

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



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Summary	1
Purpose of the Study	5
Prior Research	6
Study	10
I. Data Collection and Analyses	10
II. Responses from the Field	10
Background Information on Survey Respondents	10
Concerns Regarding Policing, Domestic Violence, and Sexual Assault	11
1. Police Inaction, Hostility, and Bias.....	12
Police inaction, hostility, or dismissiveness towards survivors of domestic violence and sexual assault	12
Police bias experienced by survivors due to gender, race, immigration status, socio-economic status, sexual orientation, gender identity, and other identity characteristics	17
2. Collateral Consequences of Police Involvement: Child Welfare; Immigration; Economic; Punitive Measures Against the Survivor	24
3. Survivors' Goals Do Not Align with Those of the Criminal Justice System or How It Operates.....	29
Views on Existing Mechanisms	32
1. Awareness of Oversight Mechanisms.....	32
2. Helpful Projects and New Initiatives.....	33
Recommendations for Improving Law Enforcement Responses to Domestic Violence and Sexual Assault.....	35
1. Police Training, Supervision, and Hiring	35
2. Changes in Police Culture, Policy, and Practice.....	37
3. Partnering with Community Organizations and Collaborative Approaches....	38
4. Strengthen Police Accountability.....	39
III. Next Steps for Study and Reform	40
Acknowledgments	43
Appendix	44
Endnotes	47

SUMMARY

Advocates, service providers, attorneys, and people working in membership-based organizations shared stories, concerns and recommendations regarding policing and domestic violence and sexual assault, in response to a nationwide survey conducted over a one-month period in April and May 2015. More than 900 people responded. Responses reflected the themes described below.

Concerns Regarding Policing, Domestic Violence, and Sexual Assault

Respondents named the following central concerns regarding how police respond to domestic violence and sexual assault and additional reasons that some survivors do not contact the police or cooperate with criminal interventions:

- ***Police inaction, hostility, and dismissiveness*** – An overwhelming majority of the survey respondents (88%) reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence. 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.
- ***Police bias*** – A majority (55%) of respondents said that police bias against particular groups of people or with regard to domestic violence and sexual assault was a problem in their community. Over 80% believed that police-community relations with marginalized communities influenced survivors’ 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/religion bias against African-American women, Latinas, Native American women, Muslim women, and women of other ethnic backgrounds. Fifty-four percent (54%) reported that police are biased against immigrants “sometimes” or “often”; sixty-nine percent (69%) reported bias “sometimes” or “often” against women; fifty-eight (58%) reported bias “sometimes” or “often” against LGBTQ-identified individuals; and sixty-six (66%) reported bias sometimes or often against poor people. Significant numbers of respondents also reported police bias against African-Americans, Native Americans, youth survivors, and survivors with mental health or drug abuse problems.

- ***Collateral consequences*** – Eighty-nine percent (89%) 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. Sixty-one percent (61%) of respondents reported that contact with the police “sometimes” (43%) or “often” (18%) leads to criminal charges that could then

trigger immigration/deportation proceedings. 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. Seventy percent (70%) reported that contact with the police “sometimes” or “often” results in the loss of housing, employment, or welfare benefits for either the victim or the abuser. Some also observed that survivors themselves face arrest when reaching out to police, particularly if they have a criminal record.

- ***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 criminal 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 would cause them to suffer more trauma.

Views on Existing Mechanisms

Respondents’ observations about current mechanisms in their communities aimed at improving law enforcement responses to domestic violence and sexual assault included the following:

- ***Awareness of oversight mechanisms*** - Sixty-three percent (63%) said that regular meetings between service providers, police, prosecutors, and others occurred in their community. A significant number said these meetings were “somewhat helpful” (40%) or “very helpful” (30%). Respondents were far less aware of the independent oversight mechanisms that exist in many communities. 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.” Similarly, 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, primary aggressor, 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 and giving priority to domestic violence and sexual assault.
- ***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 attitudes 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*** - Strategies and mechanisms for greater oversight of law enforcement are needed to hold departments accountable for biased responses to survivors.

- 1) The federal government should provide guidance to law enforcement agencies regarding responding to domestic and sexual violence and the applicable civil rights framework.
 - 2) 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.
 - 3) Advocates for survivors should investigate the efficacy of working with *independent* mechanisms of police oversight.
- ***Address Police Bias*** – Police oversight and training 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 poor people and the intersection with racial and ethnic bias merits special attention. The same is true for police bias against youth and disfavored groups of survivors, including sex workers and those with a substance addiction.
 - ***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:
 - 1) Child welfare policies;
 - 2) Immigration policies; and
 - 3) 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 policing and 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 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 provide an alternative to criminal prosecution, including restorative justice and transformative justice programs.

PURPOSE OF THE STUDY

In September 2014, Vice President Joe Biden marked the 20th anniversary of the Violence against Women Act (VAWA). While celebrating VAWA's successes, the Vice President noted that challenges still exist in addressing and preventing domestic violence and sexual assault. The White House released "1 is 2 Many, Twenty Years Fighting Violence Against Women and Girls," a report stating that rates of violence remain high, young women are at an increased risk, sex bias continues to exist within the criminal justice system, and violence against women and girls results in serious health and social costs.¹ The report called for a renewed national effort to prevent domestic violence, end sex stereotyping in rape trials, and address systemic sex bias throughout the system.

When the original VAWA was enacted in 1994, domestic violence and sexual assault were treated by many as private matters, or seen as "natural violence" outside the scope of the law.² These forms of gender-based violence were prevalent and disproportionately targeted women.³ Gender bias against survivors was evident in the response of the criminal justice system.⁴ In 1991, then Senator Joe Biden noted that "it [was] still easier to convict a car thief than a rapist [and] authorities [were] more likely to arrest a man for parking tickets than for beating his wife."⁵ At the time, reports showed that one factor that led to startlingly low numbers of rape arrests and prosecutions was the tendency for police to distrust the victim.⁶ Relatedly, Congress heard evidence that the main reason survivors of sexual assault refused to report their attackers to the police was because of their lack of confidence in the criminal justice system.⁷ In addition, a number of advocates were concerned with the ways in which police bias on the basis of race, ethnicity, and other identity categories intersected with sex bias resulting in multiple forms of discrimination.⁸

VAWA provided substantial funding for law enforcement training, specialized police units, and other criminal justice program development, and VAWA provisions encouraged states to adopt pro-arrest and pro-prosecution policies.⁹ Subsequent re-authorizations of VAWA have provided additional financial support for law enforcement

response to “under-served” populations, Native American tribes, and others who experience structural inequalities and may be affected by police bias.¹⁰

The 20th anniversary of VAWA provides a unique opportunity to reflect on how law enforcement responds to domestic violence and sexual assault. This inquiry is particularly timely given both the historic concern with law enforcement’s failure to respond to domestic violence and sexual assault and the growing public attention to mass incarceration, its multiple and racially disproportionate impacts, and racial bias in policing. A small team of lawyers, professors and students from the American Civil Liberties Union (ACLU), City University of New York School of Law (CUNY), and the University of Miami, with the assistance of the American Bar Association (ABA), came together to capture stories from advocates, service providers, and others who work with survivors. From the outset, the team sought to collect narratives and examples from the field regarding experiences of survivors and their families with police. The team also sought to understand whether gender bias and bias based on other and intersecting grounds, such as race, class, and immigration status, affected survivors’ relationship with law enforcement. The team sought to collect narratives across a range of experiences that would help inform government officials, advocates, service providers, and others in developing and implementing future policy.

PRIOR RESEARCH

Researchers previously have studied the prevalence of sexual assault and domestic violence as well as survivors’ views of and interactions with police. Studies vary significantly in their focus, methodologies, and sample size. We provide a brief overview of the relevant literature.

Incident Rates

National studies find significant rates of sexual assault. For example, the recent National Intimate Partner and Sexual Violence Survey (NISVS) found that approximately 19.3% of women and about 1.7% of men have experienced rape in their lifetime.¹¹ Approximately 1.9 million women reported being raped within the 12 months preceding the survey.¹² Young women, ages 18-24, experience higher rates of sexual violence than do older women.¹³ Multi-racial women and Native American women report higher rates of rape during their lifetimes than do other racial and ethnic groups of women.¹⁴ Women experience substantially more rape than do men.¹⁵

Nearly a quarter of women experience *severe* intimate partner violence (IPV) in their lifetime.¹⁶ More than one million women are victims of IPV every year.¹⁷ Women experience higher rates of severe IPV than do men,¹⁸ but men also experience significant rates as well.¹⁹ Approximately 8.8% of women experience rape by an intimate partner during their lifetime.²⁰

Research finds that African-American men and women are disproportionately affected by intimate partner violence.²¹ National Crime Victimization Survey research data for 1993-98 found, for example, that Black women experienced 35% higher rates of IPV than did white women and 2.5 times higher than women of other races.²² Black men experienced rates 62% higher than did white males and about 2.5 times the rate of men of other races.²³ Tjaden and Thoennes report rates of 30.7% for Native American women compared to 21.3% for white women, 26.3% for African-American women, and 27% for mixed-race women.²⁴

Several studies have found that racial differences are far less significant in predicting IPV against women than is income or socioeconomic status. For example, a review of 2008-2012 data finds that intimate partner violence rates for households living at or below the federal poverty level (FPL) are nearly *double* the rates of those living at 101% - 200% of FPL, just one rung higher.²⁵ Women with annual household incomes of less than \$7,500 suffer nearly seven times higher rates of intimate partner violence than do those living in households with incomes of \$75,000.²⁶ Furthermore, research finds a correlation between increases in male unemployment as well as subjective financial strain and rates of male-to-female IPV in heterosexual households.²⁷

Lesbian women and gay men report significant levels of intimate partner and sexual violence.²⁸ A recent meta-analysis of research on IPV in lesbian relationships found a mean prevalence of physical abuse over the lifespan of 18% and of 14% for sexual violence.²⁹ Psychological/emotional abuse was far more prevalent at a mean prevalence for lifetime experience at 43%.³⁰ The NISVS study found lifetime *severe* violence IPV victimization rates among lesbian women of 29.4%.³¹ This rate is comparable to the lifetime victimization rates found for heterosexual women of 23.6%.³² Unlike the research reviewed in the meta-analysis, NISVS includes IPV perpetrated by male partners as well as female partners.³³ NISVS results found significantly higher lifetime rates of IPV among bisexual women than among lesbians or heterosexual women.³⁴ NISVS research found 16.4% of gay men suffer lifetime rates of *severe* IPV.³⁵ A study of clients assisted by members of the National Coalition of Anti-Violence Programs found that transgender individuals were more likely to have experienced physical IPV (as compared to psychological abuse, etc.) than were gay and lesbian clients.³⁶ Other research finds that transgendered persons experience high rates of violence and harassment, including rape and sexual abuse.³⁷

Reporting to Police

Studies have found extremely low rates of reporting sexual assault to law enforcement.³⁸ The National Crime Victimization Survey reports that 65% of rape/sexual assaults are not reported to the police, a higher percentage of non-reporting than is true for simple assault (56%).³⁹ Twenty-eight percent (28%) of survivors who chose not to report said they did so because of fear of reprisal or getting the offender in trouble.⁴⁰ Other studies find that the primary reasons for non-reporting

were embarrassment, fear of reprisal, fear that police won't believe them, and the belief that police are likely to be ineffective.⁴¹ Victims of drug-facilitated or incapacitated rape are less likely to report to authorities compared to victims of forcible rape.⁴²

Female survivors of rape who are sex workers and survivors who suffer from substance addiction may face substantial obstacles in gaining police protection for sexual assault. A review of police files in a major Arizona city found, for example, substantial police bias against rape victims who were perceived to be drug users.⁴³ Police frequently presumed that the victims were engaged in prostitution to support their drug habit and discounted claims of rape based on both factors – drug use and prostitution.⁴⁴ Other research similarly finds that officers were less likely to thoroughly investigate sexual assaults of prostitutes, often classifying the rape report as an “economic crime” rather than a violent one.⁴⁵

National Crime Victimization Survey data reveals that about 46% of IPV victimizations are not reported to police.⁴⁶ Thirty-eight percent (38%) of those who chose not to report did so because they feared reprisal or did not want to get the offender in trouble.⁴⁷ Additional factors that are positively correlated with reporting include injury to the survivor, the abuser's use of alcohol, and the abuser's use of a weapon.⁴⁸ Male victims may be less likely to contact law enforcement. NISVS research found that of the 84% of female IPV survivors who disclosed their victimization to anyone, 36.3% reported to the police, while of the 60.9% of male survivors who reported to anyone, only 12.6% reported to the police.⁴⁹ A recent report by the National Domestic Violence Hotline found that 80% of hotline callers who had not previously called the police were somewhat or extremely afraid to call them in the future, and that one in four who had called previously would not call them in the future for partner abuse or sexual assault.⁵⁰

Some research finds that African-American women and Latinas in heterosexual relationships are *more* likely to report IPV to the police than are White non-Latinas.⁵¹ These reporting differences may be better predicted by socioeconomic status. A review of NCVS data found that once socioeconomic status is controlled for, the rates of reporting for African-Americans and Latinas is similar to that of White non-Latinos.⁵² This finding that low-income women are more likely to report heterosexual IPV is a critical finding in examining police responses and potential anti-poor bias.

