

HIGHLIGHTS FROM FULL REPORT

Responses from the Field

Sexual Assault, Domestic Violence, and Policing



The City University of New York

CUNY SCHOOL OF LAW

Law in the Service of Human Needs

UNIVERSITY OF MIAMI
SCHOOL of LAW



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Advocates, service providers, attorneys, and people working in membership-based organizations were invited to share stories and recommendations regarding policing and domestic violence and sexual assault in response to a nationwide survey open for a one-month period in April to May 2015. More than 900 people responded. Responses reflected the themes described in the pages that follow.



For the full report, visit:

www.aclu.org/responsesfromthefield

Authored by: Donna Coker, Professor of Law at the University of Miami School of Law; Sandra Park, Senior Staff Attorney at the American Civil Liberties Union; Julie Goldscheid, Professor of Law at the CUNY School of Law; Tara Neal, former University of Miami School of Law Human Rights Fellow; and Valerie Halstead, University of Miami School of Nursing Ph.D. student.



American Civil Liberties Union
125 Broad Street
New York, NY 10004
www.aclu.org

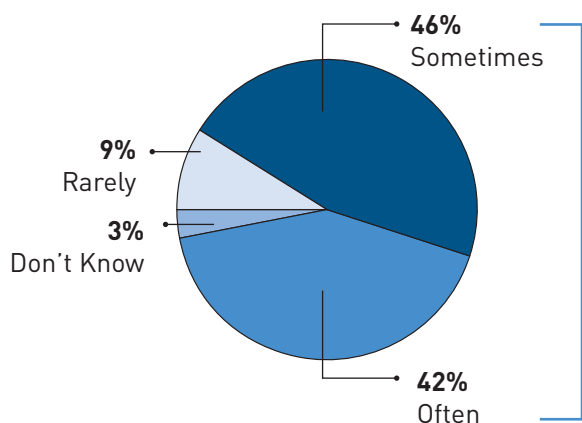
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Concerns Regarding Policing and Domestic Violence and Sexual Assault

We identified several key issues that advocates, service providers, attorneys, and others named as central concerns regarding how police respond to domestic and sexual violence and additional reasons that some survivors do not contact the police or cooperate with criminal interventions.

Police inaction, hostility, and dismissiveness

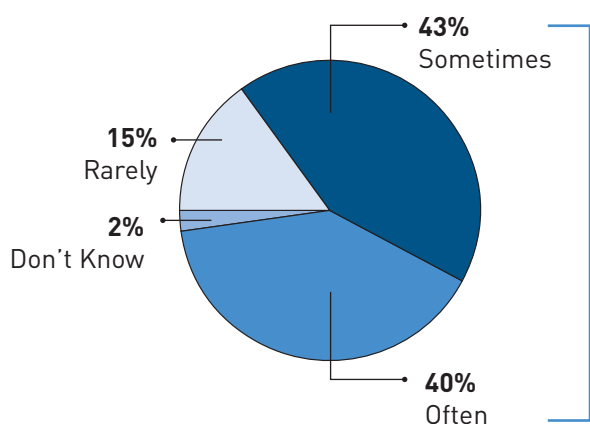
Police Don't Believe the Victims or Blame the Victims for the Violence



88%

An overwhelming majority of the respondents (88%) reported that police “sometimes” or “often” do not believe victims or blamed victims for the violence.

Police Do Not Take Allegations of Sexual Assault/Domestic Violence Seriously



83%

A similarly large majority (83%) reported that police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously.

Respondents described examples where law enforcement increased the risk of a batterer's retaliation by, for example, taking no action or by dismissing the claims.

