



All They Can Do...

Police Response to Battered Women's Complaints

**David Reed
Sonia Fischer
Glenda Kaufman Kantor
Kevin Karales**



Chicago Law Enforcement Study Group

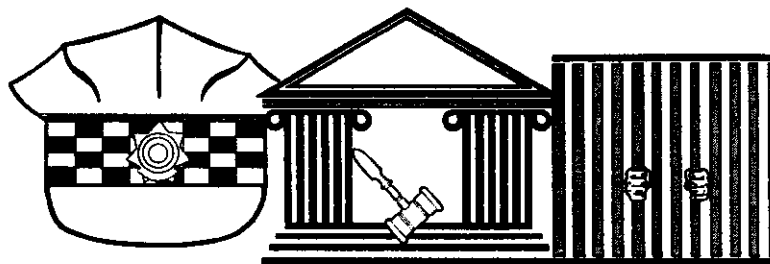
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109 North Dearborn Street•Suite 303•Chicago Illinois 60602•(312) 346-1179

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SECTION I INTRODUCTION AND BACKGROUND

INTRODUCTION

In a society where violence is an all too common element of our lives and consciousness, only recently has substantial attention been focused on the family as one of "the most violent of all civilian institutions" (Straus, 1977, 450-1). This generalization includes all members of families but, recently, the relatively private phenomenon of interspousal abuse has become a matter of great concern. This problem in its most common form of "wife beating" has been identified as existing at every social and economic level of our society (Langley and Levy, 1978). The identification of spouse abuse as criminal behavior has led to a negative assessment of the efforts of criminal justice agents to control the problem. The police response to the plight of battered women, especially, has been judged ineffective.

A number of studies have already looked at the role police take in providing critically needed assistance to victims. Our study looks at the problem of police response from a more systemic point of view, attempting to bring together the concerns, perspectives, and needs of victims, police, and those involved in providing support and services to victims. Through this systemic picture of the interaction between police and this important segment of their client population, we hope to provide understanding and suggestions for all participants to help the effective resolution of concerns.

This kind of study is firmly in the tradition of the Chicago Law Enforcement Study Group as it has developed over the last dozen years. The Study Group is a coalition of organizations seeking better information about the workings of the criminal justice system in the Chicago area. The research staff of the Study Group is made up of professionals committed to finding solutions through the understanding that careful social research can allow. The decision to investigate the relationship between battered spouses and the police was made with just such a "solution-seeking" goal.

The existence of a problem was brought to the Study Group's attention by a board member whose organization was seeing suburban Cook County victims who were receiving inadequate protection of the law when they called police for help. Our background work provided the basis for a brief, exploratory study to understand the concerns felt by all parties to the process.

Perhaps the most important characteristics of this work are: first, its effort to look at the interaction of the different parties involved in police/battered spouse contacts and, second, the descriptive nature of the research. We hope that our conclusions will indicate not only why police and victims may act as they do, but also the possibilities for improvements in these interactions. The problems are complex; the solutions must incorporate both issues of rights and justice, as well as consider the abilities of both the police and the victims to respond in ways that will help prevent the terrible consequences of spouse abuse both now and in future generations.

One final matter that must be addressed in any effort to investigate spouse abuse is the intense emotionality of the issue. It is the task of conscientious research to transcend the emotive aspect of social behavior so that an understanding of the reality can be achieved. It is important to acknowledge this as a problem in this work primarily because there is such a disparity in emotional content of our different interviews -- with the police almost uniformly matter-of-fact, and the victims generally on the raw edges of a painful physical and emotional experience. Where the police position invites a relatively careful and objective appraisal, the pathos of most of the victims invites much more sympathy and creates a special hurdle for researchers to surmount. Though we have concluded that a major part of the changes necessary to stem the tide of family violence should initiate with the police, we have pointed to the need for supports for distraught victims which may enable them to encourage police efforts to provide the assistance and protection that is their right.

In the following Methodology section, we present a brief outline of the methods as these relate to the exploratory and descriptive goals of the research. A short Literature Review, the next chapter, covers the major issues in the research on spousal violence, identifies the particular issues contributing to the problem, and discusses the limitations of the social response. Two more chapters look in detail at the findings of our

research. Police and victims' perspectives are contrasted in context of the various aspects of their interaction. The views of service organization personnel are then used to provide another perspective of what happens between police and victims and how it could be improved.

Finally, we have attempted to draw together the major points that emerged from the work both as observations and recommendations. We point again to the fact that this problem is rooted in very serious differences in values and expectations which will only change with strong leadership and the commitment of all those who make, enforce, and live by the laws of our land.

A BRIEF OVERVIEW OF THE LITERATURE

In this section, we review some historical antecedents of the contemporary problem of interspousal violence and survey the research and literature which explore recent conditions. The literature we cover is predominantly about victimization of women. The historical position of wives and the fact that essentially all reported spouse abuse victims are women have focused our attention on the issue of battered women, rather than battered men.

Some early indications of inequities in families appear in the subservient position assigned to women in the Old Testament. The creation story characterizations of women as the source of evil have been used through modern history as the justification of the rights of husbands to dominate wives. In 18th century England, a law was enacted restraining a husband's right to punish his wife by limiting the activity to "Blows, thumps, kicks or punches on the back which did not leave marks..." (Dobash and Dobash, 1977, p. 430). In American law, this constraint was expressed by the stipulation that a man could only beat his wife with "a rod not thicker than his thumb." (Davidson, 1977, p. 18). In the late 1800's, the "rule of thumb" had been overturned by laws banning wife-beating in most states. But the value given to the sanctity of family privacy limited the impact of these laws, as was suggested in an 1874 decision of a North Carolina Court, which stated:

If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze and leave the parties to forgive and forget (Martin, 1976, p. 33).

These values, supporting the sanctity of family privacy over the protection of persons, are deeply rooted in our society as well as the judiciary. They have shrouded family violence in secrecy, created shame and embarrassment for victims of abuse, been responsible, at least partially, for the broad public ignorance of the existence of the problem, and restrained the pressure for remedies. This same notion of "family privacy" limited the public awareness of child abuse until the last few years.

Dimensions of the Problem in Contemporary Society

A major portion of the research on battered wives has focused on documenting the level and the characteristics of the violence. The absolute incidence of wife beating is unknown. In addition to the usual crime statistics distortion due to under-reporting, this category of offenses is suspected of even lower reporting because it carries a social stigma. Police tend to handle incidents without keeping formal records, and there are indications that many women are not moved to take formal action until a number of beatings have occurred.

The estimates of frequency suggest that somewhere between ten and fifty percent of all families may be involved. The research conclusions are extremely varied, and even contradictory, but even the lowest estimates suggest the seriousness of the issue. Using the most conservative estimates, interspousal battery is probably one of the most prevalent crimes in our society. Not only is it frequent, however, but also results, first, in the victimization of women and then, secondarily, in serious injuries and even homicides in a significant proportion of cases. The general evidence pointing to the danger of family disputes comes from the 1980 F.B.I. national statistics which suggest that fifty-two percent of homicides occur between acquaintances, and twenty percent between people who are related. More specifically, an early study in Chicago indicated that forty-seven percent of all homicide victims were slain by a member of the family or a close friend, and that two-thirds of female criminal homicide victims were slain in domestic quarrels (Voss & Hepburn, 1968, p. 506). While this finding may be out-of-date, a more recent study conducted by the warden of the Women's Division at Cook County Jail found that forty percent of the women surveyed who were charged with murder or man-slaughter had killed their husbands or lovers after repeated or severe beatings (McCormick, 1975). All of these women had called the police six or more times and took other action when the beatings nevertheless escalated. Even more recently, the importance of repeated calls as an indicator of incipient danger was reinforced by a Kansas City study which showed that for eighty-five percent of the domestic homicide and aggravated assault cases, the police had been called to the home at least once, and for fifty percent of the cases, they had been called five or more times (Wilt, et al, 1977).

On the other hand, there is some evidence that victims have difficulty calling the police. A survey conducted in Kentucky put the percentage who called at nine percent (Harris, 1979) while an earlier national crime survey stated that fifty-five percent of victims reported calling the police (Gaquin, 1976). Police recording methods complicate collection of interspousal abuse statistics by aggregating a wide variety of offenses into the "domestic disturbance" category. Yet, it is clear even from these disparate statistics, that very large numbers of unreported wife abuse incidents exist.

Thus, every major study has found that not only are there many incidents of domestic violence, but that a large number are unreported. Further, these disputes are often the precipitators of further violence and even death. The problem is not only one of great magnitude, but one with life-threatening consequences.

Battered Women and the Criminal Justice System

The existing literature looks in two directions to find a resolution to the phenomenon of battered wives. Some authors have explored the causes on both societal and personal levels. While we agree with the need for this direction of inquiry, our research into the interactions between women and police makes the research which has looked at the response of the criminal justice system more immediately relevant.

The earliest work focusing specifically on police response was a 1967 study done in Chicago (Parnas, 1971). It identified several major issues in police behavior: poor dispatcher response; a lack of referrals for social services; a strong emphasis on action other than arrest; the toleration of higher levels of violence among certain cultural groups; and a predisposition to treat the home as the "private domain" of the husband. In addition to the general attitude about the privacy of the home, Parnas' work identified concerns with the disruption of the family, the possibility of retaliation and the probability of dropped charges as the principal rationales for limiting police intervention.

More recent work has documented the persistence of these problems (Field and Field, 1973; Fleming, 1979; Martin, 1976; Roy, 1977). Among the concerns which have been identified in the seventies are the following:

- lack of concern for the victim's safety
- a "hands-off" policy which denies the necessity of police intervention in most cases

- a heavy emphasis on mediation of the dispute as the principal response - and in some cases the exclusive response
- responses to repeat calls that range from slow to outright refusals to respond
- slow response to domestic disturbance complaints
- inadequate record-keeping with reports not even completed on many calls where the repeat complaints are important evidence
- policies and practice which discourage arrest except in the most extreme circumstances.

Policies and practice regarding the use of arrest have been explored in some detail by two different authors. In a study looking at a California police department, Berk and Loseke (1981) used police reports to examine the reasons for action taken and concluded that there was no systematic bias against intervention in family violence cases. They found that the determinants of police response are, as with many other incidents, situational factors, such as the source of the complaint or presence of both parties. While these factors included many of those also mentioned to us by police, the authors appeared to take a relatively non-critical view of the police reports on which their study was based. On the other side of the issue is the work of Loving (1980) who found similar reasons given for not using arrest procedures. She found officers saying that they would make arrests when a felony, or serious injury to the victim, or an offense involving a weapon or violence against the police was involved. Loving's conclusion, however, is quite different. She feels that the practice of limiting the use of arrest discriminates against women who look to the police for protection and enforcement of their legal rights. She disagrees with her police respondents' assessment that alternative ways of handling the disputes are more effective.