When asked about relevant considerations for whether or not to report domestic violence, respondents from communities that suffer significant discrimination expressed concerns that police would be biased against them and/or their community. Racism by police poses a barrier in a number of ways, ranging from overt hatred to stereotypes that lead police not to view African-American women in particular as “victims” in need of assistance.⁵³ Racially-biased policing and criminal justice policies resulting in mass incarceration and increased surveillance of people of color also

contribute to survivors' unwillingness to contact the police.⁵⁴ African-American women may have particularly strong fears that the police will treat them or their abusive partner unfairly, perhaps even brutally.⁵⁵

Advocates for LGBTQ survivors report that police often fail to recognize IPV in gay and lesbian intimate relationships and frequently underrate the risks to survivors.⁵⁶ A review of data collected from LGBTQ survivors seeking assistance from anti-violence agencies found that very few of the clients served within the year reported interaction with police following an incident of IPV.⁵⁷ Of those who interacted with police, only 35.4% reported that police classified the violence as IPV.⁵⁸ With regard to police attitudes, 51% said they found officers to be courteous, while 28% said that police were indifferent and 21% said police were hostile.⁵⁹ Transgender people are more likely to experience police violence and harassment generally, particularly people of color,⁶⁰ and transgender women are at particular risk to experience police violence when seeking assistance with IPV.⁶¹ A 2011 national survey of transgender persons found that 46% of respondents were uncomfortable calling the police for assistance.⁶² Advocates describe police response to transgender abuse victims as hostile and note that arrest of the survivor is common, particularly if the survivor fought back.⁶³

People with Limited English Proficiency also experience problematic policing, including bias against LEP survivors and failure to provide interpreters.⁶⁴ One study found that in 31% of cases, Spanish-speaking women reported police officers never spoke to the woman who reported the abuse and in almost one-tenth of cases officers spoke only to the abuser.⁶⁵ In only 29.4% of all cases of LEP immigrant survivors were police "able to communicate effectively" with the victim.⁶⁶ Nearly 64% of service providers surveyed reported that lack of language access affected the willingness of immigrant survivors of family violence to report crimes "very often" or "almost always."⁶⁷ Lack of language access was particularly acute in rural areas and small towns.⁶⁸

Reporting may have negative collateral consequences for survivors in addition to concerns about retaliation from the abusers or their friends and family. Undocumented immigrant women report that fear of deportation is a significant reason for not reporting IPV victimization.⁶⁹ Women with criminal histories report fear that the police will arrest them for crimes other than IPV.⁷⁰ Women report that they fear involving the police will result in the state removing their children.⁷¹

Survivor Satisfaction with Police Response

The NISVS study found that female survivors who contacted the police were sharply divided in their views of the degree to which police were helpful. Roughly the same percentage found the police to be "very" or "somewhat" helpful (58%) as found the police to be "a little" or "not at all" helpful (nearly 47%).⁷² Male survivors were in far more agreement regarding police helpfulness: 52% of male IPV survivors said the police were "not at all" helpful, while only 21% said they were "very" helpful.⁷³ Several

studies find improvements in response when police are part of a network of support that includes service providers and advocates.⁷⁴

STUDY

I. DATA COLLECTION AND ANALYSES

The authors created a web-based survey for service providers and membership organizations as a way to collect stories and perspectives from the field. The survey focused on concerns with policing and domestic violence and sexual assault; it asked respondents to identify the primary reasons survivors do not call or cooperate with law enforcement, the extent to which inappropriate police conduct is a problem in responses to domestic violence and sexual assault incidents, and the extent to which police biases impact police responses and effectiveness. Additionally, the survey gathered information regarding current efforts in communities to improve law enforcement responses or to provide oversight and recommendations for improvement.

The survey included both qualitative and quantitative questions. For the qualitative portion of the survey, participants responded to open-ended questions. With these responses, the authors categorized similar responses together and identified main themes. The quantitative responses consisted of Likert-style⁷⁵ and yes/no questions. The authors determined percentages for each choice relevant to the number of respondents who answered a given question.

The survey was disseminated electronically to multiple listservs of attorneys, advocates, and activists, and others working on domestic violence and sexual assault. It was also distributed to a smaller number of community-based organizations whose members are at particular risk for experiencing domestic violence and sexual assault. Recipients were asked to distribute the survey to other appropriate respondents. Responses were collected for a one month period during April and May 2015. For more information about the survey, how it was conducted, and how this report was created, please see the Appendix.

II. RESPONSES FROM THE FIELD

Background Information on Survey Respondents

Over 900 people responded to all or some portion of the survey questions. Most of the respondents identified the primary nature of their work as social services, shelter, legal services, and victim advocacy on behalf of survivors of domestic violence and sexual assault. Others indicated that they worked for the government, prosecutors' offices, police departments, hospitals, and the courts.

Most of the respondents listed their position as advocate or leader in their organization. Other respondents were academics, nurses, therapists, and police. More

than 61% of respondents said that over 90% of their clients or members⁷⁶ had experienced domestic violence or sexual assault, and 46% said 100% of their clients or members met this description.

Responses were received from almost all 50 states. Large numbers of responses came from the east and west coasts and the upper mid-west.

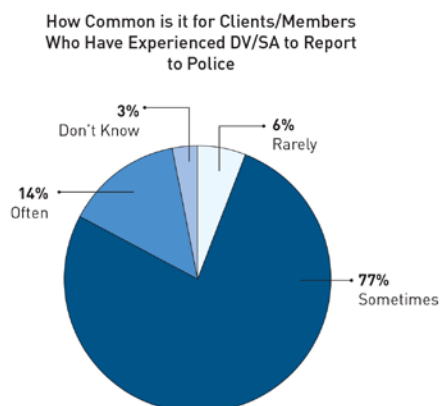
Most respondents said that their clients or members were primarily women. Respondents said that they served diverse populations of clients. While most said their clients were predominantly white, many indicated that they served Hispanic/Latinas, African-Americans, or Native Americans, as well as clients from other ethnic backgrounds, LGBT survivors, and youth. Eighty-nine percent (89%) said that the majority of their clients or membership were low income (poverty or working poor).

Concerns Regarding Policing, Domestic Violence, and Sexual Assault

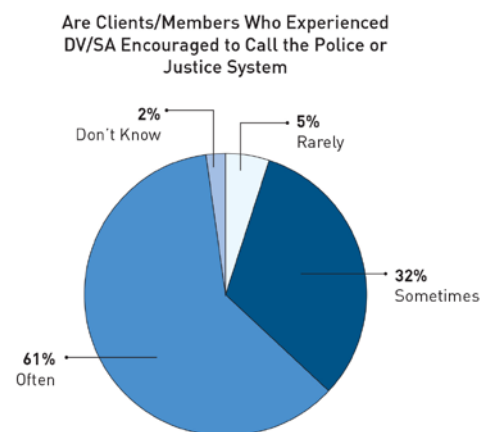
Respondents identified the following issues as survivors' primary concerns with involvement with law enforcement: police hostility, dismissiveness, and inaction; police bias based on the identities, social status, or immigration status of the victim or abuser; collateral consequences for the survivor, including potential or actual involvement of child protective services, negative immigration or economic consequences for the survivor, the abuser, or the survivor's family, and potential criminal consequences to the survivor; and lack of alignment between the survivor's goals and criminal justice system processes.⁷⁷

Notwithstanding these concerns, the overwhelming majority (77%) of respondents reported that their clients/members "sometimes" called the police or cooperated with law enforcement (see chart A below). A high percentage (61%) reported that they "often/always" encourage their clients/members to call the police or cooperate with law enforcement (see chart B below).

A.



B.



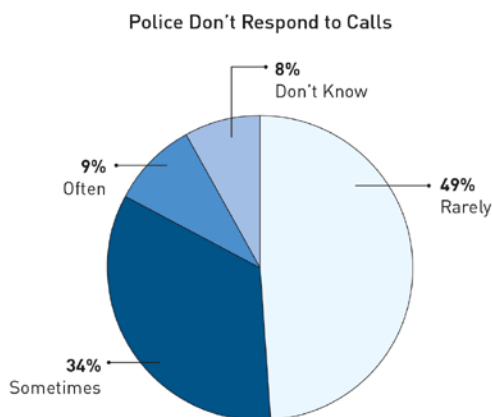
1. Police Inaction, Hostility, and Bias

Police inaction, hostility or dismissiveness towards survivors of domestic violence and sexual assault

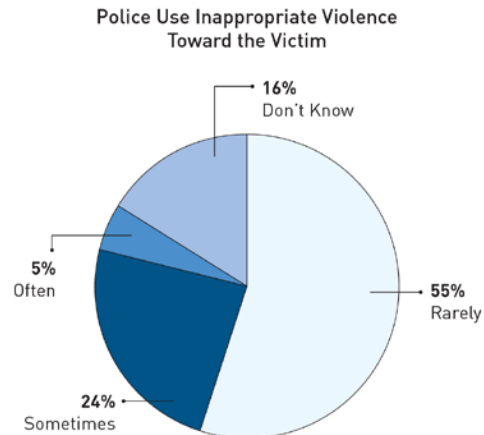
Concerns about negative police attitude or police ineptitude figured strongly in the responses. When asked how frequently police failed to respond to domestic violence or sexual assault calls, the responses were nearly evenly split between those who said this was “rarely” a problem (49%) and those who reported that it was “sometimes” (34%) or “often” (9%) a problem (see chart C below). Nearly a quarter (24%) said that police “sometimes” use inappropriate violence against the victim (see chart D below) and 18% said they “sometimes” use inappropriate violence against the offender (see chart E below).

Particularly disturbing were the large number of respondents who said that police were “sometimes” or “often” hostile towards survivors and treated them or the abuser in a demeaning manner. Forty-six percent (46%) said police were “sometimes” demeaning or disrespectful and 39% said this occurred “often” (see chart F below). An overwhelming majority of the respondents (88%) reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence (see chart G below). A similarly large majority (83%) reported that police “sometimes” or “often” do not take allegations of sexual assault and domestic violence seriously (see chart H below).

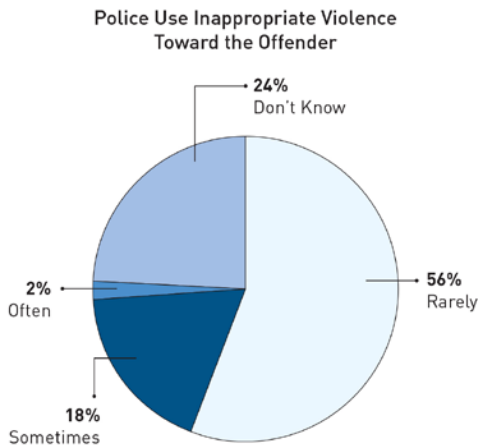
C.



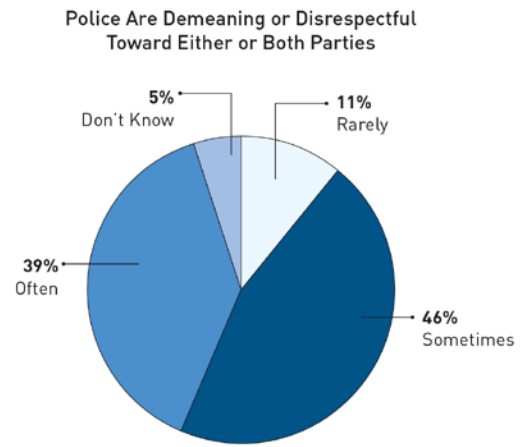
D.



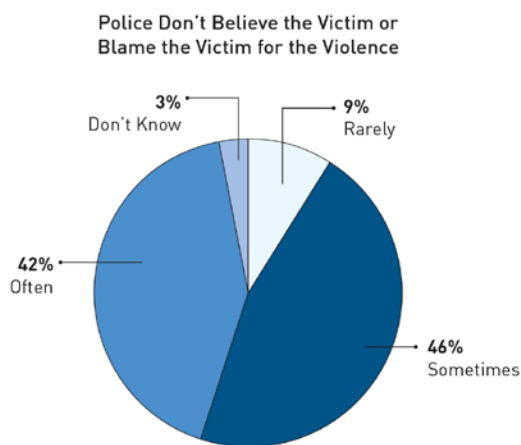
E.



