system responses to DV is decidedly mixed, complex, and controversial. Recall that throughout much of American history, criminal justice system actors did not actively address DV (e.g., through policing, the courts), and it was not until abused women themselves *demand*ed action that the criminal justice system began taking DV seriously. However, after decades of criminal justice reform and investment in policing and legislative practices regarding DV, some victims and victim advocacy groups have reconsidered these demands. Recent arguments suggest that in many situations, the system is simply ill-equipped to appropriately respond to DV (Goodmark, 2018) and in some cases – particularly for victims of color – police responses may make families less safe and/or secure. Likewise, scholars argue that community-based forms of justice should be prioritized at least equally with a criminal justice response in order to give victims a choice regarding interventions (Goodmark, 2018).

In many ways, these concerns mirror those of the broader “Defund the Police” movement that proliferated after the murder of George Floyd in Minneapolis in May of 2020. That is, evidence in support of commonly used tactics is mixed at best, and questions remain about whether such tactics do more harm than good in some communities or for certain

victims. Looking ahead, agencies must partner with subject matter experts and researchers who can help evaluate the impact of police approaches to DV. For their part, researchers must help design studies capable of measuring both successes *and* harms, so that communities and their elected officials can better understand the tradeoffs and decide whether costs are justified (Davis et al., 2008) or alternative programs would offer a better return on investment.

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