Even more recently, major class action suits have been filed, in New York¹ and Oakland², by battered women against their respective local police departments. These women allege that police fail to arrest battering husbands "solely because the victims happen to be women married to their assailants" and fail to inform women of their rights (Potter, 1978).

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1. Bruno v. Codd, 1976
 2. Scott v. Hart, 1979

Seeking to understand and explain the limits of the police response to family violence, some authors have pointed to the frustrations of dealing with the incidents (Emerson, 1979). A police lieutenant suggested that the frustrations result from the ineffective alternatives available to police. "We make an arrest, put him in jail and the next day he's out and the situation is repeated" (Potter, 1978:44). These frustrations are doubtless present, but one issue that these and other authors have not confronted is the essentially frustrating nature of much police work. They have not considered how (or if) the frustration of these incidents makes them different from the vast bulk of the rest of police work.

A similar issue which has received some attention in the literature is the concern of police officers with the dangerousness of domestic calls. The principal referent for assertions of this concern (and they are nearly universal among police respondents) is the observation from prior police research that "domestics" are uniquely dangerous to police. Again, the perception is probably rooted in the fact that the "domestic" category contains incidents such as "man with a gun," "bar disputes," etc. The danger, it seems likely, lies in incidents not truly "domestic," but the perception of danger remains and conditions responses. A 1979 study (Emerson) suggested that this distinction about the danger is critical. It found that in nearly 1500 family violence calls in Los Angeles over a two-month period, there was not a single police injury sustained. Still, the perception of danger remains - it is a part of the police response in nearly every study done to date - and must be confronted if police are to operate effectively in these situations.

A major issue for police in handling battered women may be the courts. Police mention the courts' leniency and indifference as a major source of frustration (Stephens, 1977). Other researchers have documented the rarity of state decisions to prosecute (Langley and Levy, 1978), delays in the system which place a woman defendant at risk of further beatings (U. S. Commissions on Civil Rights, 1982), the fact that conviction rates for family violence are much lower than for stranger-to-stranger cases (Field and Field, 1973). Finally, the handling of domestic violence cases had implied "that violence between consenting adults is a private affair" (Field and Field, 1978, p. 277).

Police training has also been identified as a major factor contributing to a perpetuation of the problems officers have in responding to domestic violence calls. One observer noted that, prior to 1966, no major police departments in the country had specific training in domestic disputes (Liebman and Schwartz, 1973). In the late sixties and early seventies, crisis intervention training was introduced across the country as a means of resolving domestic conflicts. This approach shaped police responses in that it helped to resolve disputes while limiting the time and resources invested by police. However, the approach also defined domestic violence as a victimless crime and discouraged the use of arrest - thus perpetuating the tradition of minimizing the potential seriousness of the events.

More recent guidelines have addressed this seriousness issue by suggesting more use of arrest and a different definition of the events (IACP Training Keys #245 & 246, 1977). Some departments have integrated this more contemporary view of the domestic violence situation into training processes; these are expected to have some impact in the long run.

Finally, some effort has been invested in trying to trace the impact of new, family violence legislation. The most thorough of these studies, Stanko (1981), examined the consequences of Massachusetts' new Abuse Prevention Act (M.G.L. 209A, 1978) and found serious gaps in the implementation process. Police had major concerns about the time involved in responding to calls, because the law stipulated that they must remain "...in the victim's home as long as she felt in imminent danger." This problem apparently led to increased hesitancy and the perpetuation of reluctance to respond to repeat calls. The researcher also noted resistance of judges to change the pattern of their findings, particularly where the law involved protective orders. Finally, she noted that the law does not itself create the societal changes desired. "... (A) piece of paper does not prevent the door from crashing down," (Stanko, 1981, p. 7) and "Legislative action...does not result in immediate social change or, for that matter, social awareness (p. 1)."

METHODOLOGY

As we indicated in our introduction, the goal of this research project is to identify and understand the problems of police assistance to battered spouses and to propose some solutions to make those interactions less frustrating and more productive for both participants. It is not in any sense a statistical research project. We make no pretensions about sampling precision, formal representativeness, or other technical issues.

We first proposed a study which would focus on suburban communities. We were later urged to also consider the scope of the spouse abuse problem in the City of Chicago. Therefore, a decision was made to expand the original plan to include two Chicago Police Districts in the sample of communities to be studied. While this sample of sites does not represent the population distribution in the Cook County area, the design of the study, encompassing seven different communities, is a compromise between the need for diversity and the funding limits.

Selection of the Suburban Sites

Several factors were involved in the selection of the five suburban communities for inclusion in the sample. First, several of the sites were suggested because the departments and communities have unique characteristics particularly interesting and appropriate for study. One community was included because there were reported problems in handling battered women cases. Another was included because it has a unique program: a special independent unit of the police department is responsible for following up on these cases. A third was selected because a shelter for

battered women had recently been established in the community. The final two selections were made in an effort to balance the distribution of sample communities on geographical and economic dimensions.

We did not select an upper-class or upper-middle-class community. While this selection would have provided more balance in our sample, our reading of the current literature suggested that, in these communities, police are likely to have very limited contact with spouse abuse cases and that we might have a great deal of difficulty in identifying spouse abuse situations. This is not to suggest that spouse abuse does not exist in upper-class families (quite the contrary, research has indicated the universality of the problem), but that it seems to be a less acceptable and, therefore, less public phenomenon in wealthier communities. Later interviews with agency staff reinforced these early conclusions.

Selection of the Chicago Sites

Since the City of Chicago contains such widely diverse types of communities, the problem of selecting the two districts was a difficult one. We considered at length the different goals which could be pursued through these selections. On the advice of a number of consultants, we decided that the city selections should be made to assure some general sense of comparability between the city and suburban sites. We selected one middle-class black and one middle-class white district. This decision, while unavoidable given the resources of this research, did limit the generalizability of the investigation. Specifically, it means that we have not explored the problems of areas with high density public housing, severely deteriorated minority communities, or predominantly Latin communities. Thus, by deciding not to focus our work in these relatively unique areas, we did not address their special and possibly more severe problems. What it did allow was some insights into the policy and practice of districts in the Chicago Police Department in a context most comparable with that in the suburban areas.

The Data Sources

Since it was our goal to develop a systemic understanding of the problems and solutions to the issue of treatment of battered spouse complaints, we sought the views of three actors involved: police, victims, and service providers who treat battered spouse problems. While the full universe of parties in these disputes would include other family members, particularly the batterers, they have been excluded on the assumption that their voluntary cooperation would be unlikely and that we lacked both the means and desire to coerce their cooperation.

Our data collection in police departments was conducted at two levels. First, we interviewed the administrators of the various

departments hoping to determine their perceptions of the dimensions of the spouse abuse problem in their jurisdictions, the measures they thought most appropriate for responding to the problem, and the specific policies and training their department provided for the handling of these calls. Second, we arranged to interview patrol level policemen and policewomen to get their "hands-on" view of the problem and practice. Through this inquiry, we hoped to develop an understanding of both the policy and its relationship to actual field practice.

The Victims

Despite increasing public awareness of the problem of spouse abuse in most parts of our society, major cultural inhibitions limit the willingness of victims to reveal their victimization to anyone. Estimates vary widely but, even by the most conservative projections, less than fifty percent of victims contact the police to address their victimization. The first task we set was to reach a substantial number of victims who had contacted police. In addition, we set ourselves a far more difficult goal: reaching victims who had not felt free to seek legal remedies. We wished to determine their experience and what had prevented them from contacting police.

Service Providers

Those involved in the sheltering or counseling of domestic battery victims were reached primarily through a metropolitan coalition of these agencies and through the general counseling agencies in our sites. We interviewed directors and staff members from all the major programs for battered women in the metropolitan area, and more than twenty other agencies, because these programs have service areas which extend far beyond the communities in which they happen to be located. In addition to providing us their perceptions and experiences of the interaction between victims and police, these service people were a major source of victim referrals.

Problems in Sampling and Data Collection

The original data collection outline proposed a sample of respondents for the study composed of equal numbers of patrol-level police officers, victims with police contact, and victims who had never called the police. We anticipated problems in establishing contacts with victims - particularly those who had not made contacts with outsiders. We were forced to draw very heavily upon service providers for our victim contacts. In some areas, we had difficulty not only getting respondents without police contact, but in making any contacts at all. Because not all of our communi-

ties had service providers identified as dealing with battered spouses, we explored other possible avenues. Contacts were made with counseling agencies, hospitals, churches and clergy associations, public service announcements were placed in newspapers, public and private social service groups were interviewed, and many other leads were tracked down in the effort to identify and contact potential respondents. The effort was only partially successful.

The high proportion of victims involved with battered women's programs is an important limitation of the study. Not only are referrals from these sources likely to be persons whose problems are particularly severe, but also over-represented are persons whose response to victimization is more active than is typical of the universe of all battered spouses.

Though the evidence is sketchy and inconclusive, there are apparently a number of men who are the victims of spousal abuse. Our attempts to reach victims produced no male victim respondents. Not surprisingly, the women's shelters tended to minimize the importance of "female on male" battery. The police assertions that there are many battered men often appeared to be a defensive reaction by male officers. Though police mentioned the problem of deciding who was the aggressor in domestic violence cases, they usually acknowledged that the woman got the worst of the conflict. It is not surprising that we located no male victims. The police, perhaps, reflected prevailing social values by their inclination to laugh when they asserted that men had been victims.

Another limitation resulting from our dependence on service organization referrals was limited access to persons who made no active effort to resolve their abuse problems. While our respondents did represent a wide variety of experiences and reactions to victimization, most of them had either called the police or become involved with counseling groups which supported their effort to end or change their relationship with the batterer. Despite this, twenty-four percent of our victim respondents had not contacted police and most of these maintained their relationships with the batterer.

The Final Sample

The sample of police officers interviewed was that proposed in our research design. In the four sites with smaller police departments, we interviewed a chief and four patrolmen. For the three larger jurisdictions, one suburban and two city, we interviewed six patrolmen. The final number of police interviews was therefore thirty-four patrolmen and at least one supervisor in each site.

The sample of victims was less satisfactory. Initially, we had sought interviews with twice as many victims as police. For each

community, this number was to be split between those who had had police contact and those who had not. The actual numbers were nine women without police contact and twenty-nine with contact.

Data Collection

In preparation for the interviews, lists of important issues were developed on the basis of our literature review, board input, consultant suggestions and initial interviews with people involved in the general area of domestic violence problems. These issues were then checked for adequacy in our initial interviews and revised as the need for new questions or different emphasis was indicated.

The Interview Format

The interviews were conducted as non-structured conversations with the various participants. First, all respondents received our assurance of the complete confidentiality of the interview. The general concerns of the study were outlined and then respondents were asked to tell us what they had experienced or thought was important about the problem.