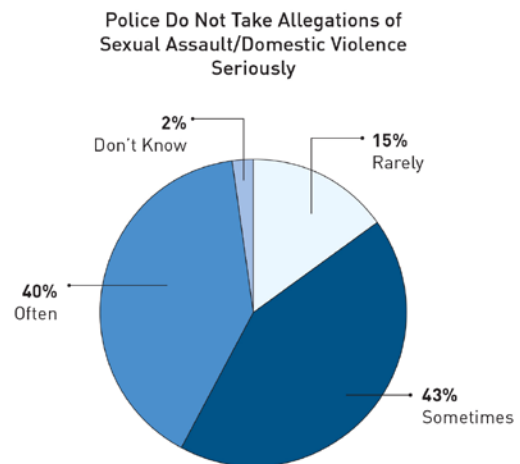
F.



G.



H.



Two open-ended questions probed concerns with police response. Respondents were asked to name the two most-often reported reasons their clients/membership did not call the police or cooperate with the criminal justice system. Respondents were also asked if they believed that police bias was a problem in their community's response to domestic violence and sexual assault, and if so, to describe their three main areas of concern with police bias.

Respondents said that survivors told them they had called police in the past only to find that police took no action, did not believe them, minimized the situation, or threatened the survivor with arrest. Survivors told respondents that because of these experiences they would not call police in the future.

"A battered woman calls the police multiple times due to ongoing abuse. The officer tells her after the third call, if you call me again I am arresting the both of you."

~~~

*"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.'"*

~~~

"Many clients are unwilling to contact the police/use the criminal justice system because they have tried it before and that system has failed them. The system either failed to keep them safe, failed to respond in a timely manner, failed to respect their safety concerns when pressing charges, or quite frequently failed to respect them, believe them, or even blamed them for the violence that occurred compounding feelings of insignificance and worthlessness from the abuse."

Respondents said that survivors told them about being treated disrespectfully by police.

"Police will give attitude. 'He didn't hit you' or 'you are just gonna let him back tomorrow.'"

~~~

*"Police are rude, tell clients what happened is not a crime when clients are unable to articulate clearly what happened to them, ask confusing questions aggressively, don't explain the process of reporting, investigating, then charging."*

Some respondents said survivors felt as though police did not want to be bothered with their cases. One advocate described survivors' experiences in this way:

*"Police often act put out or angry being called to the same house more than once on DV calls. Often the victim is arrested if they have returned to the house more than once, police do not talk to neighbors who are not personally involved and do not look at the whole scene. It appears arrest is used as a way to show the victim they are tired of coming to the home."*

Respondents shared similar experiences of survivors not being believed in cases of sexual assault.

*“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.”*

~~~

“Often times the police believe the woman is seeking attention, or this is a tactic to end the relationship.”

~~~

*“I worked with a male rape victim who was accused by a detective of having regretful sex and calling it rape.”*

Respondents said survivors experienced the threat that they would be arrested by police for domestic violence or for another crime. (We discuss the latter more thoroughly below in Section 2.)

*“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.”*

~~~

“Because the victim ends up getting arrested because he/she defended themsel[ves] against the abuser leaving a mark on the abuser and causing the police to arrest them when the abuser lies and says that the victim was the aggressor. The offenders have learned the system very well and know that anyone with marks is considered the victim and so they have in some cases . . . injured themselves in order to ensure that the true victim gets arrested.”

A large number of respondents reported that they believed that police officers readily dismiss domestic violence survivors’ claims. Several noted that this was particularly the case when police receive multiple calls to the same residence.

“I think the bias is created after repeated interactions with families. Officers assume ‘she just won’t leave’ or ‘they are both a mess.’ [They]

don't take into account socioeconomic and the millions [of] other reasons people stay."

~~~

*"[Officers'] disbelief of victims who have failed to cooperate in the past with the police - this creates a dangerous situation for the victim who is constantly in a dilemma about his/her reporting rights and rights for law enforcement assistance and intervention. Nothing tells the police not to take a report of burglary or theft from the same complainant more than once, then why is it that they treat DV complaints differently?"*

Respondents said survivors' experiences with police inaction and dismissiveness increased fears of retaliation by the abuser and, in some examples, revealed that these fears were a reality.

*"Participants feel that police involvement would only escalate violence, as there are no safe places for participants to retreat once police are involved, and social services are often at capacity. In other words, if law enforcement involvement didn't result in an immediate arrest, the time between prosecution (if it happened at all) would mean increased violence from the abuser."*

~~~

"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."

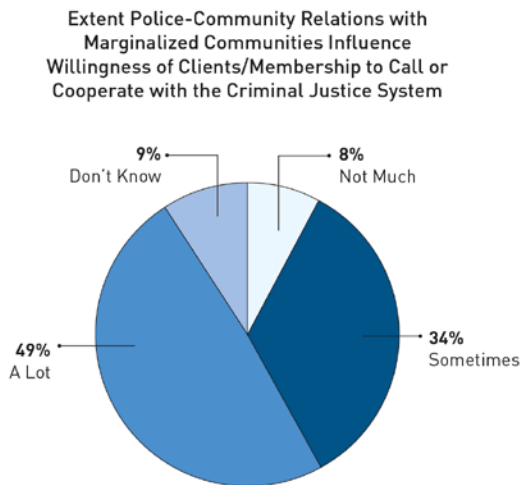
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*"Last time they arrested him, he was released within a week because the jail was too full. He came home, still furious with me about calling 911, and he beat me bloody. Why would I call again? I know they won't keep him in jail."*

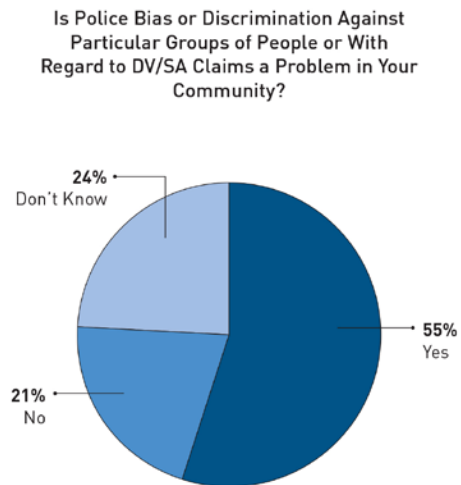
**Police bias experienced by survivors due to gender, race, immigration status, socio-economic status, sexual orientation, gender identity, and other identity characteristics**

A large number of respondents said that police were biased against women or that their treatment of members of disfavored communities, such as racial minorities, immigrants, Muslims, LGBTQ people, and poor people, was a problem for their clients/members. Many noted that police bias negatively influenced survivors’ willingness to call police or to cooperate with the criminal justice system. Over 80% of respondents believed that police relations with marginalized communities influenced their clients’/members’ willingness to call the police. Forty-nine percent (49%) of respondents said this was true “a lot” and another 34% said this was “sometimes” true (see chart I below). A majority (55%) believed that police bias or discrimination against particular groups or with regard to domestic violence/sexual assault claims was a problem in their community (see chart J below).

I.



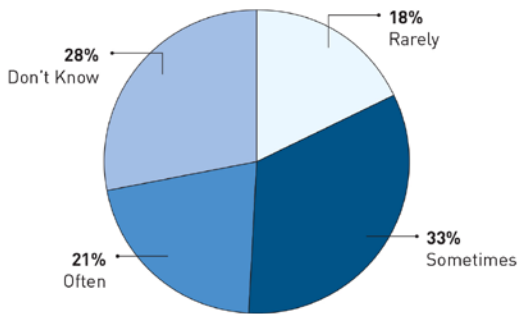
J.



Fifty-four percent (44%) reported that police are biased against immigrants “sometimes” or “often” (see chart K below). Sixty-nine percent (69%) reported bias “sometimes” or “often” against women (see chart L below), 58% reported bias “sometimes” or “often” against LGBTQ identified individuals (see chart M below), and 66% reported bias “sometimes” or “often” against poor people (see chart N below).

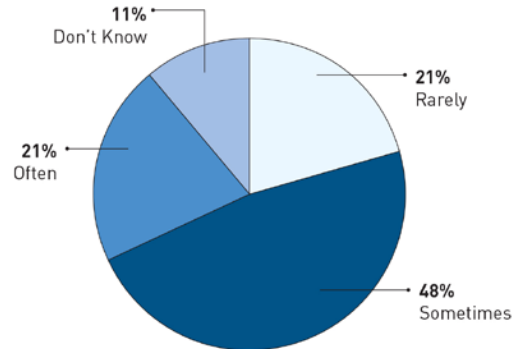
K.

Police Are Biased Against Immigrants



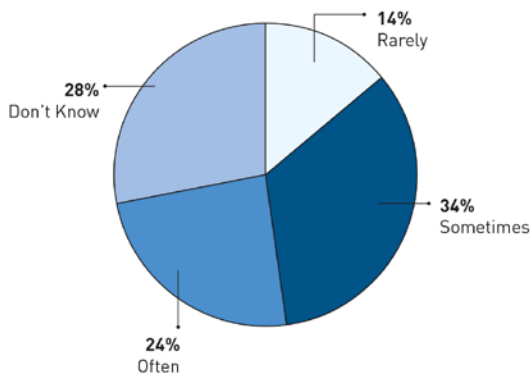
L.

Police Are Biased Against Women



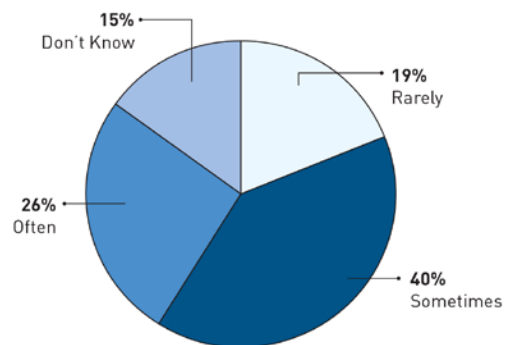
M.

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



N.

Police Are Biased Against Poor People



### Gender Bias

Respondents reported that some police held views of “real” or “deserving” survivors that were grounded in sex bias and other intersecting biases.

*“Police are reluctant to believe women when they are being abused, especially if they are women of color, poor women, under the influence of substances or have mental health problems. The police seem very taken by the idea of ‘good victims’ vs. ‘bad victims.’ If a victim has tried to defend herself, has had to call the police many times on the same partner, is drunk, on drugs, disoriented from abuse, or uses profane language, the police are much less likely to believe her and treat her fairly. . . . In order to be a ‘good victim’ a victim needs to not be angry or defend herself but*

*also to present as a 'good woman.' I had one client that was profoundly disoriented due to a concussion inflicted on her by her boyfriend. The police wrote in [the] report that she was drunk because her speech was unclear due to the head injury. They arrested her as well as her partner and told her that they could take her to the hospital but it would make the process take a lot longer and keep her away from her children."*

~~~

"[Police are] bias[ed] against women, which motivates the discriminatory under enforcement of the law. Too often police put female victims of DV or sexual assault on trial for whether they behaved properly. Police often treat victims badly if they deviate from the expectation of victims as meek, grateful and perfectly behaved."

Racial, Ethnic, Language, and Religious Bias

Respondents shared numerous examples of survivors from a variety of ethnic and racial groups facing discrimination from police.

"Police are much more interested in helping light skinned victims. I think this ties in to their inherent racial bias and ideas about who is a good, deserving victim and who is a trouble maker who brought this violence on. I think that there are especially dangerous stereotypes about assertive black women that the police buy into and keep them from helping black women who are victims of abuse."

~~~

*"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. My evidence is anecdotal, but police seem to take more of a 'that's the way it is in this community' approach. The police seem to care less about black victims."*

~~~

"The police often assume that if the victim is Native American that she/he has been drinking, thus causing the problem."

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*“With nice, white, educated clients, law enforcement is extremely responsive. With black or native clients, they are professional but do not seem to believe them as readily.”*

~~~

“Victims of Hispanic/Latina descent are assumed to be lying about the crime to qualify for immigration remedies, even if the victim is actually a US citizen.”

Respondents also shared examples of survivors’ experiences of police bias based on assumptions about foreign cultures and religion and against non-English speaking persons.

“The assumption is Muslim women, South Asian/Arab/Middle Eastern women, aren’t deserving of responses because of the problematic assumptions that equate Muslim women with being oppressed due to their inherent religious identity.”