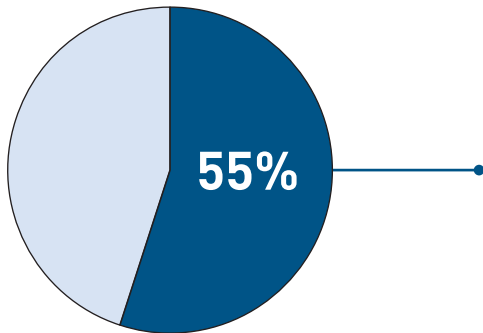
- “ *The majority of my clients who need law enforcement assistance will call once, but not twice. Their first experience usually turns them off to the police as a form of help. Clients have reported insensitive comments ranging from ‘didn’t you think this was going to happen?’ to ‘what did you do to make him so mad?’, but more commonly they tell me that they call the police to report violations of restraining orders and are told ‘there is nothing we can do’ or ‘you’ll have to go to court and tell the judge.’* ”

- “ *When I train cadets at the police academy, many cadets make statements about how women lie about being sexually assaulted and how women should not drink so as to avoid sexual assault. Police officers make similar statements, and on specific cases complain that a victim was not sexually assaulted but had ‘regretful’ consensual sex and is now claiming it was rape.* ”

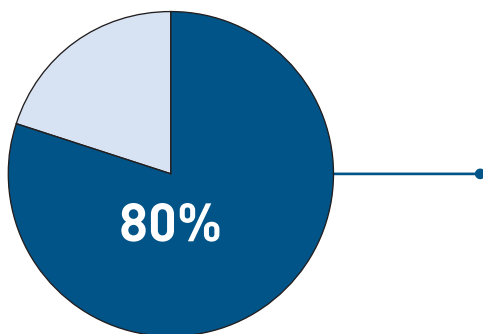
- “ *The police show up and threaten to arrest both parties. I had a client just last week who was threatened with this and she has minor children. They told her the children would go to foster care.* ”

- “ *Clients often do not call the police because they have had experiences in the past (either directly or through friends/family members) in which they have received a negative response from the police – in which the incident is minimized, the client is blamed, or the police simply take no action. Calling the police and not receiving assistance is worse than not calling the police at all as it can serve to embolden and enrage the abuser.* ”

Police bias against marginalized communities affects response to domestic violence & sexual assault



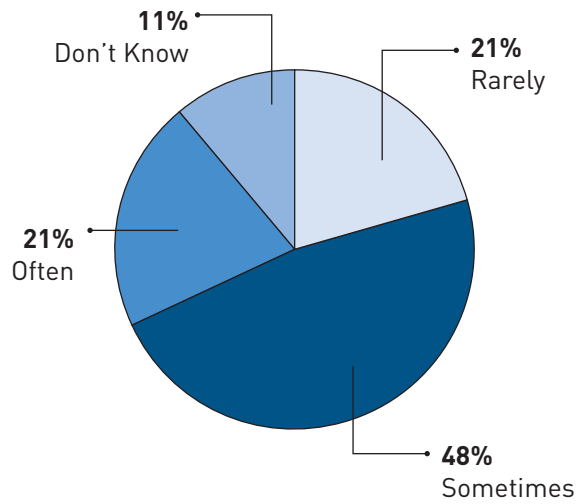
A majority (55%) of respondents said that police bias or discrimination against particular groups or with regard to domestic violence/sexual assault claims was a problem in their community.



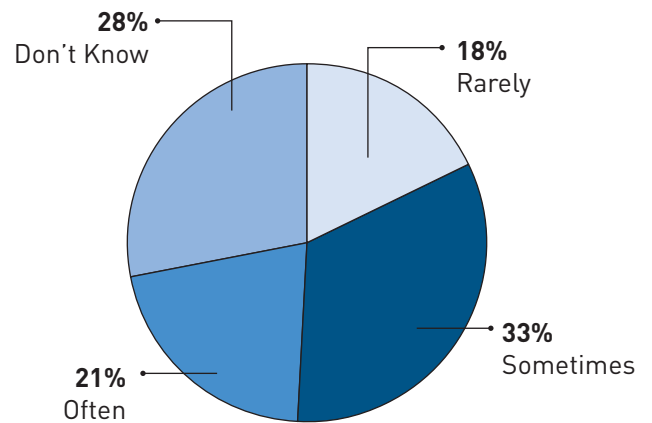
Over 80% believed that police relations with marginalized communities influenced their clients'/members' willingness to call the police.