Finally, after we had evoked as much unstructured response as possible, the interviewers would review the subject areas and fill in with more specific questions about other issues. This format was very useful as a means toward finding what the individual respondent thought was important, either as a social problem or as a part of their experience. For example, by asking policemen to tell us about battered spouse incidents, we tended to get their story of what would happen and how they would respond. In the process we learned what they thought was the most appropriate response rather than simply ascertaining their reaction to the responses our questions suggested might be appropriate.

Conducting this kind of interview requires a skill both in the interview process and in the recording of the interviews. The ideal form of the interview reports is a verbatim record of the conversation, fleshed out with interviewer observations about the context of the interview, affect of the respondent, and other relevant observations. The four study group staff working on this project all had previous research experience and some experience with personal interviews. Nevertheless, training for the work was done first through role playing, then in joint interviews with two observers interviewing and recording, and finally in close daily supervision through discussion of the field notes as soon as they were completed. Most of the police interviews were done by the two male staff. The two female researchers were responsible for victim interviews. The sensitivity of the subject matter dictated this division of labor, and we attempted to control the bias through joint interviews and close supervision of the field note content.

For the police interviews, in all but one of the sites, the interviews were done during "ride-alongs" - in cars with patrol officers involved in their regular patrol activities. This context for police interviews has been shown to be almost ideal in prior police research. Not only does it make little demand upon their time, but it is a comfortable and private environment which has proven to be conducive to free and open communication. In the one site where "ride-alongs" were not allowed (a department policy established because of concerns about liability), the interviews were done with officers assigned on a rotating basis to station duty. We were allowed to conduct interviews with these officers during periods when their work load was light. Our experience there confirmed the observations of other research - all the interviews were shorter, less informative and less "rich" than those conducted in squad cars.

The interviews with victims were mostly conducted over the phone. This was a measure adopted to reduce the resistance to victim interviews by both our referral sources and the victims. We asked only for basic demographic information and residence location (necessary to determine that they lived within one of our target communities).

Interviews with service providers were, wherever possible, conducted in person at the facilities. As the research progressed and more contacts were made, some of the provider interviews were done by phone. The interview schedules for service providers were briefer, focused on their experience and perceptions of police/victim interactions and how they related to both parties.

Analysis

All of the field notes were coded by content, using the issue outlines developed as a basis for the interviewing. The coding was done after a series of trial runs, in which two or more persons coded the same interviews to check for consistency. Most of the interviews were double-checked to make sure that information was not missed. From this coding, some of the more important questions were tabulated so the final report could include some information on the distribution of responses. Also, particular incidents were identified for later use as illustrations.

Important Differences in the Data Sources

There are some very significant differences in the kind of information each segment of our sample produced. The police interviewed tended to relate a few specific incidents from their experience. But, to a substantial degree, most felt more uncomfortable in commenting in general terms about the scope, nature and solutions to the problem of battered spouses. Most often, their comments reflected the need to deal with

complex situations in ways that reduced that complexity to a few relatively simple, general categories. This type of information was particularly useful since it indicated both their expectations and the action they anticipated taking in response to this type of incident. The major difficulty we encountered was the tendency of police officers to speak of all domestic violence incidents collectively - not discriminating interspousal battery from family altercations, bar fights, etc. During the interviews, we made every effort to focus on the differences in their responses to these dissimilar phenomena. The existence of this tendency to so generalize all "domestics" proved, in the end, to be an important finding of our research.

The victim interviews produced data on the other end of the spectrum. The descriptions were detailed, often painfully so, and very specific. In one sense it complements the perspective of the police, since there was so little tendency to generalize. In most cases, there was no generalization about the response of officers. The responses to our questions were always concrete (though probably selective) recollections of what happened to them. Where the police responses suggested categorical reactions, the victim interviews were most useful when they showed the repetitive occurrence of specific situations or problems.

In the agency interviews, the data fell somewhere between the police perspective and that of the victims, both in terms of the type of data (interesting anecdotes mixed with generalizations) and in the perspective (generally mixed and expressing sympathy for both police and victim problems with the interaction). Though our agency respondents varied in their degree of interest and empathy for either one or the other of these positions, the fact that they held an external, but interested, position was very useful for us in our process of assessing police and victim views.

Throughout our analysis, the presentation of this large and varied body of data has relied on the sense - often best communicated through quotations - of the tensions existing in the interaction of a woman seeking assistance and the police trying to respond. We report rough proportions where they help to give a clearer perception of the range of responses, but deliberately avoid the presentation of tables of responses, both because the samples are too small to make exact numbers meaningful and because their nature is such that precise coding of many responses would distort the reality of the data. The strength of the data is its power to identify and illustrate the breadth and depth of the problem and to suggest the need for and the possible directions of changes.

The Confidentiality Issue

Confidentiality of data is the final question not yet directly addressed in this section. In strictly personal terms, this was a relatively simple issue - at no point have we included identifiers which would allow

any reader to recognize any of our respondents. We have deliberately avoided case study presentations for that reason, even though they might have been instructive.

For the institutions involved in this study, the issues are more complex. In our initial contacts with police officers and commanders, we discussed how the data would be reported. We emphasized to them that our interest was in a general understanding of both problems and solutions without pointing the finger of blame at specific departments. Therefore, none of the police data has been analyzed by department, and we have avoided mentioning specific departments.

Our general finding, that the variation between individuals within departments far exceeded the variation between departments, suggests this decision did not limit our results.

RESPONDENT CHARACTERISTICS

The Police Officers

The majority of the thirty-four officers interviewed were male (all except two), white (about ninety percent), and of patrol officers rank (also about ninety percent). Their ages spanned a range from twenty-four to fifty-two; the average was thirty-five. Similarly, there was a range in the experience of the officers - from two to twenty-one years. Approximately half of our respondents have worked more than ten years on the force. Roughly fifteen percent of the officers have bachelor's degrees, although almost all (over ninety percent) have taken law enforcement classes related to training programs. The officers were most often married (about seventy percent), with the remaining number either single (sixteen percent) or divorced (fourteen percent).

The Victims

Of the thirty-eight victims in our final sample, sixty-five percent were white, twenty-seven percent were black; one victim was Hispanic and one was an American Indian. Their ages ranged from eighteen to fifty-one, with the majority in their twenties (forty-five percent), and equal proportions in their thirties and forties (about twenty-seven percent each). Most of the women had a high school education or some college; two were college graduates, and six had less than a high school education. Less than half of the women were working at the time of the interview (forty-five percent), and several were on public aid.

The majority of the women had been married (eighty-five percent); the rest were cohabiting during the period of abuse. These living and marital arrangements were altered considerably by the time of the interviews: about seventy-five percent were separated, many in the process of divorce or already divorced. However, twenty-five percent were still married and living with their spouses. Most of the women had been married for a period lasting from less than a year to five years. About half that number were married from ten to fifteen years, and the same number from sixteen to twenty-five years. Only a few were married more than twenty-six years. The majority of the women had from one to three children. The largest family consisted of nine children. All the victims were either pregnant or already mothers.

Approximately half the women suffered abuse for a period of less than three years, while another half were in battering relationships for periods from eight to twenty-five years. In some cases, the abuse persisted during periods of separation and divorce. One-sixth of our sample were abused for more than ten years. For a few women, the duration of the violence was difficult to categorize because of its cyclical nature. For example, one of our respondents in a cohabiting relationship for five years told the interviewer:

It started in the beginning and then it cooled off for awhile, for about eleven months. Then it started again. It was longer than that, that he wasn't hitting me, or raising Cain.

SECTION II: ROOTS OF THE PROBLEM

CAUSES

The roots of domestic violence were discussed earlier in relation to an historical past which condoned violence against the least powerful members of society. To a lesser degree, these same attitudes and inequalities persist today and may shape the beliefs and behavior of the various actors caught up in domestic conflicts. It is difficult to ascribe cause and focus blame in family violence, since aspects of both the individual and society must be considered. The larger issues of causality have not been addressed by this study, though they must be considered in any full understanding of the problem. Instead, this chapter attempts to identify the situational triggers to violence in the accounts of the police and the difficulties women report in leaving abusive relationships, and the inhibitions to calling police. There is no attempt to establish causality in the empirical sense but to point to relationships that were identified by the women, the police and the researchers.

Social factors also influence attitudes and practices of the relevant participants. Therefore, this chapter will examine and contrast the attitudes of women and police concerning the interactive process, and beliefs about the danger and seriousness of the events.

The police response to questions about participants in and causes of domestic violence gave us the opportunity to begin to understand what they expected to face on a domestic violence call.

Over seventy-five percent of the officers interviewed stated that they answered domestic violence calls primarily from minority and/or lower-income groups. Only about one-eighth of the officers stated that no special group of people experienced these episodes more often than others, and one believed upper-income families called the police more frequently.

Of those officers who thought minority groups were the most frequent callers, several believed that economic problems caused the abuse. Others suggested that "culture" could be blamed, believing that spouse abuse in certain ethnic groups is often considered acceptable behavior. Our respondents suggested that lower-income families also might be more involved or would call the police more frequently than the more affluent because the wealthier victims have more access to resources other than the police.

More than eighty percent of the officers expected to see one or both partners under the influence of alcohol, and they report alcohol abuse as a major cause for these incidents. "Financial problems" were named as a cause by a third of the respondents, and "daily frustrations" and "infidelity" were mentioned by less than a third. Most would agree with this officer's statement:

I'd say that alcohol is the big one. Somewhere around sixty-five to seventy-five percent of these cases involve drinking. It's often a build-up of things. Sometimes it's other women.

Other factors officers cited were impoverished conditions, drugs, and cohabitation.

Approximately twenty percent of our police respondents suggested that women caused at least some of the abuse. One officer said:

Sometimes the woman wants to dominate a situation and can do so by actually getting the man to hit her. She may want a divorce or just want him out of the house, so this may be her method for accomplishing this.

About a third of the officers also mentioned that mutual abuse took place in most of the incidents. "It's a back-and-forth thing mostly," said one officer. "Both of them are usually marked up..." The officers discussed

mutual violence as a factor contributing to the difficulty in ascribing responsibility for the events. Officers told us that often, by the time they arrive on the scene, both parties are bruised, scratched, and blaming each other for initiating the violence. However, only three of the victims related accounts of mutual abuse.

The victim interviews corroborate police impressions that economic factors are central issues in domestic violence. Some victims identified conflicts over finances and unemployment as triggers to violence, but most emphasized the role that economics played in maintaining them in abusive relationships. All of the women in our sample had children or were pregnant and were economically dependent because of their lack of work experience and job skills. Only two women were college graduates. Additionally, a number of the women were on public aid prior to leaving their partners and others required aid once they had left. These economic factors, coupled with acknowledged inequalities in the labor market, seem to be major reasons for women remaining in battering relationships. The following comments provide examples of the ways economic needs affect decisions to call the police, request arrest of the abuser, or remain in a relationship:

If he goes to jail, who's going to suffer? I need the money - it's hard to make do.