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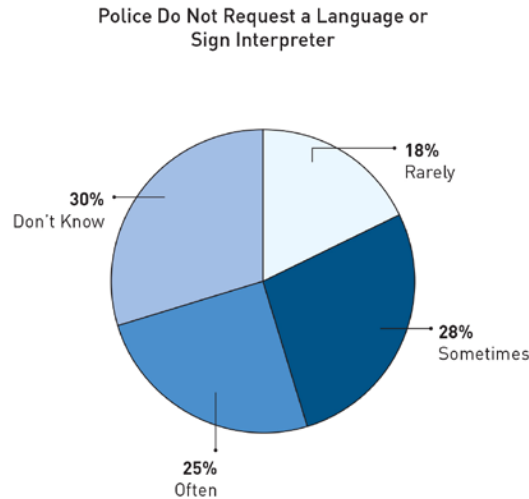
*“Non-English speakers are not treated the same way as English-speaking Americans because of a belief that ‘their culture’ does things differently.”*

~~~

“People who don’t speak English are discriminated against. Because they are hard to communicate with, police don’t investigate their cases as thoroughly. They also ignore important protocols (such as separating family members to interview them) because it’s less convenient. Police are also less likely to inform undocumented immigrants of their legal rights.”

Others noted the failure of police to use interpreters or *appropriate* interpreters. Fifty-three percent (53%) of respondents reported that the failure of police to request a language or sign interpreter was “sometimes” (28%) or “often” (25%) a problem (see chart 0 below). Nearly a third responded that they “don’t know” (30%) whether it was a problem while only 18% reported that this was “rarely” a problem.

0.



A particular problem noted by respondents was the use by police of the abuser or a child as a language interpreter.

"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."

"Language access is a major issue and comes with a lot of racism especially against Latino people. The police almost never have someone available who can speak Spanish (or any other language, or use ASL, etc.) and they often inappropriately use whoever [is] on site . . . [to] speak English as a proxy interpreter. Often times they have the abuser translating for the victim and therefore get little to no useful information about what's really going on. Sometimes they have been known to use children to translate for their parents, [which] . . . is totally inappropriate and could be extremely dangerous for the victim and the children."

Bias Against Poor People

Police bias based on ethnicity often intersected with bias based on socio-economic status in respondents' examples of survivors' experiences.

"The police are very unsympathetic to clients who are poor, who live in the projects, and who have limited education. I feel that there is the overwhelming perception that these are not really victims of crimes but that violence is part of an impoverished or 'ghetto' lifestyle."


~~~

*“Police bias against the impoverished or homeless. Violence is seen as a natural part of the social ecology of homelessness. Survivors experiencing homelessness are not usually taken seriously, and when they are, existing infrastructure is woefully incapable of helping them, especially if they also suffer from mental illness or intellectual or developmental disability.”*

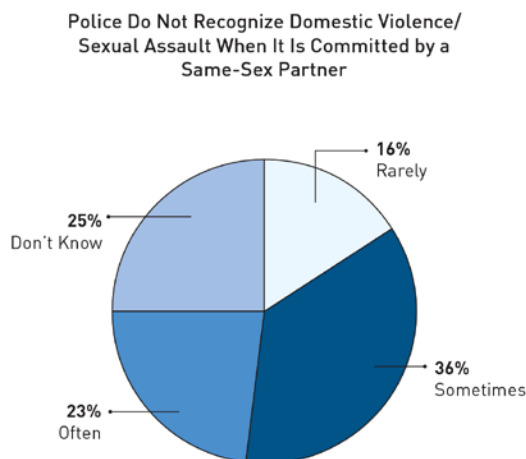
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“Police will not take reports about sexual assaults or kidnapping attempts if the person is a street-based sex worker or homeless.”

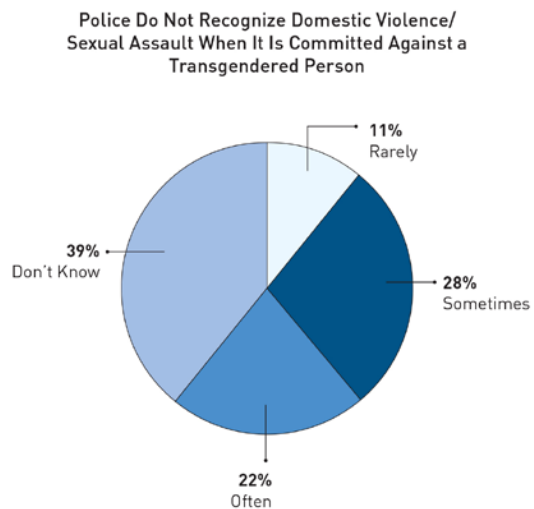
Bias Against LGBTQ People

In addition to questions about bias, respondents were asked how frequently it was a problem for their clients or membership that police did not recognize domestic violence or sexual assault when it was committed by a same-sex partner or committed against a transgendered person. With regard to same-sex partners, 36% said this problem occurred “sometimes,” 23% said the problem occurred “often,” 25% responded that they didn’t know if there was a problem and only 16% said that it was “rarely” a problem (see chart P below). Substantially more respondents (39%) responded “don’t know” to the question about transgender survivors, while 28% reported that the problem occurred “sometimes” and 22% reported that it occurred “often” (see chart Q below).

P.



Q.



Respondents described LGBTQ survivor experiences with police as disrespectful and fostering a sense of distrust.

“The way police ask questions is often victim blaming. In regards to LGBTQ: ‘Who’s the wife here?’ or ‘So you two are just roommates right?’”

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*“LGBTQ survivors of intimate partner violence (IPV) and/or sexual violence (SV) have often experienced violence, discrimination, and violence from police, and often do not consider police a helpful or safe resource to report violence.”*

~~~

“Members of the LGBTQIA population call often to talk about SA or DV, they are afraid to tell the police cause they have not been believed before, aren’t taken seriously and once I’ve seen the victim be arrested because the abuser persuaded the cops she was actually the one being abused.”

Bias Against Youth Survivors

Respondents reported police bias against youth survivors. Respondents shared examples of teen and college student survivors not being taken seriously or of their complaints being treated dismissively by police.

“It’s not uncommon that teens or young adults are often seen as lying about it (to get attention, get back at someone, etc.) by some law enforcement.”

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*“The (off campus) police sometimes appear to be biased against college student victims of sexual assault from all backgrounds, insinuating that college rape is not as serious as rapes that occur in the larger community.”*

### ***Bias Against Survivors with Mental Health or Substance Abuse Problems***

Respondents also discussed police bias against survivors with mental health or substance abuse issues.

*“Where I have seen problems the most is within the seriously mentally ill population or those with serious chemical dependency. I would agree that some reports from this population are not taken as seriously as those*

*without. The pattern is that the person with MI [mental illness] or dependency will report, the police investigate and often find that the person had some choice or sway in the outcome. What makes it worse is the fact that these people are not the easiest to deal with. It is understandable the police will come to view a certain person as a trouble maker or nuisance. However, this attitude influences the police even when the person was victimized through zero fault of their own."*

~~~

"Police and prosecutors both avoid 'hard' cases, refusing to arrest if the case involves late reports, non-stranger sexual assault, same-sex sexual assault, and any case involving a mentally impaired victim."

~~~

*"DV/SA victims not being believed, especially if they have criminal and/or drug use history."*

~~~

"Police are not sympathetic to trafficking victims/sex workers, members of the LGBTQ community who are victims, mentally ill victims and also drug addict victims."

2. Collateral Consequences of Police Involvement: Child Welfare; Immigration; Economic; Punitive Measures Against the Survivor

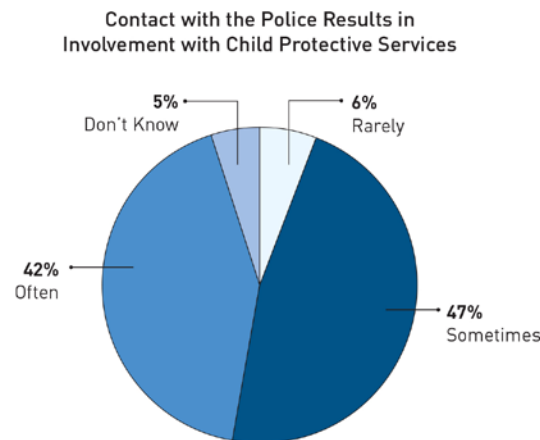
Respondents identified four areas in which survivors experienced (or feared experiencing) negative collateral consequences resulting from involvement with the criminal justice system:

1. the involvement of child protection services and the risk that the state will remove their children;
2. the involvement of ICE and the risk of detention and deportation of themselves, their partner, or other family members;
3. the economic consequences of police involvement including lost income to the household if an abusive partner was arrested or detained as well as in terms of a survivors' lost wages, threat to job security, and loss of housing or public benefits; and
4. the potential that the survivor would be arrested or otherwise punished for conduct unrelated to domestic violence.

Child Protective Services 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 (89%) reported that contact with the police resulted in involvement with child protective services “sometimes” (47%) or “often” (42%) (see chart R below).

R.



Respondents described survivors' experiences of being pressured to file charges or cooperate with law enforcement or face removal of their children by Child Protective Services (“CPS”).

“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.”

~~~

*“We had a client who reported a domestic violence incident and she was told by CPS that she had to get a restraining order against her partner or move into the shelter. The shelter was full and the Judge initially denied the order. Her daughter was removed and she had to wait two weeks until the next hearing in order to get her daughter back.”*

~~~

“Survivors are often concerned (rightly so) that their children will be taken away if the police are called to a domestic violence situation.”

Respondents reported that police threaten to have the children removed if they received another call to the residence.

"[Police] [t]hreatened to take their children away if they had to come to [the] residence one more time."

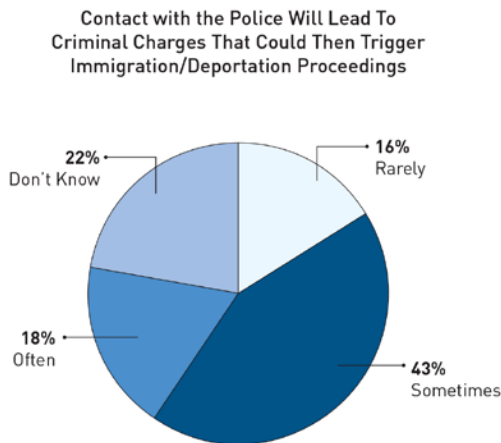
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*"The police show up and threaten to arrest both parties. I had a client just last week who was threatened with this and she has minor children, they told her the children would go into foster care."*

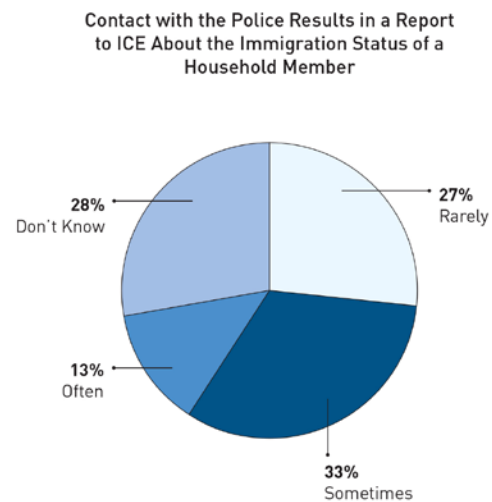
### **Immigration Consequences**

Sixty-one percent (61%) of respondents reported that contact with the police "sometimes" (43%) or "often" (18%) leads to criminal charges that could then trigger immigration/deportation proceedings (see chart S below). Thirty-three percent (33%) reported that contact with the police "sometimes" results in a report to ICE, while 27% reported that this occurred "rarely," 28% responded "don't know," and 13% reported that a report occurred "often" (see chart T below). As described above (chart K), 54% of respondents noted that police bias against immigrants is "sometimes" or "often" a problem for their clients/members.

S.



T.



Respondents said that survivors were afraid that police would report them to immigration authorities, that a criminal charge would lead to deportation of themselves or their abusive partner with the potential of losing custody of children, or that the abuser had told them if they called police the victim would be deported. Respondents shared examples of where this threat became an unfortunate reality.

*“Client A, a 21 year old undocumented Latina woman, had been in an abusive relationship with an intimate partner for 5 years. She never called the police because she was afraid they would contact immigration authorities. In March 2015, client finally called the police after yet another incident of abuse. Upon arrival, police issued her a domestic incident report, charged the perpetrator with harassment and released him on recognizance, then called US Border Patrol on both parties.”*

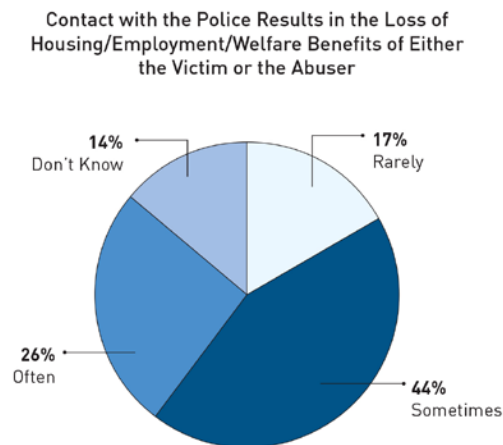
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“I have worked with many women that are Hispanic that don't report due to the fact they fear deportation or they have never worked or don't have paperwork to be able to work, so they rely solely on the partner for financial security.”

Economic Consequences

Respondents said that survivors feared the economic consequences of involvement with the criminal justice system. Seventy percent (70%) of respondents noted that “sometimes” (44%) or “often” (26%) contact with the police resulted in the loss of housing, employment, or welfare benefits for the survivor or the abuser (see chart U below).

U.