A significant number of respondents raised concerns about police bias against women as a group, as well as gender/race/ethnicity/religious bias against African-American women, Latinas, Native American women, Muslim women, and women of other ethnic backgrounds. They also identified police bias against those who are lesbian, gay, or transgender as a problem. A number of respondents noted police bias against poor people, immigrants and non-English speaking persons, youth survivors, and survivors with mental health or substance abuse problems.

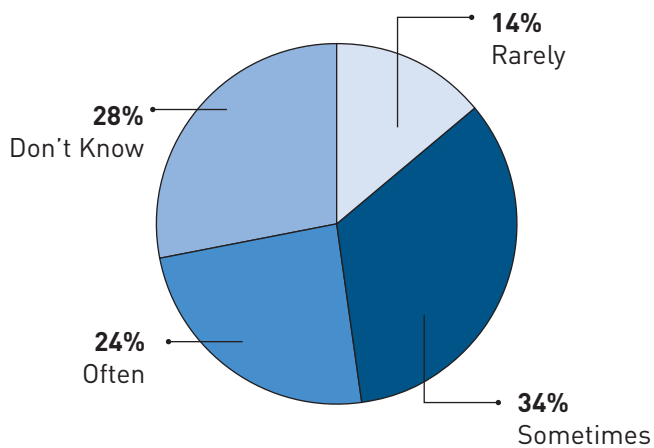
Police Are Biased Against Women



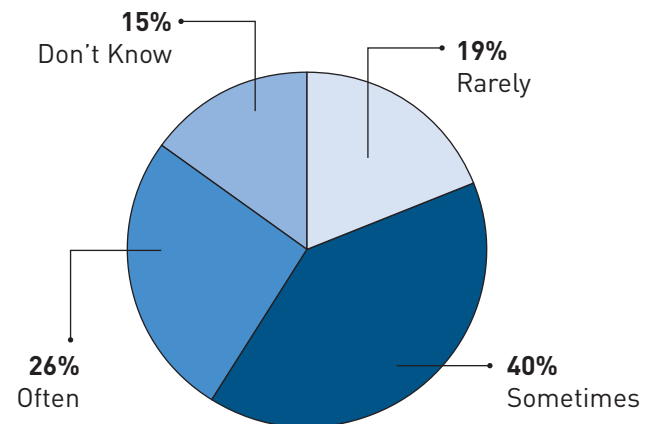
Police Are Biased Against Immigrants



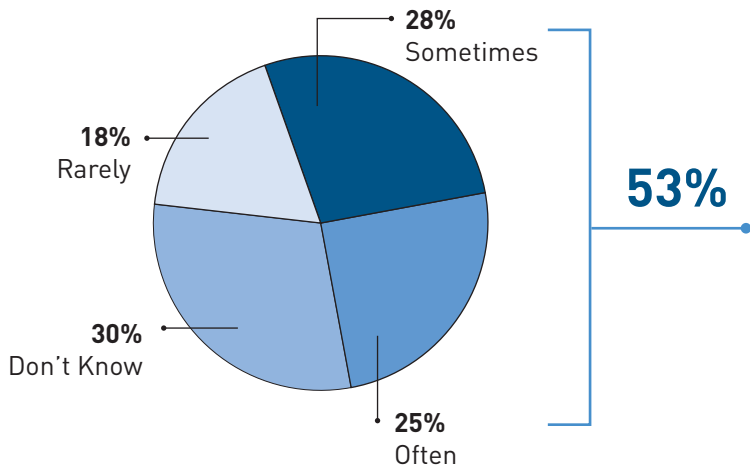
Police Are Biased Against Lesbian, Gay, Bisexual, or Transgendered Persons



Police Are Biased Against Poor People



“ My African-American clients seem to be treated worse by police. Police are more likely to suspect them of contributing to the violence or in some other way being at fault for what has happened. They also seem to take claims of black victims less seriously. ”