I'm just in this house because I don't have anywhere else to go. I've no money.

And, from a woman with nine children:

It's the money...he has me over a barrel. He can play that money game.

Among other social factors that must be considered are the persistence of traditional attitudes concerning appropriate male and female roles and socialization patterns which legitimate violence. Traditional attitudes may legitimate and precipitate violent acts when expectations about appropriate male and female behaviors are in conflict. To illustrate this, consider a victim's account of her husband's attitudes:

But he says, 'Well, I'm the man and you can't do what I do. You're a lady.' But I'm not his slave - I'm a free person.

A few of the women mentioned a tradition of wife abuse in their husband's family, and socialization into violence must be considered a cause (Straus, 1977-78). As one victim relates it:

But you know, his dad did, he tells me that, well, there were five kids in the

house and they'd be upstairs and his father would be beating his mother down in the basement, and they would hear her screams. I said how could you repeat this violence. I mean his memory is so clear. His dad was pretty violent with the kids too....

Violence can become intergenerational. The gravity of this issue is illustrated by victims' accounts of child abuse by the batterers. Seven of the victims described abuse of this type. Some victims also became aware, belatedly, that their husbands had beaten previous wives.

Aside from issues of social causality, our findings on situational triggers were significant as they revealed a high rate of alcohol use. Police, in our study, emphasized the role of alcohol in domestic violence, and fifty percent of the victims mentioned the presence of alcohol abuse. A 1974 study by Bard and Zacker on police subjective impressions of alcohol use, however, found that alcohol played an infrequent role in family disturbances. These findings should be viewed cautiously given the comments of victims on their husbands' ability to alter their behavior and appear sober, despite intoxication, in the presence of police. The nature of the relationship of alcohol to battering is multifaceted and ambiguous; for example, even when alcohol problems and battering are seen in conjunction in one individual, abuse can occur for reasons unrelated to the ingestion of alcohol. One woman described to us her husband's extreme violence while he was drunk. The interviewer asked, "Did he get violent only when he was drunk?" The respondent said:

No. He didn't have to be drunk. He was just as bad when he was stone cold sober.

Another victim related a clearer connection between her husband's violence and alcohol use:

Once he started drinking before an appointment with the counselor and he was throwing glasses at the wall and coming over and spitting on me and kicking me and yelling and screaming that he was gonna get a divorce. He was totally going bananas, throwing things, breaking them. Then he left the house for more beer....

Other issues cited by women as triggers were: conflicts over infidelity, financial problems, unemployment, husband's stress, and children. Three of the women were pregnant at the time of the violence. For others, the violence began after the birth of a child.

No woman explicitly stated that she was beaten because she was pregnant or because she became a mother. However, one respondent, when asked why she thought the abuse began when it did, stated:

I don't know, maybe it was because of the baby coming. I try and look at things from his part, but I just don't see no reason.

It is evident, though, that pregnancy and parenthood present both economic and psychological stresses to partners in an intimate relationship and, as such, constitute a potential trigger to abuse. Further confirmation for the connection between pregnancy or parenthood and violence is found in the literature (Gelles, 1975).

Two of the women in our study had fears that were specific to their husband's jobs. The husbands feared that exposure of their violence would result in the loss of their jobs and used this concern to intimidate their wives. One woman says she didn't call the police because:

...the first time, mostly he threatened me, he said it would ruin his job and me and the kids would be stuck with no money.

The presence of children and pressures from other family members can help perpetuate abusive relationships and contribute to the sense of economic and psychological dependence. One woman said:

His mother talked to him and she bailed him out...Everytime I've tried to do something, it hasn't worked...I have no family, no backing, I don't have anyone. It's really been tough. I can't get anything for the kids. The kids will say, try it again Mom. And I'll say, I can't say it's gonna work, but I'll do it for you guys, I'll give it a try.

In some of our interviews, women could point to specific reasons their husbands or boyfriends abused them in each incident. But, in several situations, the triggers to violence were not obvious. For some women, almost any incident, regardless of its triviality, could set off the violence. One woman reported that her husband became enraged when she burned the chili. Another was awakened from a sound sleep and was then abused. Still another victim said:

...I could just look at him cross-eyed and that would be enough of a reason for him to beat me.

The same economic pressure identified as a trigger to abuse also keeps women from leaving relationships, but the most frequent reason for not leaving, other than social factors, cited by women was hope for change. Most of the women experienced periods of happiness in their marriages and, because the battering episodes are often intermittent rather than relentless, they remember the loving moments. The women hope that the ideal relationship will be restored and that their men will change. These feelings are reinforced when the fury of the violence subsides and the husband is remorseful and tender. Often he promises that things will go better or that he will go into counseling.

Some women express disbelief that the same man can embody two such disparate images as lover and batterer. One woman says:

He's a sick person. I truly believe that. He can be nice, the sweetest man in the world, but he can also be so terrible, so bad.

The above comment provides further insight into the dynamics of these relationships. Identifying the batterer as sick can be used to excuse the violence. The woman may feel guilty about leaving someone who is "sick." The batterer may even threaten suicide and make suicidal attempts if the woman leaves, as was the case for one of the couples in our study.

A woman is often terrified of what her husband or boyfriend will do when he learns she has called the police. Women express fear of being killed, of the batterer retaliating and increasing his violent acts to include children or other family members. One woman said:

I was scared because of all those years he had been telling me he would kill me if I did anything.

Often women will not seek help because of this fear, living with the violence instead. Earlier research (Walker, 1979) found that many women share a perception of the batterer's omnipotence. Such beliefs can lead to pervasive despair about one's alternatives. This sense of despair is best expressed in the following brief comment of a victim:

But after years and years of this, he finally just beat me down....

Just as hope acts to keep women in relationships, so does despair.

Officers' Attitudes

We divided officers' responses into two broad categories: those "sympathetic" to victims' problems in domestic violence situations, or "unsympathetic." Identifying attitudes is a difficult task. We felt that as police officers expressed their concerns about handling calls and described the participants and causes, they presented several clear statements of how they viewed the incidents. By "sympathetic," we are only indicating whether a police officer tried to express a desire to understand the victim's plight.

Approximately half the officers expressed both sympathetic and unsympathetic attitudes. Not surprisingly, they evinced ambivalence about a complicated problem. Of the others, about one-fifth indicated predominantly sympathetic attitudes, while slightly under one-third expressed primarily unsympathetic attitudes. However, we also found the attitudes expressed do not necessarily reflect the officers' practices. Victims, too, indicated that, although an officer might be unkind, he might also have helped her to press charges, or those who were considerate and courteous could also be of no help to change the situation:

The lack of any clear relationship between attitudes and practices does not imply that sensitizing officers to the issues of battered spouse calls will prove unuseful. Limitations in our interview process may have caused the lack of connection. Officers may have reported attitudes they felt would please the interviewer, for example. There may be other factors; positive attitudes may possibly co-exist with a lack of knowledge concerning police powers, while negative attitudes may be overridden by strict adherence to policy or training. Also, police may respond to a victim differently because of her demeanor, her knowledge of the legal system, or the extent of her injuries.

Less than half the victim respondents felt that the police treated them sympathetically. Just over half the subjects stated that police were unsympathetic. Rarely did a woman note ambivalence in an officer's attitude.

One agency director who has worked closely with police told us that:

Police officers' attitudes are basically not any different from anyone else's who is (a) ...middle-class, working person from any other occupation.

Though the feelings of the general public are changing, old attitudes die hard. Battered spouses have suffered because these attacks have been treated as private family matters, rather than as criminal acts - not only by

police - but by medical, legal, and counseling services and, indeed, by the larger society.

It is easier for police, as for all of us, to respond to stranger-to-stranger crime in which the victim and assailant are not entwined financially and emotionally. However, police attitudes, as they condition their response, can mean the difference between the end or the continuation of violence in a home. Whether the victim is upset or confused or relatively certain about her desire to press charges, the objective conditions are the only legitimate grounds for determining police action.

Sympathetic expressions gleaned from police interviews usually included general statements of support and concern for the victim's welfare. One officer said:

We have to evaluate the situation - we would never allow the woman to be put in a dangerous situation.

Some officers expressed a great deal of sympathy and understanding:

There is nothing that makes me feel worse than ignoring her, and leaving her, just because of no signed complaint. If you do this, she will die. She fears death, and she feels trapped, because the marriage is, of course, legal.

In one suburb, all the women we talked to said police were sympathetic and courteous. (However, most also said police could do no more than be understanding because "their hands are tied." This phrase was often repeated by the police as well in that district.) One woman said:

...they were nice and polite. I felt like a real fool. I would ask them sometimes to come to the back door because my landlady lives across the street, and they would. That was real nice of them.

Victims reported other supportive interventions:

...they told me that the violence was bad, that I shouldn't live with it,

and

They truly tried to be helpful. They were treating it as it was, not just a fight

between a man and a woman. (My husband and I) were separated at the time.

These women, and a few others, felt that police were on their side, that they understood a woman's dilemma. Others said police would go out of their way for them, as in the following example:

...an officer asked the nurse to get me a social worker...and came to the hospital with the papers, too, so that I wouldn't have to go to the police station to sign the complaint.

Some police stayed near a woman's home to help prevent further abuse should her husband return. Another woman related that:

...the female cop who came, she seemed to understand...she came over after and she gave me the State's Attorney number, and she said she'd vouch for me.

One of our subjects summed up her view of police attitudes by saying:

The older officers were okay, but the younger ones sided with my husband. I guess a cop has to be conditioned, just like a battered woman.

This characterization, police attitudes "improving" with age, runs counter to indications that young, idealistic police, with more training in domestic violence issues, are more apt to be involved and supportive. One difference may be, of course, that older officers, though sympathetic, may feel there is little or nothing they can do to help resolve the situation.

About one-third of the police expressed some understanding of the woman's fear, and her economic dependency - reasons the women also gave for remaining in abusive relationships. For example, one officer told us:

The wife won't report the incidents. Perhaps she's afraid it will make things worse, or that she cannot afford to have the husband locked up.

The reasons women gave for their unwillingness to call police highlight the conflicts and pressures they feel in these abusive relationships. It provides some context for understanding what happens when they do call

police. Nine of our victim respondents had no police contact, but most of the other women spoke of their reluctance to call.