As one respondent noted:

“They decide to not involve police because doing so may jeopardize their housing situation, such as subsidized or low income housing.”

Furthermore, survivors told respondents that if the abuser was arrested and/or convicted the abuser would lose his job and the family would be left without support. Respondents gave many examples of survivors' financial dependence on the abuser.

"We live in a very low income area, and typically the abusers are the ones who are working and supporting the family. The survivors and victims are dependent on these abusers, and typically have little to no job experience to get on their feet to support themselves and their children."

~~~

*"If someone does not have financial stability to afford housing, they might be forced into homelessness. If they are low income, it is tremendously difficult to find affordable housing -- several of my clients have been searching for an apartment they can afford for over a year."*

~~~

"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."

Further, involvement with the criminal justice system may carry its own economic consequences.

"The inconvenience of a criminal investigation and subsequent court proceedings. Some victims can't miss work and others can't pay for child care to attend and be available to take part in this process."

Survivors at Risk for Punitive Consequences, Including Arrest

A number of respondents noted that police involvement puts some survivors at risk of arrest for conduct unrelated to the domestic violence or sexual assault complaint. Sex workers, survivors with criminal histories, and those with drug addiction problems were at particular risk for arrest were they to request assistance. Similarly, college student survivors were reluctant to report sexual assault for fear that they would be punished by college administrations for underage drinking or illegal drug use.

"Many of our clients were committing crimes (using illegal substances, participating in sex work, had a taser in their possession, etc.) while they were being abused. Clients are afraid of being prosecuted for those crimes while their abusers go free."

~~~

*“College students won’t report because they have been drinking under age.”*

~~~

“Often times drugs or alcohol are involved and sometimes prostitution. Women are afraid of getting in trouble for these things and sometimes suffer through abuse longer. Prostitution, drugs and alcohol are coping mechanisms or means of living and giving those up means giving away their income, or a way to relieve the pain. These clients still need help from the violence even though they are mixed up in the drug activities.”

~~~

*“We have held several focus groups with our clients about this exact problem [of why survivors don’t call the police] in an attempt to understand the issue. We found that one of the main reasons rape in the street community goes unreported is that the police will run the warrants of domestic violence and rape victims. Since most of our clients have had significant interaction with law enforcement, this means they will be arrested if they report a rape. In fact, checking victims for warrants is so encouraged, it is part of institutionalized policy in XXX. Any person who goes to get help at Family Advocacy Center — which by design is the only place in town where rape victims can receive medical treatment — must pass a background check. If the person has a warrant, the police will be called. If they don’t “pass” the check, they will be denied services.”*

### **3. Survivors’ Goals Do Not Align With Those of the Criminal Justice System or How It Operates**

In response to a request to name the most often-reported reasons survivors do not call the police or cooperate with the criminal justice system, respondents pointed 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.



## **Seeking Options Other than Punishment**

*“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.”*

~~~

“A lot of victims don't want to call the police because they don't want the abuser to be incarcerated or deported, and they don't want to bring DSS down on their families and lose their kids. In communities of color and immigrant communities these concerns are paramount. Victims are afraid that if they call the police, the abuser will be subjected to a racist system of 'justice' that leaves black families devoid of fathers (if he's in prison that also means no child support, no help raising the kids, etc.) and Latino families [are] in fear of having loved ones deported (often back to places they left because of violence and/or economic hardship). Also if the police are involved [this] increases the likelihood (or victims fear it will) of DSS being notified of violence in the family. In communities of color there is great fear of DSS taking children from their families and put[ting] them into the foster system rather than working with the victim to create safety for themselves and their children together.”

~~~

*“Our clients report that they don't want their abuser to be arrested. The police often give the impression that the only service they can offer to domestic [violence] calls is to place someone under arrest.”*

## **Do Not Want to Lose Control Over the Process**

*“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.”*

~~~

“A domestic violence victim may choose not to contact the police as their outcome is no longer influenced by their decision - housing, income, child custody, etc. become out of their control and into that of the system - sometime[s] a misdemeanor domestic abuse case takes 18 months from arrest to disposition - this does not include probation. Imagine having your life put on hold for 18 months.”

~~~

*"They want to maintain control of their situation and they feel like involving law enforcement will take away their ability to make decisions about their situation."*

### **Fear Criminal Process Will Be Lengthy and May Cause More Trauma**

*"Clients tend to start out wanting to cooperate with the criminal case, but due [to] the length of time it takes to get these cases from start to end, they don't want to go there again, bring it all back up, it's old news, we have all moved on, maybe it wasn't so bad..."*

~~~

"Victims don't want to get into a long drawn out criminal justice proceeding."

~~~

*"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. The initial hill is just too much to climb."*