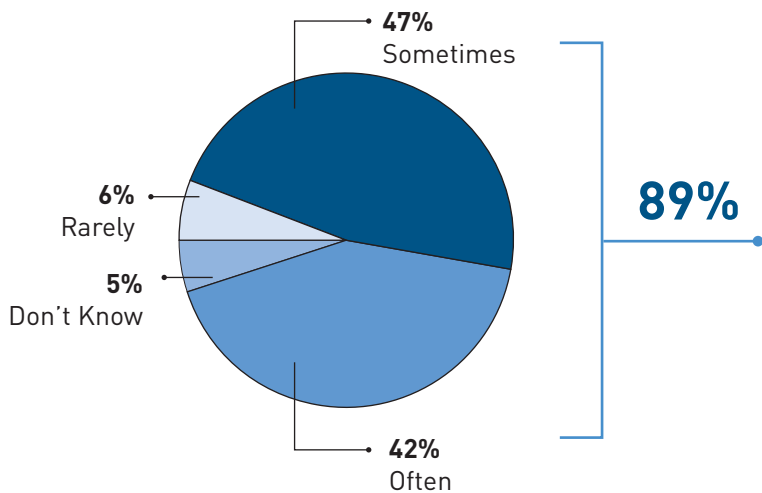


Many noted the failure of police to use interpreters or appropriate interpreters. Fifty-three percent of respondents reported that the failure of police to request a language or sign interpreter was “sometimes” (28%) or “often” (25%) a problem.

“ We have members who have called the police for help in cases of domestic violence and when they arrive the police ask the perpetrator what has happened (because his command of English is stronger) and as a result our members are arrested instead of their perpetrators. ”

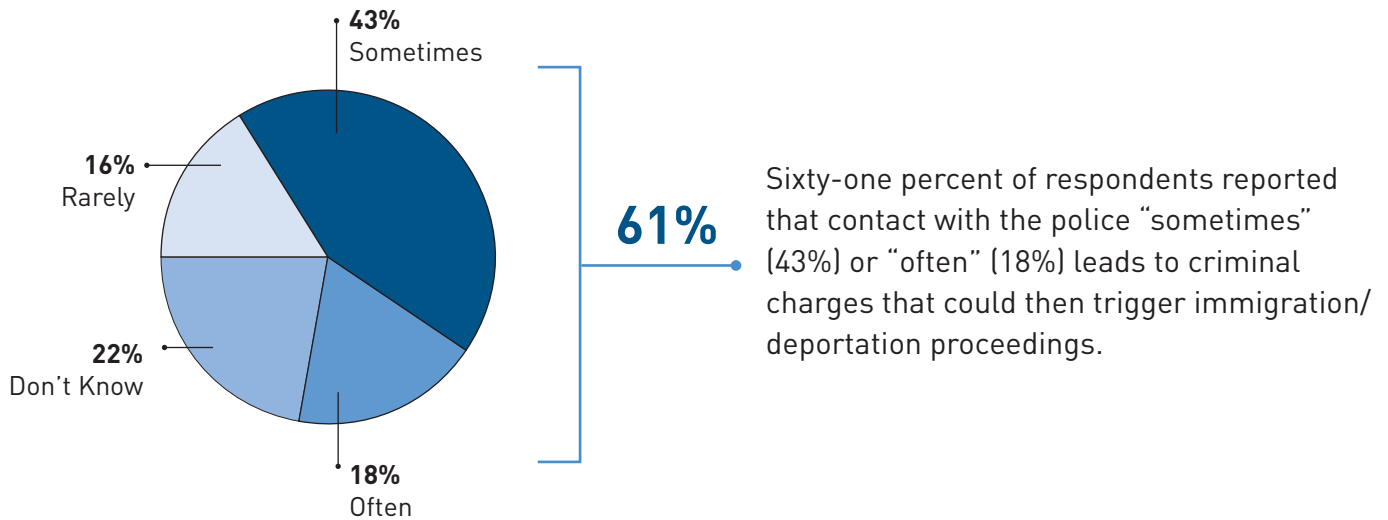
Survivors are concerned that police involvement will trigger collateral consequences

A substantial majority of respondents reported that survivors frequently told them they were afraid that if they reported domestic or sexual violence to law enforcement, the state would remove their children.