Physical inability to call police was the most frequently mentioned reason for lack of police contact. Victims reported that phones were often destroyed by batterers, either deliberately to prevent calls, or through use as weapons in the battery. In other cases, either there was no phone, or the victim was too badly beaten to call or she was kept captive to prevent efforts to reach out. One woman recounted this last type of situation:

And I knew that he wouldn't let me out of the house because I have gotten out of the house and into the street before, and he'd run out and drag me back in...

In addition to physical barriers to help-seeking, some women show evidence of behavior one researcher has identified as "learned helplessness" (Walker, 1977).

A number of other women did not call police because they believed it would do no good. This response (or non-response) is apparently conditioned by perceptions of the limited effectiveness of police and courts. Others believe that, as long as they wish to remain in their own homes or do not want the batterer arrested, it is futile to call the police.

Another issue inhibiting the victim's willingness to call police was uncertainty about the legitimacy of the complaint - she was often unsure if she were "battered enough." This perception is probably reinforced by the actions of some police officers victims described as trivializing the incident. One woman who had never contacted the police told of watching a television show on battered women with her husband:

...and he would say, 'you're not like those women. I never beat you that hard.' There'd be women shown all black and blue.

Others said:

There were no wounds on me and he would call me a liar.

...well, I don't want to go to the police and have them say, 'Well, where are the bruises and where is he hitting you?' I just don't want to be humiliated any more.

The desire for privacy is also a strong deterrent to women calling the police or seeking other "outside" help. One woman told us:

It takes guts to call the police. People don't realize that. You don't want the neighbors to see it going on even if you know they've been hearing it for years.

For some, this isolation is also connected to the woman's feeling that she is somehow responsible for the battery. When this happens, it may be an acceptance of attitudes heard from others in society. As one woman said:

I don't know why you don't call. Maybe it's because you feel you deserve it. Or, that it was something you said or didn't say. You know you're scared. You don't know what he'll do.

Though sympathetic officers may have responded to a reported battery in a manner which made sense to them, their action may not necessarily have been in the best interest of the victim. On the other hand an unsympathetic officer might be able to refer directly to a victim-witness unit because that is department policy.

It is important to note that women who identified police as sympathetic most often did not believe they were helpful, despite the fact that there was a temporary cessation of the violence. Twice as many women thought the police were unhelpful as those who indicated the intervention was constructive. One suburban woman said:

They were very cordial and courteous, but they did nothing.

Another woman described her feelings:

The police, they just sort of look at you. Sure they feel bad, they're sympathetic with you, but that's not going to get you anywhere.

Though most women were grateful for the sympathy, the unsympathetic responses naturally elicited more emotional response. Interviews with officers revealed stereotyped attitudes about women. For example, many officers saw the woman as being the instigator of the battery incident. One officer remarked:

Many times the wife carried the argument to the point where she knew she would receive the battery, and the initial violence is by the woman, often.

Aside from physical initiation by the woman, some officers identified other factors they felt justified batteries. One officer thought the major cause was affront to the male's pride:

You know, the woman messes with the man's pride sometimes. That's what does it. You step on a man's dick, he's gonna hit you, man, that's all.

Police comments suggest that some officers believe beatings are justified if a woman provokes the anger of her husband. The notion of female masochism as provocation was mentioned explicitly, though, by only two officers. The idea was either absent from or adamantly denied by the victims and has been refuted in previous research (Pagelow, 1978; Waites, 1977). One officer claimed that he had witnessed this phenomenon:

And there are also women who want to be beaten and want the officer there for sympathy. They like the attention, they enjoy being cracked...some women don't want to listen to this, but I know it happens - I've seen this.

Although these officers did not maintain that masochism was responsible for the bulk of spouse abuse cases, they did identify it as one cause.

Several officers claimed that spouse abuse was more a man's problem than a woman's. These officers often cited examples of "women as batterers/men as victims" events, and denied the statistics which show the problem to be more uniquely a woman's. One of these officers remarked:

There is much more women beating on men than the reverse, but men wouldn't report. Wife beating on a husband can be devastating to a person. It happens a hell of a lot.

Another officer most adamantly (though amiably) criticized what he thought was the study's emphasis on women:

I think this is a sexist poll because it's only dealing with females. You can use my name on that one.

Victims, not surprisingly, complained that police sided with the batterers. One victim said:

They were snotty to me, but they just acted like they were more on his side than mine.

A comment from another:

The police cared only about him. They stuck up for him.

And, yet another, in answer to the question, "How did the police treat your husband?" stated:

Like he was their next-door neighbor.

At times, officers expressed discomfort in "intruding" or taking some action. This was usually reflected in how they reported handling the calls. The following statement, describing reaction to an event in which a man fired a shot past his wife after having abused her, is the most striking evidence of this attitude.

We couldn't get him for shooting a gun in his house if he didn't hit anyone. You can do pretty much what you damn want in your own house....

Women confirmed the presence of these attitudes. Many victims reported that police were reluctant to intervene. "We don't really get involved in domestics," one woman was told. And another related:

The police said it was a family matter, (that) we'd have to work it out for ourselves.

Women told us police seemed to be afraid of the batterer, or they "didn't care." Police sexism - women's perceptions that the responding officers sided with men - was a much more common concern than racism, though two women felt that racist sentiments caused unsympathetic treatment. In one of those cases, the woman said the police reacted negatively because her boyfriend was not of the same race as she.

Sympathetic attitudes can lessen the chance of a woman blaming only herself, and could pave the way for victims to take further action on their own behalf. On the other hand, women were strongly affected by the negative attitudes they encountered, despite the help they might have received:

I was crying, and I was never so scared in my life. I keep remembering being so scared, cause (my husband said) if I ever called the cops he'd kill me. And all (the police) kept doing was being cold...they treated me like a thief or a burglar or something....

PERCEPTIONS OF DANGER AND SERIOUSNESS

Many police officers believe domestic disturbance calls are more dangerous than other calls. This perception of calls sees them as a source of danger to the police, but the lives of other participants are often at risk. The police assessment of seriousness and danger may determine the type of intervention used and victims' perceptions may affect both decisions to call the police and their expectations of police response.

Our interviews with police officers attempted to ascertain how officers defined the danger of domestic violence. When officers were asked the question, "How dangerous do you think these calls are?", half thought that there was "some" danger present, and approximately forty percent felt that the events were either the "most" dangerous situation an officer can face or "very dangerous." The explanations for why they anticipated danger were based on their own experience with the calls, stories from other officers and, at times, implicit references to the F.B.I Uniform Crime Report Statistics. For example, one officer recalled:

...we get there and he starts on us he almost sailed my partner out a third-story window.

While another officer stated:

...and this is the deadliest call you can get. It's worse than robberies or anything

else. The largest number of officers hurt are in this category.

The F.B.I./U.C.R. data are often referred to as evidence that "domestics" are among the most dangerous police calls. By grouping a variety of incidents under the category of "disturbances," these data make it difficult to determine just how much "family quarrels" contribute to police injuries and homicides. Recent research on police-related shootings in Chicago (Geller and Karales, 1981) has found that domestic disturbances do not often result in police shootings. Relatively few officers were found to have been shot or to have shot civilians in response to domestic calls.

But, when weapons were involved or readily accessible, the lives of the participants are placed at greater risk. Yet the law protecting individual property rights prohibits police from removing a registered weapon if it has not been used (or threatened to be used) in the incident. Some victims reported that officers were unwilling to confiscate unregistered weapons which they were told were in the house.

Seven women in our sample reported that weapons, firearms in six of the cases, were involved or accessible in incidents, but not confiscated. One victim stated concern over lack of police action and recounted the statement of the officer: "(the gun) could not be confiscated without a search warrant, that it wouldn't hold up in court even though I said it was unregistered." Another woman related the police reaction to weapons when they accompanied her to her home to regain some of her possessions:

The first one, he just kept telling me to hurry up, hurry up, and get out of the house, because, well, my husband has two guns there, a .28 and a .357. The officers hid the guns, and also a knife. He kept saying 'hurry up, hurry up,' let's get out of here, because I don't want no trouble...They said '(the guns are) his property. We can't do nothing about that.' I said, 'Well, what if he shoots me?' They said, 'Well, then we can do something.' I said, 'Oh, thanks.'

In another case, police advised the woman to dispose of the gun herself, which she did. On the other hand, one police officer volunteered that he would always confiscate unregistered guns. "Nine out of ten of the guns are not registered, so these people can be arrested even if they are not holding the weapon."

Both police and victims expressed concern about the danger to lives that exists when guns were present in these highly emotional situa-

tions. Police respondents talked about the uncertainty and danger they feel in responding to incidents where weapons may be present. In addition, they mentioned the limits on their power to confiscate weapons, though this concern might be misplaced, given the right of police to confiscate any unregistered weapon coming to their attention. For women, the potential use of a weapon contributed to their sense of anxiety and threat. This fear was rarely, if ever, allayed by the actions of police, even when conditions existed for police to confiscate weapons legally.

Police apprehension seems related to the unpredictability of these calls: the "turf" is unfamiliar, high levels of anger may be present, one or both of the parties may be unwilling to have the police present, or one partner may turn on the police.

The sense of unpredictability and danger is illustrated by the following quote:

It's hard to go into someone's house, because you don't know what to expect. The guy might go to do something as innocent as sit on the couch. If he has a gun under there he can really get the drop on you.

Other officers expressed a preference for armed robbery calls over those of domestic violence. One such officer said:

You go to an armed robbery and you know what it is. I'm not saying that they are easy to go to, but at least you sort of know what to expect.

Often, police apprehensions were linked to a potential for the woman to inflict injury on officers. According to the officers, women often turned on the police when they saw the offender being arrested, or when the offender resisted the police and force was used to restrain him.

An example of this behavior is reported by one of the police respondents:

She might say she'll sign the complaint, and when you go to take the guy and the guy starts fighting back, she changes her mind in the middle of all this. She turns on you - and women are more dangerous than men. A man will usually try to take you with his hands. A woman realizes she is smaller and picks up a lamp or something and cracks you with it. Then when

you hit her back, she yells police brutality.

However, the information provided by the victims is different. Only three women gave descriptions of mutual abuse (between the woman and her partner). No woman acknowledged using a weapon or object against her partner or the police. Police concerns may be amplified when women act in ways that depart from traditional expectations of appropriate female behavior. For example, when women respond aggressively, the acts seem more menacing. Despite the candor of the interviews, victims are also presenting "their side" of an incident.

Other factors may shape police perceptions of domestic violence. Some officers expressed a concern that the calls were more social work than police work, a view which seems paradoxical when contrasted with their concerns about danger. Several police complained about the burdens of their work and that domestic calls drain manpower required for "serious" crime. The following comments illustrate both of these related views:

I don't think police should go to those calls... Someone without a gun and a badge would do a lot better than we do...

...It's not that I don't care when I say that there are other things to do and that you have to settle these events quickly -- it's just that there is too much other shit in this town.