~~~

"The criminal justice system is not trauma informed and can re-traumatize a survivor of violence. Many survivors I have worked with that did go through the Criminal Justice System wish they had not after the fact because it negatively impacted their ability to heal from trauma."

~~~

*"Clients do not want to report to the police because they think that our legal system would further traumatize them. They'd be asked questions about their abuse over and over again, which victimizes them further."*

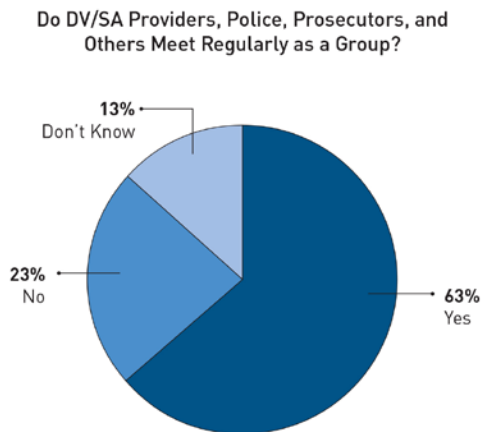
## Views on Existing Mechanisms

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.

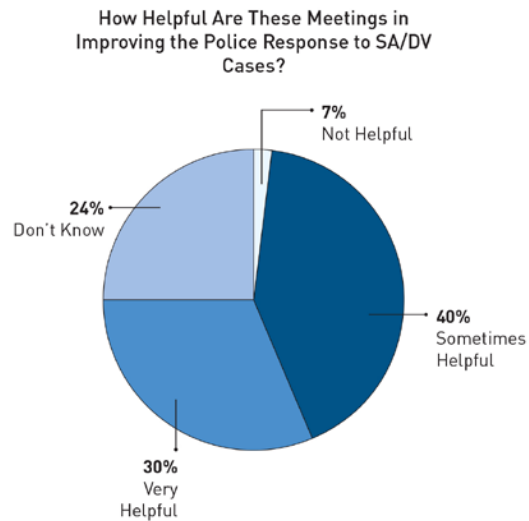
### 1. Awareness of Oversight Mechanisms

Sixty-three percent (63%) reported that service providers, police, prosecutors, and others met regularly as a group in their community (see chart V below). When asked how helpful they found these meetings to improving police response, 40% found the meetings “somewhat helpful,” 30% believed them to be “very helpful,” 24% responded “don’t know,” and only 7% reported they were “not helpful” (see chart W below).

V.

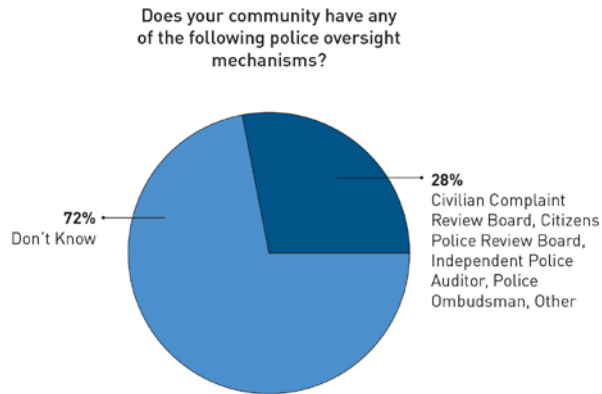


W.

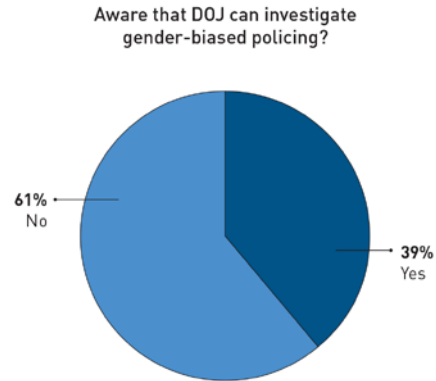


Respondents were less aware of *independent* oversight mechanisms than they were of regular meetings between law enforcement and service providers. Seventy-two percent (72%) did not know if their community had one of a number of oversight mechanisms (Civilian Complaint Review Board, police review board, independent police auditor, police ombudsman, or other) (see chart X below). Most respondents also reported that they did not know whether their clients or members filed or considered filing civil lawsuits against police departments for failing to respond appropriately to sexual assault and domestic violence. Similarly, the majority of respondents (61%) were not aware of the Department of Justice’s (DOJ) ability to investigate gender biased policing (see chart Y below).

X.



Y.



Only 5% said that their clients or members had considered initiating a DOJ investigation. A small number of respondents reported that there had been a DOJ investigation in their community. One respondent said:

*“Our police department is currently under a DOJ consent decree related to gender-biased under enforcement of the law and it has been hugely helpful to drive reform.”*

These results indicate that most respondents did not know about police oversight mechanisms that are available in many communities, such as local independent police review boards, DOJ oversight, and civil litigation.

## 2. Helpful Projects and New Initiatives

Many of the respondents described new efforts in their communities to coordinate response between law enforcement, advocates, and service providers. One often-cited example was the creation of formal partnerships between advocates and police departments in addressing individual cases.

*“We have a DART (Domestic Assault Response Team) made up of a police investigator, one of our advocates, and one of the county attorneys. This officer investigates all of the DA cases and this county attorney prosecutes all of these cases. Additionally our DART officer and one of our advocates make home visits to the victims of these cases to make sure that they are safe, getting proper treatment from law enforcement and are aware of victim services available to them.”*

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“Under a multi-year grant, DV respondents from three different advocacy organizations (including two culturally-specific agencies) are housed part-time in the family violence unit of the local police department.”

Respondents reported the development of multi-disciplinary response teams, coordinating efforts from multiple governmental agencies.

“We are currently working on an inter-agency capacity building project for survivors of sexual or domestic violence experiencing homelessness. In addition to involving local residential and non-residential social services for individuals experiencing homelessness, we hope to involve the police department to at least get their perspective on what we can do to better engage them and the resources they can bring to bear, especially when the perpetrator is also chronically homeless.”

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*“Part of our group’s mission statement is to help foster relations between members of the street community who are sexual assault victims and law enforcement. We do this by accompanying victims who choose to get the so-called rape kit to the medical provider’s office and by helping the victim find [a] neutral location where they can meet with police. Also, we print weekly versions of the Bad Guy List to distribute to police and street women.”*

Respondents also discussed the use of task forces, coalitions, or partnerships with law enforcement to explore solutions to systemic issues with police response.

*“Domestic violence partnership meetings started ... with many community members and police and will meet monthly to educate members and to come up with community solutions to the issue.”*

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“We have regular Family Violence Coordinating Council meetings with representatives from law enforcement, advocates, public defender, state’s attorney, private attorneys, probation, judges, DCFS, etc. We work together to put on trainings and share information.”

A number of respondents highlighted incorporation of a lethality assessment screening tool and/or high risk assessments by their local police departments to identify high risk domestic violence cases.

“We have instituted using the Lethality Assessment Program initiative in partnership with the largest police department in the county. Early

results appear to be positive and we are working to bring other police departments on board. Ideally, the goal would be 100% participation.”

Some respondents praised efforts in their communities to train the police, mentioning specialized trainings on tribal issues, rural communities, sex trafficking, and trauma-informed response. Some noted that they provided training to local police.

“Sexual assault advocates spend a few hours to teach at local cadet trainings at the police academy. All officers enjoy the training (especially the role play where trainers pretend to be survivors of sexual assault making a report and officers have to take a report and offer services in a sensitive, trauma-informed, culturally competent way).”

Other helpful initiatives cited by smaller numbers of respondents included family justice centers, police units designated as victim services units, policy reforms, and awareness-raising activities.

Only 28% of respondents were aware of any “alternatives to traditional prosecution/ punishment (restorative justice, family group conferencing, etc.)” in their communities.

Recommendations for Improving Law Enforcement Responses to Domestic Violence and Sexual Assault

Respondents were asked to give their top recommendations for improving how police respond to domestic violence and sexual assault in their communities. The four recommendations given most often by respondents were related to:

- 1) police training, supervision and hiring;
- 2) changes in police culture, policy and practice;
- 3) partnering with community resources and collaborative approaches; and
- 4) strengthening police accountability.

1. Police Training, Supervision, and Hiring

Respondents overwhelmingly recommended improvements in training of police officers. Many respondents recommended training for police that was mandatory, recurrent, and focused on education about trauma, cultural sensitivity, bias, domestic violence and sexual assault, primary aggressor analysis, and interviewing. Respondents emphasized that training needed to occur at all levels of the police force and be adequately funded. Respondents gave examples of innovative training that would incorporate role playing, victim panels, and other methods of survivors speaking directly to police about their experiences.

“Understand that there is no one-size fits all and that one-time training will not do it and that training should be as diverse, community oriented and forward thinking as possible.”

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*“The first thing I would say is that there needs to be extensive training done with all police officers about domestic violence. Not just about how to respond appropriately as an officer to a DV call, but the kind of 40 hour training that respondents get about power and control, how an abusive partner controls their victim in every way, reasons why women stay in abusive relationship and why it is hard to leave, etc. I don’t think that police will ever learn to respond appropriately until they are really able to empathize with victims and realize how much is at stake for these women when they call the police. I think about half of the calls made to the police are for domestic violence. Sometimes police are the only people that women in abusive relationships interact with. They need to not only do their job in a supportive, survivor-centered way, they need to also be providing resources and information for that survivor to seek additional help.”*

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“Officers must be educated on the impact of trauma. Particularly in sexual assault cases, the police fail to comprehend how memory can come and go, how disclosures may not be linear, etc.”

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*“Training for police officers (not just detectives) around domestic and sexual violence. Some police officers are fabulous and some are horrible and have no understanding of the dynamics of domestic and sexual violence. In about 50% of my interactions with police officers, the officer has interrogated a survivor who is making a police report and had a victim blaming mentality.”*

Respondents also emphasized the need for training on cultural issues and bias.

*“[I recommend] that police receive effective training about racism, sexism, ableism, homophobia, transphobia, and the things they should be doing to address the needs of the populations they serve.”*

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“Training on cultural differences and how abuse may manifest differently in different cultures (especially the role of the extended family and church officials).”

Respondents also recommended that police departments hire more women and people of color and exercise more supervision. There was a strong emphasis on the importance of police leadership in setting the tone for the department in the way survivors are treated and cases handled.

“Most importantly, the officers’ behavior and response is directly linked to what type of supervision they receive. If the supervising captain and/or chief hold officers accountable for their behavior and response to domestic violence/sexual assault the department will act accordingly.”

2. 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. Others emphasized the need for attitudinal shifts so that police would be more willing to believe victims and end victim-blaming. The following suggestions are illustrative:

“Trust the survivor as the expert of their lives. Believe them!”

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*“Concept of ‘Start by Believing’ - believe until facts of the case prove otherwise, not the other way around of ‘make me believe you.’”*

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“Treat each report as an individual case. A person may cause tons of trouble for police, they may lie to police all the time, but that doesn’t exclude them from the fact that they can be victimized and most likely have been at some point (maybe the trauma is part of their behavior). People call police or attorneys or respondents because they are scared. Even if a complaint seems stupid to the person responding, it may be something very real for the person calling. A little empathy goes a long way toward solving problems and making someone feel safer, which hopefully will eventually reduce calls.”

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*“Take survivors’ claims seriously and ask about and take into consideration the history of violence within the relationship – prioritize*



*safety as well as respecting survivors' fears and concerns around reporting."*

Respondents also suggested that officers needed to do more to inform survivors about the criminal process and the availability of services for survivors.

*"Law enforcement needs to carry out due diligence in informing clients of their rights, particularly as victims of crime, and what this make them entitled to, including forensic exams."*

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*"Advocates need to be present as often as possible."*

Some respondents urged better enforcement of protection orders and taking more seriously allegations of protection order violations.

*"I've had many women call in about their abusers violating a protection order, only to have law enforcement tell the victim that there isn't enough evidence for them to do anything. Many don't even go talk to the victim in person."*

Respondents urged that police follow established protocols, for example, separating the parties for interviews and conducting a thorough investigation.

*"[Police should] [t]horoughly interview the parties, separately and do not invite alleged abusers' family members to take part in mediation between the parties."*

Respondents also called for greater use of community policing and prevention approaches.

*"Have police provide community education to explain how and when police can help. Recognize, that for persons in stress, asking for help from the police is likely the last resort and not one invited. Work to change this to preventive efforts with the community whenever abuse is known."*

### **3. Partnering with Community Organizations and Collaborative Approaches**

Respondents recommended that police develop closer partnerships with advocates to improve their knowledge of community resources for survivors, better understand survivors, and improve how law enforcement responds. Examples were given of using advocates to assist with investigations and respond with police.

*“Use advocates during the investigation process. Detectives expect victims to just talk to them and give them loads of information. If a detective used an advocate to help explain to the victim WHY are these questions being asked and WHAT they are for, the process might be smoother. Sometimes law enforcement assumes everyone has an understanding of how the system works and they get frustrated when victims don't talk to them, but in reality, victims are just concerned about how what they say will be used. Talking to the police for many clients is super intimidating.”*

Respondents also recommended partnering with advocates as a way to educate police about the dynamics of domestic violence and sexual assault, increase cooperation and foster a better understanding of survivors.

*“More interaction between law enforcement agencies and victim service agencies would foster better relationships, which impact the ability to get some real improvement in the processes for victims. If police continue to view victim service providers as ‘bleeding hearts,’ it makes it easy for them to dismiss and even ridicule the programs and agencies that work to assist.”*

Respondents also recommended increased funding for advocacy organizations so that staff with the skills and experience to best assist survivors could be hired and retained. Respondents also said that more funding was needed to provide survivors with adequate resources.

*“We need to EXPAND THE RESOURCES. This includes the resources for respondents, and increasing their pay. This job is difficult and often has a lot of turn over because even respondents cannot afford to get by on the current ‘competitive’ salaries. With this turn over, educated, intelligent, diverse populations are unable to pursue this work. This also includes the victim’s ability to get out. We do not have enough resources surrounding legal services, and every single day people are turned away for resources that they need (housing, financial, child care, legal... civil and criminal, and SO MANY MORE).”*

#### **4. Strengthen Police Accountability**

Respondents recommended that police be held accountable when they failed to follow protocol or engaged in misconduct. Many respondents said that leadership from the top was critical to ensuring this accountability.

*“We work with many different police jurisdictions in our county, as well as a Sheriff's office. The jurisdictions where law enforcement focus on and*

*expect a high level of accountability from their officers around domestic violence and sexual assault cases are visibly the best responders.”*

Other respondents suggested periodic review of how police respond in domestic violence and sexual assault cases by community or other external review boards.