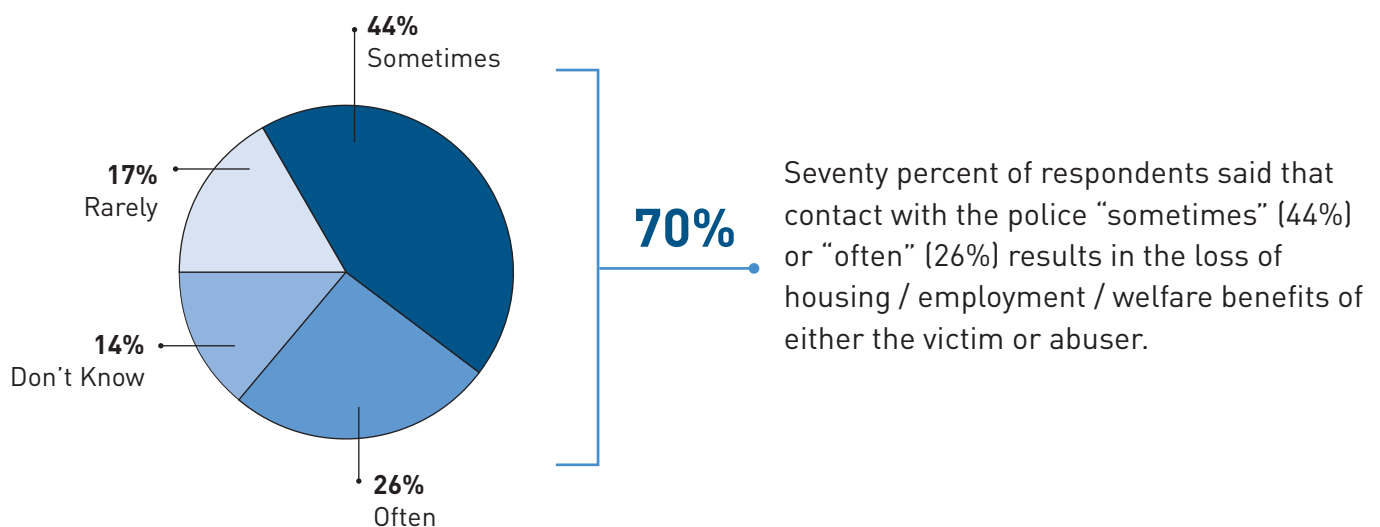


Eighty-nine percent reported that contact with the police resulted in involvement with child protective services “sometimes” (47%) or “often” (42%).

Respondents gave examples of other negative collateral consequences that may ensue from involvement with the criminal justice system.



Many reported that they did not want their partners to be arrested because they relied on their income for support for themselves and their children. A large majority reported that contact with the police could “sometimes” or “often” result in the loss of housing, employment, or welfare benefits for either the victim or the abuser. Some also observed that victims themselves could face arrest when reaching out to police, particularly if they had a criminal record.



- “ Often times if our client calls police a CPS report will be done then the victim of the DV will be investigated for ‘failure to protect’ the children and can have her children taken away because her partner has been abusive. ”
- “ I have worked with many women that are Hispanic that don’t report due to the fact they fear deportation or they have never worked or don’t have paperwork to be able to work, so they rely solely on the partner for financial security. ”
- “ Many clients do not want to get the police involved because of the impact that it may have on their partner’s employment/security clearance which can in turn affect the family’s income. ”

Survivors’ goals do not align with those of the criminal justice system or how it operates

A number of responses point to survivors’ beliefs that their interests and goals are at odds with those of the criminal justice system or that the process would have deleterious effects on their wellbeing. Three themes emerged in responses of this kind:

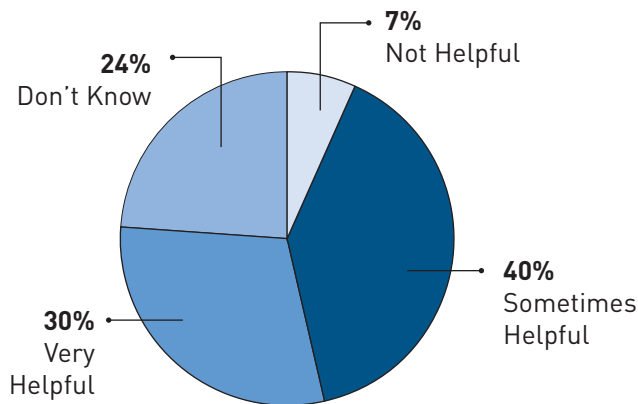
1. Survivors were looking for options other than punishment for the abuser, options that were not necessarily focused on separation from the abuser;
2. Survivors feared that once they were involved in the criminal justice system, they would lose control of the process; and
3. Survivors were reluctant to engage the system because they believed that it was complicated, lengthy, and trauma-inducing.

- “ *If the criminal justice system is engaged, the client loses control of the outcome. In essence, power is shifted from the abuser to the state. Not all clients want to leave their DV partner, but [they] want them to change.* ”
- “ *Many times victims do not call the police because they have in the past and do not want their spouse, partner, live-in, etc. to be arrested, they just want out of a terrible situation.* ”
- “ *The burden (time, energy, sometimes money) involved in initiating a police investigation and following it through, or in fact, seeking any aid from the legal system, can be too high to seem worth it to people who are operating in crisis mode. They can't make court dates, they don't have time to meet with officers, the paperwork is frustrating—not because they're lazy, but because they're working people getting by on minimum wage. They don't have the energy to deal with the day-to-day of life, plus having experienced sexual or domestic violence, plus push through legal proceedings, even if those proceedings would help them....* ”

Views on Existing Mechanisms

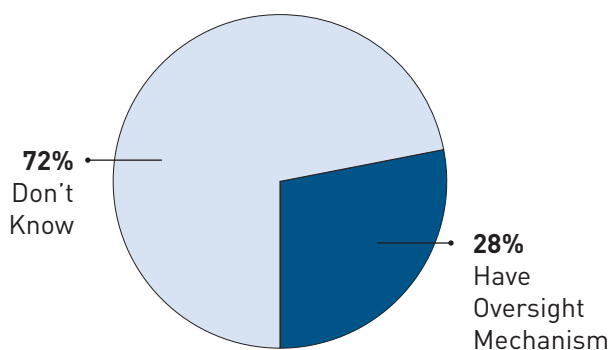
Respondents were asked a series of questions about current mechanisms in their communities aimed at improving law enforcement responses to domestic violence and sexual assault and the efficacy of these mechanisms.

Are regular meetings with police helpful in improving police response?



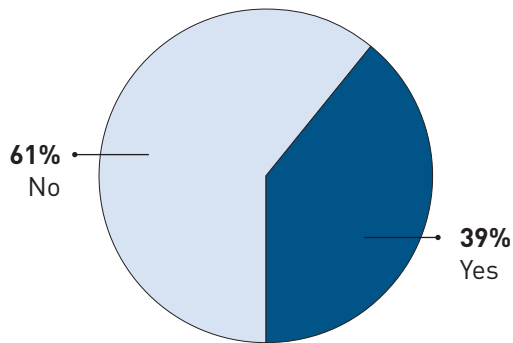
Most respondents reported regular community meetings between service providers, police, prosecutors, and others and that such meetings were either “sometimes helpful” (40%) or “very helpful” (30%).

Does your community have any of the following police oversight mechanisms?



When asked if their community had one of a number of oversight mechanisms—such as a Civilian Complaint Review Board, police review board, independent police auditor, police ombudsman, or other—72% responded “don’t know.”

Aware that DOJ can investigate gender-biased policing?