When police refer to the seriousness of incidents, they most often were referring to the danger to themselves posed by intervention. But the seriousness question becomes a separate issue in its own right when police speak about the appropriate responses to domestic incidents. For victims, seriousness in terms of the possible consequences or outcomes is the only issue. All aspects of police work require the assessment of seriousness and, therefore, appropriate responses. We attempted to get police to characterize the types of domestic disputes they considered "serious". About three-fourths of the officers were able to give us some criteria for spouse abuse incidents worthy of that label.

Police were most likely to describe as serious those cases in which victims had visible marks resulting from the battery incident. However, this criteria has some rather pronounced limits, as one officer indicated:

Sometimes he wants her out so he beats her in such a way that there are no

bruises and tries to intimidate her into leaving. There are many ways to beat someone without leaving bruises and it can be very intimidating. You know, even when there are bruises - how many women are going to show you their ass if he beat her there?

Other than the "visible marks" criteria, officers most often identified as serious those cases which involved bleeding or required hospital treatment. Other indicated the use of a weapon (aggravated battery) would be an important criterion in defining an incident as serious.

The most common police characterizations of spouse battering minimize the seriousness of the offense. The following quote suggests this primary characterization, while demonstrating an awareness that some cases are clearly different:

This is mostly not very serious - maybe one of them gave the other a few pops. If it's a legitimate battered woman where there's bleeding and all, it's different.

The distinctive feature of this quote is its explicit judgment that, short of fairly dramatic physical trauma, the charges of abused women are considered "not legitimate." Another officer suggested a characterization of most domestic batteries as non-serious, even though the officer is aware that there is real threat of escalation:

Generally batteries are not as a rule serious... the battery may be pushing and shoving. Subsequent abuse may be more serious. The first time may be a blackened eye, a bruise on the arm...it gets worse when they know what they can get away with.

For those officers who generalize about the seriousness of events, one-quarter indicated that they would not consider verbal disputes as serious. another half of these officers went further, however, and said that they treated slaps and bruises as non-serious incidents.

In our interviews with victims, one principal finding was that, in many cases, the victims themselves were uncertain about the kind of behavior considered "serious". In analyzing interview data, we used the victims' descriptions of incidents they experienced to break the offenses into crimes. Of the incidents which could be categorized, three were assaults, twenty were simple battery and ten were aggravated battery. While these

descriptions are not necessarily complete or accurate, they do indicate the seriousness of the offenses. However, these women often expressed uncertainty about their complaint: was it serious enough to be considered legitimate?

This uncertainty is most dramatically illustrated by the following quotes. One woman expressed this problem thus:

I think that most of the time there were people that were getting abused, badly beaten, like you see on television, and then they called the police. but I'm not that badly beaten, and I don't know at what point you say you are being abused.

Another woman recounted:

He didn't really beat me. He just grabbed me, turned me upside down and banged my head on the floor.

These are not characteristic of all victim responses, but are expressions of a phenomenon common enough for us to note that both police and victims may have been exposed to some of the same social expectations about the acceptability of interspousal battery. At the same time, it is equally important to recognize the wide differences between police and victims' perceptions of personal threat and danger.

The interviews suggested most women called the police as a last, rather than a first, response to being beaten by their husbands. The time lag before police were called ranged from: zero (they called the first time) for a couple of our respondents; to eleven years in one case; or, to never for nine of our subjects. Those who called almost immediately were reacting to the shock and injustice of the abuse, but women who called only after repeated episodes often did so because of a perception of increased and life-threatening danger.

My right eye was all swollen. He had hit me with the phone. The whole right side of my face was completely swollen. He had beaten me (too) with a stick or something and his fist too. I don't even remember everything.

Another woman articulated the threat more clearly:

It had got down to a life-or-death situation. This time when he said he was going to kill me, I believed he was going to do it.

This sense of life-threatening conditions, while not common to all victims, was expressed frequently enough and with sufficient detail for us to note its congruence with the findings of other research that these events are often real threats to people's lives.

Beyond this, there is some indication that, even though victims might not have explicitly feared for their lives, the objective conditions for such a fear were often present. Seven of our respondents required hospitalization for treatment of their injuries. The interviews indicated that many more should have received treatment. Use and presence of weapons was another clear indicator of the seriousness of the events. Ten cases were apparent incidents of aggravated battery; in many more, firearms, knives, or other deadly weapons were involved. Yet in these cases, though expressing substantial fear, the victims were often unable to think of the possible consequences.

SUMMARY - ROOTS OF THE PROBLEM

The origins of violent behavior are often difficult to determine; consequently, specific causes of abuse are not easily identified. Our police respondents felt that the causes of domestic battery included alcoholism, economic problems, and cultural acceptance of the practice. While our victims also thought economic and alcohol problems were important, they commonly expanded the possible causes to include family histories of violence and the stresses created by pregnancy and by children. Often the triggers to violence were obscure and, for some, almost any incident could prompt the abuse. The capricious nature of their abuse experience was one of the principal reasons women remained in abusive relationships. Initially, most women hoped that the good aspects of their relationship would continue and that the abuse would cease. This hope and the economic uncertainty, fear of the batterer, embarrassment and pervading sense of their helplessness, create a constellation of pressures which help to explain the difficulty women have in leaving a batterer.

Police officer's attitudes did not always take into account the complexity of abusive relationships. Approximately half of the police officer interviews revealed ambivalence about the victims' dilemmas. The victim reports also supported this impression that officer's attitudes varied. Women reported, too, that although they appreciated officers' sympathy or advice, what they needed were clear referrals and constructive action. Many women stated that sympathetic officers were not always helpful. It is noteworthy that the police interviews suggested officers' attitudes were not necessarily reflective of their practice.

The above finding should not be interpreted to mean that police attitudes are unimportant to these events. Certainly, sympathetic and helpful interventions by police who understand the dynamics of a violent relationship are necessary. Negative attitudes of responding officers could prevent women from calling the police again when they are in danger. Trivializing the event communicates to both the victim and to the offender that domestic battery is less a crime than a personal matter. Sympathetic attitudes can encourage victims to seek legal intervention, and to act in their own best interest.

Negative attitudes of officers are not the only reason that women don't call the police. Women's uncertainty about the legitimacy of their complaint is also responsible for their inability to reach out. Most frequently, women in our study did not call police because of their physical inability to do so at the time of the incident. They were either too battered, the phone had been pulled out of the wall, or there was no phone in the house.

Not all participants in the domestic violence conflict view these incidents as trivial. Many see them as dangerous and very serious events. A number of factors can influence both police and victim perceptions of the danger and seriousness of domestic abuse. There can be great ambiguity and variation in these definitions. Determinants of police perceptions may include the officer's prior exposure to domestic violence cases through his own and his fellow officers' work. Unpredictability also emerged as a major factor affecting police attitudes. The presence of weapons heightened the danger and unpredictability of these events for all participants. Women were particularly concerned about police failure to confiscate weapons. Police also emphasized women's potential for unpredictable, aggressive behavior.

For some police, domestic violence calls were viewed as "social work," a perspective which implies there is no criminal activity in these incidents. However, this finding is not supported by our data on victim abuse. The descriptions of abuse revealed in the victim data do convey a far more harrowing picture of the abuse than that detailed by most police respondents. For police, the major concerns with seriousness and danger of domestic battery relate to questions of personal danger to themselves and the presence of evidence of severe trauma to the victim. For victims, the issues are far more complex, and definitions of serious abuse may be influenced by factors such as media exposure, presence of weapons, individual experience with violence, readiness to leave a situation and, finally, a sense that their lives have been ultimately threatened. The most striking congruence in attitudes is that police and victims limit the designation of seriousness to the extreme end of a continuum of violence; such a perspective can increase the risks of irreparable harm.

SECTION III: THE VARIETIES OF POLICE RESPONSE

INTRODUCTION

Attempting to respond to complex problems of domestic violence causes frustrations for police, victims, agency staff, and lawyers, state's attorneys and judges as well. When victims are ignorant of the law and police powers, and officers lack understanding of the dynamics of spousal abuse, there is increased miscommunication between officer and victim. For example:

(Police comment)

I can start by telling you that domestics are not one of my favorite calls. I take a deep breath before going on one of these. I don't like them because of the erratic behavior that comes up. As far as my own nervousness goes, it is the worst call. You may walk in and they are calm, and when they see cops they start fighting again. Or they may have been fighting, and your presence makes them stop. They may lunge for each other right in front of you. Sometimes the husband might say, 'Get the fuck out of here.'

(Victim comment)

In my situation, they could come in and quiet it down and it would be okay and when they left it would be worse. I don't think they understand that. I mean when a husband's drunk...I just don't think they took the right approach. It's not something that you can just quiet down and everything will be okay. Something more has to be done.

Police typically reported that battered women calls, and domestics in general, were less desirable to handle than other calls. What is not completely clear, though, is how the difficulties of domestic violence calls compare to other calls. Do battered women drop charges more frequently than other victims of crime? Are other assault and battery charges easier to process and take to court?

The officers in our sample articulated a wide range of issues: their perception of their role, the victim's ambivalence, the offender's attitude and behavior, and the limitations of the criminal justice system. Understanding police reactions to these issues is crucial to understanding police action in spouse-battering events. We do not mean to imply that these frustrations justify a particular police response - often an officer's lack of understanding and sympathy for the victim's situation or his own personal prejudices can be at the root of his frustration. But the officers raise legitimate issues. These must be addressed before the problems can be alleviated.

The frustrations of battered women with police intervention are based on their own feelings of helplessness and the inability to see evidence of help from outside agencies, including the police. Their strongest reaction was that expressed by one woman:

you really feel the world hates you, that you have nowhere to go when you're in this thing.

In handling domestic violence events, police use a number of alternative responses. A mixture of specific alternatives usually constitutes each police response. Most responses are unique; there is no uniform set of actions carried out by all officers.

This section includes: victim expectations of police response, departmental policies, training, and records procedures. It briefly describes the three non-arrest alternatives of mediation, separation, and referral, and indicates how and under what circumstances police say the strategies are employed. The perspectives of police are compared with those of victims for each response.

THE VICTIMS' EXPECTATIONS OF POLICE RESPONSE

Victim expectations are conditioned by their physical and emotional state at the time of the police contact, their knowledge of the criminal justice system, and the nature of their relationship with the batterer. The majority of the victims we interviewed hoped the police could remove the batterer from the home, at least temporarily. Four of our subjects wanted protection and help to leave the house themselves. Only two women in our sample specifically stated they expected police to arrest the batterer at the time of the first call, though some decided to press charges later.