*“Create a review committee that tracks police response outcomes and holds local and state police accountable for prejudicial response practices that create further trauma and alienation from the justice system.”*

### **III. Next Steps for Study and Reform**

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

Respondents pointed to policy choices that had made a *positive* difference in police response, even while problems remain. Many urged the adoption of protocols that involved law enforcement and advocates working in tandem to respond to cases – or at least to the most high risk cases. But accompanying respondents’ support for policy and collaboration reforms were a set of deep concerns about police attitudes towards survivors and police bias.

Respondents’ comments highlighted the entrenched nature of long-recognized, gender-driven biases by police against domestic violence or sexual assault claims. Many also pointed to the problem of police bias against individuals from particular groups or under particular circumstances. These responses illustrate the limits of examining police response along the single axis of “domestic violence” or “sexual assault” or “gender bias.” Bias against survivors not infrequently reflected bias against survivors of color, and against survivors who are poor, Native American, immigrant, or LGBTQ. Non-English speaking survivors were similarly at risk of biased treatment and of being misunderstood because of the lack of adequate interpreters – a problem that likely increases their risk of being inappropriately arrested.

Respondents identified the ways in which policies in areas such as immigration enforcement, child welfare, and economic and housing security impact the effectiveness of law enforcement responses to domestic violence and sexual assault. Respondents’ descriptions also elucidate how criminal justice policy in areas such as drug enforcement and prostitution impact the effectiveness of police response to domestic violence and sexual assault. Respondents noted that police did not respond fairly to abuse claims made by survivors with criminal records, women who are sex workers, and those with histories of mental illness or drug addiction. Indeed, a number of respondents noted that these disfavored groups were at real risk of being arrested themselves if they reported abuse. Moreover, responses confirm the limitations of criminal justice responses and underscore the need for a broad range of responses that

aim to prevent abuse as an initial matter, and that provide needed services and advance survivors' economic stability.

In summary, the responses illustrate the need to approach the problems related to police response to domestic violence and sexual assault in an intersectional<sup>78</sup> manner that recognizes the ways in which different forms of bias – sex/class/race/sexual orientation/gender identity/immigration status etc. – relate to each other. It further illustrates the importance of recognizing system intersectionality<sup>79</sup> – the ways in which different systems can interrelate to create a web of negative outcomes for survivors.

### **1. *Strengthen Police Accountability***

The federal government should provide guidance to law enforcement agencies regarding their response 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 domestic violence and sexual assault and should engage in a broad awareness campaign to let advocates know of their efforts. In recognition of the intersectional nature of police bias, these mechanisms should be integrated with efforts to address police bias on the basis of race, ethnicity, gender identity, sexual orientation, and other identity characteristics.

Furthermore, public education campaigns should inform advocates and service providers about available oversight mechanisms, including the authority of the Department of Justice to investigate biased policing. Respondents were familiar with methods of police/community agency collaboration and joint policy making (Task Forces, etc.), but they had little awareness of *independent* oversight mechanisms. Funding should be available to advocates to explore using, creating, or strengthening existing oversight mechanisms, such as bodies tasked with independent police review, to better educate the public about the existence of these accountability mechanisms, and to incorporate oversight of police response to domestic violence and sexual assault in advocates' work. Advocates for survivors should investigate the efficacy of working with these independent mechanisms of police oversight.

### **2. *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. All assessments of police response should examine police response to survivors who are young, sex workers, homeless, mentally ill, and substance abusers. Police bias against poor people merits special attention, particularly as class bias intersects with other areas of bias including race and sexual orientation. This is a particularly urgent

issue because research indicates that low-income individuals are more likely to call the police for intimate partner violence than are people with means.<sup>80</sup>

Training should also address the ways that intersecting policies (e.g., immigration, child welfare), as described more fully below, create additional vulnerabilities and risks for survivors. Police should be trained to recognize the ways that these policies and systems affect survivors and to take steps to minimize adverse consequences.

### **3. *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:

**\*Immigration Policies** – Policies encouraging law enforcement to collaborate with ICE limit survivors’ ability to reach out for police assistance and heighten the risk for violence. Lack of protections for undocumented workers increases the risks for sexual assault and economic exploitation.

**\*Economic Security** – Issues surrounding policing domestic violence and sexual assault cannot be separated from concerns about economic security. Federal, state, and local governments must place a greater emphasis on improving the economic well-being of individuals who have been most devastated by long term economic trends and more recent decreases in social services. The economic well-being of individuals, particularly women raising children, is directly tied to risks for domestic violence and sexual assault. Economic insecurity is an impediment for survivors escaping violence, a contributing factor in increasing individuals’ vulnerability to violence, and may also contribute to increases in the incidents of domestic violence.

**\*Child Welfare Policies** – Survivors are reluctant to call the police because they fear that the state will remove their children. It is critical that child welfare policies be reformed so as to better support survivor parents rather than encourage child removal.

### **4. *Additional Research***

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

Research should:

- 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;
- investigate the question of police bias from an intersectional perspective of gender/race/class/sexual orientation/gender identity/ethnicity/indigeneity/immigration status/etc.;
- examine ways in which larger criminal justice strategies – drug enforcement, quality of life policing, etc. – impact survivors and how they view law enforcement;
- 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;
- investigate the degree to which police officers perpetrate intimate partner violence, sexual assault, and sexual harassment, particularly with regard to vulnerable people including sex workers, youth, and those under the supervision of the criminal justice system; and
- investigate the efficacy of programs that provide an alternative to criminal prosecution, including restorative justice and transformative justice programs.

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## **Appendix**

### **Survey**

The authors disseminated a 26-question survey regarding policing and domestic violence and sexual assault. The invitation to participate was accompanied by a letter informing recipients that the authors hoped that the survey results would inform the discussion on policing at a future White House summit that had been announced by Vice President Joseph Biden. The survey remained open for one month, from mid-April to mid-May 2015. More than 900 people responded to all or some portion of the survey. Respondents were told that their identity would remain confidential unless they chose to disclose it and that only aggregated data and regional examples would be used in the final report. Two hundred and fifty four respondents chose to disclose their identity for further follow-up. The authors subsequently gained permission from one respondent to include a quote that contained potentially identifying information. In all other cases, identifying information (e.g., city or state names, program names) was redacted from this report and noted with the signifier "XXX."

The survey began with questions about respondents' work settings and client/membership. The substantive portion of the survey sought both quantitative and qualitative responses. The survey focused on 1) respondents' central concerns regarding policing and domestic violence and sexual assault and 2) existing beneficial mechanisms and recommendations for improvements to police response to domestic violence and sexual assault. The process for analyzing these responses follows.

For responses to the quantitative questions, the authors tabulated the total number of responses for each question and the corresponding percentages for each response choice. For the qualitative questions, the authors categorized the responses and then grouped similar responses together. Multiple reviewers analyzed each set of responses to promote consistency. After responses were analyzed, reviewers compared the results. The research team resolved any discrepancies in categorization. Central themes were identified.

The authors found significant consistency between the quantitative and qualitative responses. The report is organized by the primary themes that emerged

from the qualitative responses. Each section includes relevant quantitative data, when available. Selected quotes from the qualitative responses are included to illustrate the issues raised by respondents. The respondents' qualitative responses that were identified within the major themes will be available at [www.aclu.org/responsesfromthefield](http://www.aclu.org/responsesfromthefield), or interested people may also contact Donna Coker, [dcoker@law.miami.edu](mailto:dcoker@law.miami.edu).

## **Data Regarding Concerns About Police Involvement**

Three sets of questions probed respondents' central concerns about policing and domestic violence and sexual assault. The first set of questions solicited respondents' views of whether survivors generally contact the police and the most important reasons that survivors do not contact the police or cooperate with law enforcement. Respondents were asked to respond to the following Likert-style questions:

- "How common is it for your clients/members who have experienced domestic violence or sexual assault to report the crime to local police?"
- "Do you generally encourage your clients/members who have experienced domestic violence or sexual assault to call the police or to cooperate with the criminal justice system?"
- "To what extent do police-community relations with marginalized communities (racial, minority, immigrant, LGBTQ, etc.) influence the willingness of your clients/membership to call police or cooperate with the criminal justice system?"

Response choices for the first two questions were "never/rarely," "sometimes," "often/always," and "don't know." For the third question, respondents were asked to choose between "not much," "sometimes," "a lot," and "don't know."

A qualitative open-ended question asked:

- Please tell us about the two most often reported reasons that your client/membership do not call the police or cooperate with the criminal justice system for domestic violence or sexual assault incidents.

A total of 946 respondents provided qualitative responses to the above question. Respondents could offer more than one suggestion. The total number of responses was 1848.

A second set of Likert-style questions asked respondents to indicate how often their clients/membership who experience domestic violence and sexual assault faced 26 discrete problems with policing. The problems included a range of issues such as police fail to respond, police report to ICE, etc. The responses that emerged as significant are discussed in the report.



A third set of questions asked respondents about police bias and discrimination. A quantitative question asked respondents to choose between “yes,” “no,” and “don’t know” to the following:

- Do you believe that police bias or discrimination against particular groups of people with regard to domestic violence/sexual assault claims is a problem in your community?

A follow-up qualitative question asked respondents:

- If yes, what are your three main concerns with police bias or discrimination?

A total of 446 respondents answered the qualitative question on bias. Respondents could provide more than one answer. The total number of responses for this question was 1085. The major themes that emerged from an analysis of these responses are reported in the report.

### **Data Regarding Views on Existing Mechanisms and Recommendations for Improvement**

The second half of the survey sought to determine respondents’ awareness of various mechanisms for police accountability, respondents’ views on the efficacy of these mechanisms in their communities, and respondents’ recommendations for improvements. The following quantitative questions covered a variety of mechanisms that are in place in many communities:

- “Do domestic violence/sexual assault service providers, police, prosecutors, and others in your community meet regularly as a group?”
- “If yes, how helpful are these meetings in improving the police response to sexual assault/domestic violence cases?”
- “Does your community have any of the following?  Civilian Complaint Review Board  Citizens Police Review Board  Independent Police Auditor  Police Ombudsman  Other oversight mechanism  Don’t know”
- “If yes, how helpful has it been in improving the police response to sexual assault/domestic violence cases?”
- “Are you aware that any of your clients/membership filed a civil law suit or considered filing a civil law suit against the police department for failing to respond appropriately to sexual assault/domestic violence?”
- “If yes, how helpful have these lawsuits been in improving the police response to sexual assault/domestic violence cases?”
- “Are you aware that the Department of Justice (DOJ) Office for Civil Rights has the capacity to investigate gender biased policing? More information is available at <https://www.aclu.org/blog/criminal-law-reform-womens-rights/justice-department-police-misconduct-responding-domestic-and>”

- “Have you or your clients/membership considered initiating a DOJ investigation?”

The survey included the following yes/no question regarding alternatives to criminal justice responses to domestic violence and sexual assault.

- “Are you aware of any alternatives to traditional prosecution/punishment (restorative justice, family group conferencing, etc.) in sexual assault/domestic violence cases in your community?”

A follow-up Likert-style question asked:

- “If yes, have they been helpful in sexual assault/domestic violence cases?”

The survey sought responses to the following qualitative question as well:

- “Please tell us of any helpful projects or new initiatives in your community related to police response to sexual assault/domestic violence.”

A total of 297 respondents responded to the qualitative question regarding “helpful projects or new initiatives” (referred to in the report as “existing mechanisms”).

Respondents were asked the following qualitative question seeking recommendations:

- “If there is a problem with police response to sexual assault and domestic violence, what are your top three recommendations for improvement in your community?”

A total of 603 respondents provided their recommendations for improvements in response to this question. Respondents could provide more than one response. The total number of responses to this question was 1467.

## Endnotes

<sup>1</sup> See generally OFFICE OF THE VICE PRESIDENT, 1 IS 2 MANY: TWENTY YEARS FIGHTING VIOLENCE AGAINST WOMEN AND GIRLS (2014), [https://www.whitehouse.gov/sites/default/files/2014\\_vawa\\_report.pdf](https://www.whitehouse.gov/sites/default/files/2014_vawa_report.pdf).

<sup>2</sup> See MAJORITY STAFF OF THE S. JUDICIARY COMM., THE RESPONSE TO RAPE: DETOURS ON THE ROAD TO EQUAL JUSTICE 17-20 (1993) [hereinafter 1993 SENATE JUDICIARY COMM. REPORT], <http://niwaplibrary.wcl.american.edu/reference/additional-materials/vawa-legislative-history/violence-against-women-act-hearings-and-reports/vawa-related-hearings-and-reports-1993/Majority%20Staff%20Report-%20May%201993.pdf>; see also Sally F. Goldfarb, *Violence Against Women and the Persistence of Privacy*, 61 OHIO ST. L.J. 1, 7 (2000); Victoria F. Nourse, *Where Violence, Relationship, and Equality Meet: The Violence Against Women Act’s Civil Rights Remedy*, 15 WIS. WOMEN’S L.J. 257, 258 (2000).