The majority of respondents (61%) were not aware of the Department of Justice's (DOJ) ability to investigate gender-biased policing.

Helpful projects and new initiatives

Respondents described the following helpful projects in their community:

- Coordination of law enforcement, advocates, and service providers to address individual cases;
- Development of multi-disciplinary response teams that coordinate efforts from multiple governmental agencies; and
- Development of task forces, coalitions, or partnerships with law enforcement to explore solutions to systemic issues with police response.

Recommendations for Improving How Police Respond to Sexual Assault and Domestic Violence

Respondents were asked to give recommendations for improving how law enforcement responds. The following themes emerged.

Police training, supervision, and hiring

Respondents recommended that police departments hire more women and people of color. Many respondents recommended training for police that was mandatory, recurrent, and focused on education about trauma, cultural sensitivity, bias, and interviewing. Respondents emphasized that training needed to occur at all levels of the police force and be adequately funded. They also emphasized the importance of department leadership in holding their subordinates accountable for their handling of domestic violence and sexual assault cases.

Changes in police culture, policy, and practice

Respondents recommended changes in police culture, policy and practice that were more victim-centered. Many respondents suggested that domestic violence and sexual assault cases be given priority. Many recommended a shift in police practice to promote believing survivors and ending victim-blaming. Respondents also suggested that officers do more to inform survivors about the criminal process and available services.

Partnering with community resources and collaborative approaches

Respondents recommended that police develop closer partnerships with advocates to improve their knowledge of community resources for survivors, to better understand survivors, and to improve law enforcement response. They also supported more funding for advocates' work with survivors and law enforcement.

Strengthen police accountability

Respondents recommended that police be held accountable when they fail to follow protocol or engage in misconduct. Many respondents said that top leadership was critical to ensuring this accountability. Other respondents suggested periodic review of police response by community or other external review boards.

Next Steps for Study and Reform

In light of the survey results, the authors suggest a number of next steps for study and reform.

Strengthen Police Accountability

- The federal government should provide guidance to law enforcement agencies regarding responding to domestic and sexual violence and the applicable civil rights framework.
- Federal, state and local governments should expand efforts to provide oversight into how departments respond to violence and sexual assault and should engage in a broad awareness campaign to let advocates know of their efforts.
- Advocates for survivors should investigate the efficacy of working with independent mechanisms of police oversight.

Address Police Bias

Police trainings and oversight must recognize and address the intersectional nature of bias that survivors experience, including bias based on gender, race, sexual orientation, gender identity, immigration status, socio-economic status, and disability. Police bias against survivors who are low-income or younger, or who have substance addiction, merits special attention.

Address Collateral Consequences

Policymakers should consider the impact of the following policies on survivors and the likelihood that such policies will increase the incidence of and the vulnerability to domestic and sexual violence:

- Child Welfare Policies;
- Immigration Policies; and
- Policies Affecting Economic Security, Including Housing, Employment, and Welfare.

Policy reforms should address the importance of economic security to the prevention of and response to intimate partner violence.

Additional Research

This survey represents a preliminary effort to collect information from the field and was done with limited resources. The authors call on federal, state, and local governments and other funders to support multi-lingual comprehensive research on police response to domestic violence and sexual assault and the collateral consequences of criminal justice involvement.

Research should:

1. investigate the impact of collateral consequences of involvement with the criminal justice system on the safety and well-being of survivors, including the impact of immigration policies, child protection policies, family courts, and economic policies;
2. investigate the question of police bias from an intersectional perspective;
3. examine ways in which larger criminal justice strategies impact survivors;
4. examine the impact of concentrated incarceration in poor communities on rates of domestic violence and sexual assault and survivors' ability to respond and seek assistance;
5. investigate the degree to which police officers perpetrate intimate partner violence, sexual assault, and sexual harassment, particularly with regard to vulnerable women including sex workers, youth, and those under the supervision of the criminal justice system; and
6. investigate the efficacy of programs that offer alternatives to prosecution, including restorative justice and transformative justice responses.