The emotional intensity of the incident and, at times, the woman's physical condition add to the confusion about what she wants to do or to have done. In some instances, the victims in our study could later reflect on what they could or should have done. In the following example, a legal advocate brought the police to the hospital to talk to a seriously injured abused woman. The victim remarked to the interviewer:

I had just wanted to get the man away from me instead of saying 'lock him up' (the advocate) said she could understand that since I was incoherent at the time. I was thinking about my kids, plus I was all beat up and worried about me.

In most cases, the response of the police did not help a woman sort out her options or supply the guidance which could lead to a constructive decision. One victim stated:

When I asked the first officer to come to the house, all I wanted him to do was to show his face...but he said he doesn't get involved in domestic quarrels.

Another woman said she hoped that the police "could keep my husband a few days, but they let him go right away." And another simply exclaimed, "I thought the police could help me."

Police become exasperated with women who drop charges or who seem reluctant to take legal action during the intervention. This exasperation might be lessened if women knew exactly what to expect. The few women in our sample who knew their legal rights expressed realistic expectations of police intervention. Those with multiple contacts with police, even though cynical about the past experiences, had often learned more about what the system could offer. Some of these victims dealt with police later in a way that encouraged constructive responses.

DEPARTMENTAL POLICIES, TRAINING AND RECORDS PROCEDURES

Policies

Only one department in our study had a "battered females" general policy statement at the time of the interviews. That policy statement, in the form of a "general order," advised arrest in the event of "serious" injury, and required that information on complaints, warrants, and relevant service agencies be provided to victims with less serious injuries. At least one training official interprets "serious" as visible marks on the victim. He noted that when marks are present and regardless of the victim's wishes, arrest is requisite. The victims are then to be subpoenaed into court.

While this policy could help standardize and improve the handling of incidents, its effects are limited to the degree to which it is adhered. On the practical responses to battered women's complaints, our interviews showed less apparent difference between departments than between officers within the departments; every department had its responsive and unresponsive individuals.

A new policy based on the recently passed Illinois Domestic Violence Act was introduced during the final stages of our study. This policy makes major changes in the recommended police practice and recognizes the seriousness of domestic violence incidents. Again, however, the level of implementation is still uncertain.

In another department, detailed safety procedures and mediation techniques are included in guidelines for domestic crisis intervention. These address the basic issues of violence and the arrest alternative in the following manner:

If violence is occurring, physical intervention and arrest may become necessary, but should be avoided if at all possible.... When no relatively serious crime has been committed, it is best to attempt to dissuade the parties from resorting to the arrest alternative. Do this by making them aware of the ramifications of such action... Mediation is the number one goal of police intervention (unless a serious crime has been committed).

The use of referrals is stressed and a list of social service agencies is provided. Police in this department are supposed to refer all domestic violence calls to their victim-witness unit which operates within, but is independent of, the department.

No personnel from the other four departments clearly identified any official or unofficial policy on these events.

Training

All departments studied take part in the Chicago Police Department's Recruit Training Academy. This training includes twelve hours of crisis-intervention training; the Academy provides a training bulletin on domestic violence. The bulletin advises officers:

When there has been a physical confrontation resulting in an intentionally inflicted serious injury, an arrest of the offending party for battery is required.

If the victim's injury is not serious, the bulletin suggests either a non-arrest alternative or arrest for disorderly conduct. In addition, the list of factors which "usually indicate that an immediate arrest should be made" includes: serious or intense conflict; use of a weapon; previous injury or damage; previous court appearance; prior attempt to sever the relationship; second call to police; children, mentally deficient or intoxicated parties involved; complainant's willingness to sign a complaint and other reasonable grounds for arrest. Unless there is serious injury involved, police are advised to obtain a signed complaint and to provide information on referrals and warrants.

Just as the general order could potentially establish uniformity in police practices, so Academy training was capable of supporting this policy and providing specific guidelines. "Seriousness," once again, is an issue. Also of major import is the emphasis placed on the training. If roll-call training advised older officers of the 1977 training bulletin, our interviews did not indicate the officers' knowledge. Also, younger officers' responses did not always reflect this training.

At the time of the interviews, one department had received in-service training from a shelter/counseling agency, another department was scheduled to be trained by the same agency, but no other in-service training programs were in effect. (The extent to which roll-call training has addressed battered spouse issues was not discovered.) But in the patrol officer interviews, we found that officers with more experience tended to minimize the value of whatever training they did have. Less experienced officers, who usually underwent more intensive recruit training, more often acknowledge that training as a positive force. It is interesting to note that, contrary to other research findings (Loving, 1980), officers did not express a need for more extensive training or greater direction in handling these calls.

Records

Distinguishing domestic violence from "domestic disturbances" is essential to determine the extent and nature of the phenomenon as it relates to the police. Accurate statistics on the frequency and quality of the incidents can have important implications for policy and training. Careful record keeping also provides victims with documentation of the incident.

Although recording incidents of domestic violence as a distinct category was required by law, effective January 1, 1980, only two of the six departments isolated domestic violence from other categories. This domestic violence category includes all types of relationships between offender and victim.

The new Illinois Domestic Violence Act (IDVA) provides that officers are to include in their reports: victims' statements on frequency and severity of prior abuse; the number of previous calls made for police assistance; and the relationships of participants.

A few women in our sample had trouble with police department record keeping. Said one woman:

There were a couple of times I pressed charges. Once they fined him, and another time the judge threatened him. and when it came to court this time, there's no records on him, nothing. And the pictures (of my bruises) they took? They're even gone.

However, women who went to sympathetic watch commanders or police captains, or to legal advocates, received help in getting the records.

ALTERNATIVE NON-ARREST RESPONSES

Mediation

Mediation is the most common crisis-intervention technique. It is used both as a complete response, and as an initial method in handling the incidents. In mediation, officers attempt to calm the situation by hearing both sides of the story and to help the couple reach some resolution. There is no strong agreement over the best techniques for mediation; some advocate separating the parties while each relates the incident, and others prefer the more confrontational tactic of allowing the parties to argue it out at a safe distance. Regardless of technique, when used as a solitary tactic, mediation is an attempt to settle the incident without further police action. When used as an initial response, a procedure which elicits the two different versions of the event can provide police with the basis for their informed decisions on their course of action.

Three-quarters of our officer subjects at least mentioned mediation as a response to calls. Of these officers, roughly one-third partially defined the method as a separation procedure, where each participant explains the episode to one officer while isolated from the other participant.

Several officers felt that the method of mediation would depend upon the behavior of the couple, the level of violence, or the tension. For example:

Usually one of them is calm enough to talk, but if both of them are screaming you have to split them up...otherwise you don't have to.

Still others favored applying a two-pronged method -initially isolating the parties, then allowing them to confront each other. The advocates of this latter procedure account for just under one-fifth of the interviewees.

The other components of mediation - obtaining an explanation of the incident and resolution - were discussed in a variety of ways. Officers often said that they sit down and talk with the couple, find out what the problem is, and calm them down. Quieting the people for the night and preserving the peace were often seen as the goals for the mediation procedure. Close to a quarter of the officers indicated that they used the presence of children as a type of "lever" in obtaining their goal. One officer remarked: "You tell them: 'Do you want to embarrass your kids and do you want them to see you fighting like this?'"

The officers' views on the length of time required for mediation and the importance of this crisis-intervention technique spanned a broad range. Some characterized it as the most important component of the response, demanding a substantial quantity of time (up to two hours), while others contended that it was a useless exercise and that any involvement should be avoided. The majority, of course, were somewhere between these two extremes. A typical statement of the police role where a serious mediation effort was intended would be like that of the officer who commented:

You have to separate the husband from the wife and one officer speaks to one of them, the other officer to the other. You have to find out what the problem is....

The conditions under which the mediation response is used are crucial to understanding its impact. While there are different attitudes on the importance of mediation, no officer saw it as the only appropriate response to all spousal batteries. The officers who did mention requirements for using mediation alone referred to verbal arguments and non-violent events:

...they are the one that want you to be a mediator. They aren't the ones with the batteries, usually. It's usually some small thing - an argument.

One complication with this kind of mediation was the frequent allegation of mutual abuse. Officers maintain that unraveling the episodes

are at the least, time consuming and, often, impossible. These officers cite participants' refusal to cooperate and persistently conflicting accounts of the incident. One officer said:

...that's the problem - you can only take what they say, you don't know what really happened...you hardly see anything for yourself.

One method of handling this issue follows:

You usually advise them both (of their legal options), because he's entitled to sign a complaint, too, if there's reason. So once you say this, they are all lovey-dovey.

Our victim subjects reported that about ten percent of police used mediation as the sole strategy. Their major concern was that the effects of the intervention lasted as long as the police remained. At times, intervention made matters worse. One woman said:

They convinced me to let my husband back in the house. And he tore the place up again.

Other women were ambivalent about mediation and arrest, seeming to desire an alternative somewhere between the two. A subject described her experience with police use of mediation this way:

Well, the police came, and they talked to him, and they talked to me. I told them I didn't want to press charges. They asked me 'do you have a place to go?' I said no. So they said, 'you stay in one room and your husband should stay in another.'

(In this case they also added, "and if you call us one more time, we're gonna lock you up.")

A second described this interaction between a sympathetic officer and her husband:

I called police many times when I knew he was drunk and getting out of hand. I called to try to prevent him from hurting me sometimes. But when I called, he took off before they came...

Once, he was in the house when they came.... They said to him, 'why do you treat her that way? Why do you beat your wife? She's not a man. Go find a man to do this to.'

But I never had a chance to press charges. Once, the police said, 'this is the first time, give him a chance, don't press charges, forget about it this time... I didn't tell them I had called before.'

Among practitioners and scholars, there is some disagreement regarding the appropriateness of employing mediation as a solitary response to domestic violence events. Battered women and their advocates argue the inconsistency of applying crisis-intervention techniques to situations where criminal activity has taken place, because of the temporary nature of the settlements and the danger of future abuse to the victim when police leave. On the other hand, police report that the complicated personal relationships between participants and the futility of arrests make these events difficult to handle.

Separation/Removal

Separation of the parties can either result from an agreement between the police and the person leaving or may, in practice, be imposed upon the offender by the police. The removal of the offender may be either fairly substantial, or relatively superficial.

Of the officers that use some form of separation, only about one-fifth resort to forced removal or threatening the offender with arrest if he does not comply with the order. The significance of this removal ranged from the officers who recounted:

I'd drive him to the train, and then he'd sleep it off at the office,

to the more common practice:

I might tell the guy to take a hike - to get out of there.

There are some legal questions about this form of removal. Several officers mentioned that, while this strategy used to be standard operating procedure for these calls, it is not within police power when there is no arrest. One officer put it this way:

Years ago you could take the guy out of the house and have him take a walk, but now it's violating his civil rights.

On the other hand, the following officer's statement indicates that he is not reluctant to use unofficial forced removal:

Sometimes the woman just wants him out, but doesn't want to sign a complaint. But if he's married to her, and doesn't want to leave, it's a problem. Sometimes he might say: 'I ain't leaving - you put me out!' So you do.