<sup>3</sup> Sally Goldfarb, Professor of Law, Rutgers Law School, The Civil Rights Remedy of the Violence Against Women Act: Legislative History, Policy Implications, & Litigation Strategy, Remarks at a Panel Discussion

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Sponsored by the Ass'n of the Bar of the City of N.Y. (Sept. 14, 1995), *in* 4 J.L. & POL'Y 391, 391-92 (1996); *see also* 1993 SENATE JUDICIARY COMM. REPORT, *supra* note 2, at 3.

<sup>4</sup> *See* 1993 SENATE JUDICIARY COMM. REPORT, *supra* note 2, at 3.

<sup>5</sup> 137 Cong. Rec. S597 (1991).

<sup>6</sup> 1993 SENATE JUDICIARY COMM. REPORT, *supra* note 2, at 16.

<sup>7</sup> *Women and Violence, Legislation to Reduce the Growing Problem of Violent Crime Against Women: Hearing before the Senate Comm. on the Judiciary*, 101st Cong. 52 (1990) (statement of Linda Fairstein, Chief, Sex Crimes Prosecution Unit, New York County District Attorney's Office), <http://niwaplibrary.wcl.american.edu/reference/additional-materials/vawa-legislative-history/violence-against-women-act-hearings-and-reports/vawa-related-hearings-1990/Senate-Hearing--June-20-1990.pdf>.

<sup>8</sup> *See generally* BETH E. RICHIE, *ARRESTED JUSTICE: BLACK WOMEN, VIOLENCE, AND AMERICA'S PRISON NATION* (2012) (describing the history of anti-violence movement). Indeed, some advocates and scholars opposed pro-arrest and pro-criminal justice policies because of concerns of the negative impact on survivors of color and their communities. *Id.* The number of advocates who are concerned about the emphasis on criminal justice system response as compared to increased material and service responses has grown in the last several years. *See* Mimi Kim, *The Mainstreaming of the Criminalization Critique: Reflections on VAWA 20 Years Later*, CUNY LAW REVIEW: VAWA @ 20 (Nov. 21, 2014), <http://www.cunylawreview.org/vawa-20-the-mainstreaming-of-the-criminalization-critique-reflections-on-vawa-20-years-later-by-mimi-kim/#footnote-586012216983363-1>.

<sup>9</sup> *See* LISA N. SACCO, CONG. RESEARCH SERV., R42499, *THE VIOLENCE AGAINST WOMEN ACT: OVERVIEW, LEGISLATION, AND FEDERAL FUNDING* (2014), <https://fas.org/sqp/crs/misc/R42499.pdf>.

<sup>10</sup> *Id.* VAWA also has funded shelters, social services and counseling programs and civil legal services, has provided immigration relief to survivors, and has supported research and other programmatic initiatives. *Id.*

<sup>11</sup> MATTHEW J. BREIDING, JIERU CHEN, & MICHELE C. BLACK, NAT'L CTR. FOR INJURY PREVENTION, CDC, *INTIMATE PARTNER VIOLENCE IN THE UNITED STATES—2010* (2014), [http://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_ipv\\_report\\_2013\\_v17\\_single\\_a.pdf](http://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf) [hereinafter NISVS -2010]. Research findings on the incidents of rape/sexual assault vary significantly. For example, the latest National Crime Victimization Survey ("NCVS") reports an annual rape rate of an estimated 284,350 rape/sexual assaults, substantially less than the number reported in the NISVS- 2010 survey. JENNIFER L. TRUMAN & LYNN LANGTON, BUREAU OF JUSTICE STATISTICS, DEP'T OF JUSTICE, NCJ 248973, *CRIMINAL VICTIMIZATION, 2014 2 tbl.1* (2015), <http://www.bjs.gov/content/pub/pdf/cv14.pdf>. The differences are largely the product of differing methods of gathering data and differing definitions of sexual assault. For example, some studies use behaviorally specific questions rather than ask respondents if they have been "raped" or experienced "sexual assault." *See, e.g.*, BREIDING, CHEN, & BLACK, NISVS-2010; *see also* DEAN G. KILPATRICK ET AL., *DRUG-FACILITATED, INCAPACITATED, AND FORCIBLE RAPE: A NATIONAL STUDY* (2007), <https://www.ncjrs.gov/pdffiles1/nij/grants/219181.pdf>. By contrast, NCVS requires that the respondent identify their experience as "rape" or "sexual assault." Furthermore, unlike other surveys, NCVS does not include drug-facilitated sexual assault within its definition of rape/sexual assault.

<sup>12</sup> Matthew J. Breiding et al., *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Violence Survey, United States, 2011*, 63 MORBIDITY & MORTALITY WKLY. REP. 1, 5 tbl. [hereinafter, NISVS-2011], <http://www.cdc.gov/mmwr/preview/%20mmwrhtml/ss6308a1.htm>. *See also* KILPATRICK ET AL., *supra* note 11, at 23 (stating that earlier study finding similar results of 18% of lifetime rates for women and approximately 1 million in the year prior to the 2007 survey).

<sup>13</sup> SOFI SINOZICH & LYNN LANGTON, BUREAU OF JUSTICE STATISTICS, DEP'T OF JUSTICE, NCJ 248471, *RAPE AND SEXUAL ASSAULT VICTIMIZATION AMONG COLLEGE-AGE FEMALES, 1995–2013 3 fig.2* (2014), <http://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf>.

<sup>14</sup> NISVS-2011, *supra* note 12, at 5.

<sup>15</sup> *Id.* at 9 tbl.6.

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<sup>16</sup> *Id.*

<sup>17</sup> PATRICIA TJADEN & NANCY THOENNES, NAT'L CRIM. JUSTICE REFERENCE SERV., DEP'T OF JUSTICE, NCJ 172837, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY 10-11 (2000); NISVS-2011, *supra* note 12 at p.10 tbl. 6.

<sup>18</sup> NISVS- 2011, *supra* note 12, at 9 tbl.6.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *See, e.g.*, CALLIE MARIE RENNISON & SARAH WELCHANS, BUREAU OF JUSTICE STATISTICS, DEP'T OF JUSTICE, NCJ 178247, SPECIAL REPORT: INTIMATE PARTNER VIOLENCE (May 2000, rev. Jan. 31, 2002), [http://www.popcenter.org/problems/domestic\\_violence/PDFs/Rennison%26Welchans\\_2000.pdf](http://www.popcenter.org/problems/domestic_violence/PDFs/Rennison%26Welchans_2000.pdf). Researchers note that surveys cannot determine whether racial differences are a product of varying comfort levels with reporting.

<sup>22</sup> *Id.* at 4 figs.4 & 5.

<sup>23</sup> *Id.* at 4 fig.4.

<sup>24</sup> TJADEN & THOENNES, *supra* note 17, at 25-26.

<sup>25</sup> ERIKA HARRELL ET AL., BUREAU OF JUSTICE STATISTICS, DEP'T OF JUSTICE, NCJ 248384, HOUSEHOLD POVERTY AND NONFATAL VIOLENT VICTIMIZATION, 2008-2010 3 (2014), <http://www.bjs.gov/content/pub/pdf/hpnvw0812.pdf>.

<sup>26</sup> RENNISON & WELCHANS, *supra* note 21, at 4 fig.7.

<sup>27</sup> MICHAEL L. BENSON & GREER L. FOX, NAT'L CRIM. JUSTICE REFERENCE SERV., DEP'T OF JUSTICE, NCJ 199709, CONCENTRATED DISADVANTAGE, ECONOMIC DISTRESS, AND VIOLENCE AGAINST WOMEN IN INTIMATE RELATIONSHIPS II-3-5-6 (2004) (explaining that men who experienced a single episode of unemployment in the six years between measures had rates of committing IPV of 7.5% and those who experienced two or more episodes of unemployment had commission rates of 12.3%, compared to a rate of 4.7% for those who remained steadily employed); *see generally* Deborah Weissman, *Law, Social Movements, and the Political Economy of Domestic Violence*, 20 DUKE J. GENDER L. & POL'Y 221 (2013).

<sup>28</sup> MIKEL L. WALTERS ET AL., NAT'L CTR. FOR INJURY PREVENTION & CONTROL, CDC, THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS): 2010 FINDINGS ON VICTIMIZATION BY SEXUAL ORIENTATION 1 (2013), [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_sofindings.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf).

<sup>29</sup> Laura Badenes-Ribera et al., *Intimate Partner Violence in Self-identified Lesbians: A Meta-analysis of its Prevalence*, 12 SEX RES. SOC. POL'Y 47, 54 (2015).

<sup>30</sup> *Id.* at 53.

<sup>31</sup> WALTERS ET AL., *supra* note 28, at 21 tbl.6.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 6. One third of the perpetrators of IPV against lesbian respondents in the NISVS were male. *Id.* at 27.

<sup>34</sup> *Id.* at 22. The majority of both bi-sexual and heterosexual women reported that their perpetrator was male, 89.5% and 98.7%, respectively. *Id.* at 27.

<sup>35</sup> *Id.* at 22. This is comparable to the study's findings regarding lifetime severe IPV for heterosexual men (13.9%). *Id.*

<sup>36</sup> NAT'L COAL. OF ANTI-VIOLENCE PROGRAMS, LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, & HIV-AFFECTED INTIMATE PARTNER VIOLENCE IN 2013 56 (2014), [http://www.avp.org/storage/documents/ncavp\\_2012\\_ipvreport.final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ipvreport.final.pdf).

<sup>37</sup> Emilia L. Lombardi et al., *Gender Violence: Transgender Experiences with Violence and Discrimination*, 42 J. HOMOSEXUALITY 89, 95-96 (2001).

<sup>38</sup> KILPATRICK, *supra* note 11, at 2 (finding that only 16% of rapes were reported); *see also* NAT'L INST. OF JUSTICE, REPORTING OF SEXUAL VIOLENCE INCIDENTS (2010) (finding that only 36 percent of rapes, 34 percent of attempted rapes, and 26 percent of sexual assaults were reported), <http://www.nij.gov/topics/crime/rape-sexual-violence/pages/rape-notification.aspx>; LYNN LANGTON ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, NCJ No. 238536, VICTIMIZATIONS NOT REPORTED TO THE POLICE, 2006-2010 (2012), *available at* <http://www.bjs.gov/content/pub/pdf/vnrp0610.pdf>.

<sup>39</sup> LANGTON ET AL., *supra* note 38, at 4 tbl.1

<sup>40</sup> *Id.* at 4.

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- <sup>41</sup> Richard B. Felson & Paul-Philippe Paré, *The Reporting of Domestic Violence and Sexual Assault by Nonstrangers to the Police*, 67 J. MARRIAGE & FAM. 597, 606 (2005).
- <sup>42</sup> KILPATRICK, *supra* note 11, at 2.
- <sup>43</sup> Melinda Tasca et al., *Police Decision Making in Sexual Assault Cases: Predictors of Suspect Identification and Arrest*, 28 J. INTERPERSONAL VIOLENCE 1157, 1167 (2012); *see also* REBECCA CAMPBELL ET AL., THE DETROIT SEXUAL ASSAULT KIT (SAK) ACTION RESEARCH PROJECT (ARP), FINAL REPORT (2015) 109-118 (police frequently believed that rape complainants were engaged in sex work and this was one of several reasons that Detroit police failed to pursue rape complaints), <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>.
- <sup>44</sup> Tasca et al., *supra* note 43, at 1167.
- <sup>45</sup> MARTIN D. SCHWARTZ, NAT'L INST. OF JUSTICE VISITING FELLOWSHIP: POLICE INVESTIGATION OF RAPE – ROADBLOCKS AND SOLUTIONS 23 (2010), <https://www.ncjrs.gov/pdffiles1/nij/grants/232667.pdf>.
- <sup>46</sup> LANGTON, ET AL., *supra* note 38, at 6 tbl.3.
- <sup>47</sup> *Id.*
- <sup>48</sup> Jeffrey Ackerman & Tony P. Love, *Ethnic Group Differences in Police Notification About Intimate Partner Violence*, 20 VIOLENCE AGAINST WOMEN 162, 177 (2014).
- <sup>49</sup> BREIDING, CHEN, & BLACK, *supra* note 11, at 56–58.
- <sup>50</sup> T.K. LOGAN & ROBERTA VALENTE, DOMESTIC VIOLENCE HOTLINE, WHO WILL HELP ME? DOMESTIC VIOLENCE SURVIVORS SPEAK OUT ABOUT LAW ENFORCEMENT RESPONSES 4, 9 (2015), *available at* <http://www.thehotline.org/resources/law-enforcement-responses>.
- <sup>51</sup> RENNISON & WELCHANS, *supra* note 21, at 6–7 fig.10 (stating that black women reported to the police at higher rates than did black men, white men, and white women, 67%, 48%, 45%, and 50%, respectively; a higher percentage of Hispanic females reported IPV to the police than did non-Hispanic females, 65% and 52%, respectively.)
- <sup>52</sup> Ackerman & Love, *supra* note 48, at 177.
- <sup>53</sup> *See, e.g.*, Lisa M. Martinson, *An Analysis of Racism and Resources for African-American Female Victims of Domestic Violence in Wisconsin*, 16 WIS. WOMEN'S L. J. 259, 260–66 (2001).
- <sup>54</sup> *See id.* at 265–66.
- <sup>55</sup> HILLARY POTTER, BATTLE CRIES: BLACK WOMEN & INTIMATE PARTNER ABUSE 174–77 (2008); *see also* RICHIE, *supra* note 8.
- <sup>56</sup> *See* MITRU CIARLANTE & KIM FOUNTAIN, NAT'L CTR. FOR VICTIMS OF CRIME & NAT'L COAL. OF ANTI-VIOLENCE PROGRAM, WHY IT MATTERS: RETHINKING VICTIM ASSISTANCE FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER VICTIMS OF HATE VIOLENCE & INTIMATE PARTNER VIOLENCE 5–6 (2010), [http://www.victimsofcrime.org/docs/Reports%20and%20Studies/WhyItMatters\\_LGBTQreport\\_press.pdf?sfvrsn=0](http://www.victimsofcrime.org/docs/Reports%20and%20Studies/WhyItMatters_LGBTQreport_press.pdf?sfvrsn=0).
- <sup>57</sup> NAT'L COAL. OF ANTI-VIOLENCE PROGRAMS, LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED INTIMATE PARTNER VIOLENCE IN 2013 49 (2014) [hereinafter *National Coalition of Anti-Violence Programs' 2013 Report*], [http://www.avp.org/storage/documents/ncavp2013ipvreport\\_webfinal.pdf](http://www.avp.org/storage/documents/ncavp2013ipvreport_webfinal.pdf).
- <sup>58</sup> *Id.*
- <sup>59</sup> *Id.* at 12.
- <sup>60</sup> JAIME M. GRANT, LISA A. MOTTET, & JUSTIN TANIS, NAT'L CTR. FOR TRANSGENDER EQUALITY, INJUSTICE AT EVERY TURN: A REPORT OF THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY 6 (2011).
- <sup>61</sup> *National Coalition of Anti-Violence Programs' 2013 Report*, *supra* note 57, at 10.
- <sup>62</sup> *Id.*
- <sup>63</sup> Leigh Goodmark, *Transgender People, Intimate Partner Abuse, and the Legal System*, 48 HARV. C.R.-C.L. L. REV. 51, 76–77 (2013).
- <sup>64</sup> NATALIA LEE ET AL., NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT, NATIONAL SURVEY OF SERVICE PROVIDERS ON POLICE RESPONSE TO IMMIGRANT CRIME VICTIMS, U VISA CERTIFICATION AND LANGUAGE ACCESS (2013), <http://www.niwap.org/2013/04/national-survey-of-service-providers-on-police-response-to-immigrant-crime-victims/>.

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<sup>65</sup> Nawal H. Ammar et al., *Calls to Police and Police Response: A Case Study of Latina Immigrant Women in the USA*, 7 INT'L J. OF POLICE SCIENCE & MGMT. 230, 241 (2005).

<sup>66</sup> LEE ET AL., *supra* note 64.

<sup>67</sup> *Id.* at 31.

<sup>68</sup> *Id.* at 37.

<sup>69</sup> Leslye E. Orloff et al., *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 13 UCLA Women's L.J. 43, 67–69 (2003); Ammar et al., *supra* note 65, at 237.

<sup>70</sup> Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801, 837-39 (2001); Andrea L. Dennis & Carol E. Jordan, *Encouraging Victims: Responding to A Recent Study of Battered Women Who Commit Crimes*, 15 Nev. L.J. 1, 21-22 (2014) (citing Adam J. Pritchard et al., *A Qualitative Comparison of Battered Women's Perceptions of Service Needs and Barriers Across Correctional and Shelter Contexts*, 41 CRIM. JUST. & BEHAV. 844, 852 (2014)).

<sup>71</sup> See, e.g., Marsha E. Wolf et al., *Barriers to Seeking Police Help for Intimate Partner Violence*, 18 J. FAM. VIOLENCE 121, 126 (Apr. 2003); *New Study of Domestic Violence and Sexual Assault in the U.S. Latin@ Community Reveals Barriers to Reporting and High Willingness to Intervene to Help Survivors*, NO MORE (Apr. 21, 2015), <http://nomore.org/no-mas-study-pr/>.

<sup>71</sup> BREIDING, CHEN, & BLACK, *supra* note 11, at 59 tbl.7.2.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> LEE ET AL., *supra* note 64, at 31 (explaining that the number of U-Visas went up in locales where victim agencies collaborated with law enforcement to respond to IPV among immigrant women); Melanie F. Shepard, *Advocacy for Battered Women: Implications for a Coordinated Community Response*, in COORDINATING COMMUNITY RESPONSES TO DOMESTIC VIOLENCE: LESSONS FROM DULUTH AND BEYOND 25, 25 (Melanie F. Shepard & Ellen L. Pence eds. 1999).

<sup>75</sup> The Likert-style questions asked respondents to choose between “never/rarely” or “rarely,” “sometimes,” “often/always” and “don’t know.” Questions regarding the helpfulness of regular inter-agency meetings used “not helpful,” “somewhat helpful,” “very helpful,” and “don’t know.”

<sup>76</sup> Most of the respondents were service providers, but some worked for membership organizations, hence the questions, and our summary, will refer to “clients/members” throughout.

<sup>77</sup> In addition, a significant number of respondents noted that fear of retribution from the abuser was a significant problem that constitutes one of the primary reasons that survivors do not contact the police. This report does not detail those responses because the survey did not systematically capture if and how fear of retaliation connected with law enforcement responses in survivors’ experiences. Nevertheless, the responses serve as a sober reminder of the potential risk facing survivors.

<sup>78</sup> See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STANFORD L. REV. 1241 (1991).

<sup>79</sup> Dorothy Roberts, *Prison, Foster Care, and the Systemic Punishment of Black Mothers*, 59 UCLA L. REV. 1474 (2012) (describing how welfare, criminal justice, and child welfare intersect to create a web of control in over the lives of poor African American women).

<sup>80</sup> Ackerman & Love, *supra* note 48 at 177 (reviewing National Crime Victimization Survey data, finding that “[p]olice notification was positively related to low family income, public housing, renting (versus owning a home), the number of household individuals below 12 years of age, and living in a mobile home, trailer, or dormitory ....”).