In any event, the majority (the remaining four-fifths) of the officers indicated that suggested separation is as far as they could go without arrest. This was often the response when no complaint was signed by the victim.

It must be remembered that a suggestion from an authority figure, a police officer, may well have the effect of a command. Occasionally, the "suggestion" that someone leave is made. Whether it is the victim or the offender depends at times on the couple's wishes, but more often on the officer's discretion. If there are children, officers may suggest that the man leave or that the woman leave with the children. But there was neither stated policy nor consistent practice on handling families with children. One victim respondent expressed concern that the police had allowed her young children to remain with her husband after she had fled her home to escape a battery incident.

Some officers may be more inclined to suggest separation if the incident is a repeat, or if one of the parties indicates that they can stay with nearby friends or relatives. A few officers said they use forced removal when the situation seemed serious to them. One officer said, for example:

If there is physical violence - the man beating the woman, or the woman beating the man - take the one who would be easiest to get out of the house, out of the house.

Though using suggested removal when the event is non-violent was also mentioned, most officers did not mention violence as a factor to be considered in the separation response.

The majority of the victims reported when police did take some action, they often suggested the batterer leave the house. Though

"removal" was usually effective to stop the immediate abuse, an offender frequently returned home as soon as the police left. For more than one woman, this meant further abuse:

(The police) handcuffed him, put him in the wagon, and then let him go on the corner. And then he came back even more mad, and he picked me up and threw me over the bannister...I was seven months pregnant at the time.

Less often, police suggested that the woman find another place to go. One officer off-handedly proposed the woman "spend the night with (her) mother." Said the victim: "He didn't even know if I had a mother."

Some victims reported that police responding to their calls advised temporary removal as the only useful action to take. Removal was often suggested, along with an explanation of limits to arrest, and advice such as "see a lawyer," or "leave the guy." For example:

...they came and they told him to stay out of the house. They told me not to sign a complaint because if I did he would pay \$35.00 and then get out and come home and beat me up some more.

Though most women seemed to expect, and wish for, removal by the police, those whose experiences included this intervention reacted negatively. Again, though, lack of knowledge of the legal options prevented most women from taking further action.

One woman's description of a very negative experience reflects the problems with both mediation and temporary removal responses. But it also suggests the confusion and emotion so evident in many incidents:

They were very rude. They didn't try and help...They didn't try and take him down to the station to cool off. Instead they took him downstairs. OK. They said that he was drunk. They said that I was all upset and in tears. The kids are sitting up there crying. I'm explaining what was happening. His mother and father are explaining to them that he needed help and all, and that he's always jumping on me and the kids. But there wasn't any understanding from the police about what we were saying.

In yet another victim's detailed account, it is apparent that the deterrent effects of the police presence and separation strategy were at times successful. But this episode also illustrates the variation in police response, and that, when women do wish to go beyond separation measures and overcome police biases against filing charges, they must assert their rights to do so tenaciously:

When I called the police, I expected they would come and get my husband out of there. But he really pushed them around. 'This is my wife. We're married, you can't do anything,' he said. But we're not living together and my rights are being taken away because we're married. And the majority of times I called he was being really outrageous. He was very violent and it was like the police were scared of him. He cursed them out, and the police didn't do anything.

But another time, the police officer said to him: 'Look, I'm not kidding with you. I'm going to pull you in if you bother her again.' It seemed to have an effect. 'Cause I don't like to say, 'cause anytime things seem a little better, then they can change. But I haven't had much trouble with him lately and I hope I don't.

You know, you can't knock all police for what a few did. The female officer and Officer _____ were real nice. But what really gets to me is the couple of occasions when he [her husband] said to them, 'I'm not going anywhere'... and I told them, 'I will press charges,' and they say, 'Oh, she won't press, just walk it off.'...when I'm telling them what I want to do, I want them to get him out of there, I want him out, and I will press charges.' Finally, they listened to me.

Separation may have limited or mixed effects. If women chose not to press charges, or were discouraged from doing so, police believed there was little else to be done to legally defuse the situation. Though this perception may be rooted in a misreading of the law, it does not change the reality of the practice.

Referral

Whatever else the police do in these situations, referrals to relevant available services can be made. Police knowledge of and use of appropriate referrals can be extremely important. Victim contact with appropriate referral agencies can result in protection(s) the legal system alone cannot provide.

Nearly one-half the officers gave no indication of referring battered women to appropriate agencies. Several others mentioned types of agencies without giving specific names. The types of agencies the officers were aware of and used were legal counseling, religious counseling, victim-witness units, battered women agencies, and shelters. (It is noteworthy that most officers who were familiar with agencies in general were not aware of shelters.) Police respondents were most aware of services closely connected with the police department (e.g., victim-witness units), or shelters that existed in a relatively small town.

The officers did not often clearly explain the conditions in which they used referrals, although some did mention the need to refer "serious" cases. The following remarks by one officer exemplify the fairly common lack of knowledge concerning available agencies.

Where can they go - the homes that used to support battered women aren't there anymore, because there is no longer funding for them.

More often, officers seemed unaware that shelters had ever existed.

Very few officers had objections to the use of referrals as a response, possibly because of the limited number of referrals or the lack of follow-up on the few made. Some officers expressed concerns similar to the one below:

...you can refer her to an agency...But you know, most of these women have been married for some time, and this has been going on for years, and you tell them what they can do, and they just don't do it.

According to the victims we interviewed, when police used "referral" as a strategy, they tended to suggest that the victim call a lawyer. One suburban woman stated:

Basically they said all I could do was to go to Legal Aid and get a divorce.

Though no women were told about battered women's services or shelters, in police districts with victim-witness units referral or follow-up was provided by that service. There, victims were given support and information about the options available.

Two women respondents were referred to Al-Anon; one police officer suggested to the batterer that he go to Alcoholics Anonymous. Women told us that some police advised them to get help from their families, and one was told to see her clergyman. In cases where medical attention was necessary, our subjects said that police either took them to, or referred them to, hospitals.

That police did not more often suggest medical attention to subjects who had been beaten, even if there were no visible marks, is of some concern. One Department of Human Services worker told us he had seen a woman who had refused medical attention because she didn't think she was beaten badly enough. He insisted she see a doctor. The worker stated:

It turned out that she had a cracked cheekbone and several broken blood vessels.

Victims reported that, when the abuse began, they knew of no agencies that could help. Half our respondents confided in friends or family before reaching out for support from another source. Some were told by neighbors about shelters and services; others used the phone book to locate counseling services or crisis lines. Once the first such phone call was made, women often found themselves in a network of helping agencies.

As stated above, though, rarely did their contacts with police - except in cases where a victim-witness unit was a part of a department - result in referrals.

SUMMARY

Our interviews with police department personnel revealed that where department policies existed, they were not enforced. Though training seems uniform, the information and direction it provides was probably not emphasized in routine police practice. We found, too, that records required by Illinois law are often not kept. Victim interviews indicated that their expectations of police most often did not include a wish for immediate arrest. The majority reported that they requested police to remove the batterer from the scene. In general, the more information women had about their legal rights, the more realistic their expectations were of what police could and could not do to help them, and the more likely it was that they would actually get assistance.

The three types of police responses discussed above represent the non-arrest alternatives police use in responding to domestic violence calls. These responses are not necessarily used independently of each other or independently of arrest.

Mediation is most often used as an initial response. Limited application of one aspect of mediation, i.e., obtaining the relevant facts of the situation, is essential to determining the ultimate course of action. However, several victims indicated that officers had used mediation as a single response to their call. As noted, the use of crisis intervention alone in domestic violence cases has raised some important concerns. It has been observed that in no other battery would a victim be counseled to stay in the same house as her attacker (Martin, 1976). Fleming (1979) asserts that the flaw in police use of crisis intervention, or "conflict management," as a strategy is that:

They are shaped by concern for individual police officers and the police department for 'the family,' 'the marriage,' and the husband. Police remain fundamentally ignorant of the needs of the victim - 'the battered woman.' (p. 178)

Fleming goes on to say that however important crisis intervention is as a tool for police to defuse a situation, a woman's physical safety must be the primary concern. The job of the police, she continues,

is not to solve the problem that leads to the incident, nor to save the marriage, but to stop the violence, protect the victim, and enforce the law as he would in a similar case involving strangers (p. 180).

While mediation alone may be appropriate for verbal disputes and non-violent events, officers should be aware that domestic batteries are serious in nature and have life-threatening potential. Also, though many police may be excellent crisis workers, they cannot do ongoing counseling. The result of any crisis intervention must be referral and follow-up.

The officers interviewed generally reported that they would suggest, rather than demand, separation, or physically remove a participant. Victims related that separation of the offender from the household was the most frequent substantial police action. According to both police and victims, there seemed to be a fair amount of discretion involved in who the officers decide to separate from the household. Although many victims did indicate some relief from the immediate abuse when separation was employed, some found it to be ineffective because the batterers returned as soon as the police left.

Officers seemed to employ separation as a strategy when they were unwilling to arrest, or were unsure of their arrest power but felt that some action was necessary. This response can also result from the officer complying with the victim's wishes - some victims do not want the offender arrested, but only removed. On the other hand, officers are sometimes reluctant to arrest, regardless of the victim's desires. They see separation procedures as a method of resolving the situation without getting the couple involved in the legal system. Officers often view the legal system as frustrating in general, and especially inappropriate for these events.

There are obvious limits to using separation as a response to domestic violence events. As previously noted, officers often expressed legitimate concerns over the legality of forced removal without arrest. It would then seem that suggested separation is the only appropriate form of this response. In addition, neither form of separation lends itself to effective enforcement, and the batterer is not prevented from returning; therefore, separation may be appropriate for verbal arguments, but not for domestic violence. Again, the seriousness of these incidents needs to be addressed by the police response.

Both police and victim interviews reflect that appropriate police referrals are infrequent. The importance of referral in these events is clear, both in terms of immediate protection and as a long-term remedy. In addition, proper use of referrals could reduce the number of repeat incidents, thereby lessening the officers' battered spouse calls. For the most part, however, police seemed unaware of such services. Increased interaction between these agencies and police departments is necessary to provide police with this awareness.

In addition to referral, police should routinely provide transportation to battered woman shelters, relatives' and friends' homes, or any other place of safety, for victims who require it. Further, medical attention should be routinely encouraged for anyone who alleges or shows any evidence of physical injury.

THE ARREST OPTION

The power of police to arrest perpetrators of interspousal battery is the subject of great debate among those concerned about the treatment of battered women. As our summary of the literature suggested, much attention has been devoted to the police use and non-use of the arrest option. In general, proponents of greater formal protection for women have been concerned that police are unwilling to use the full authority of their office at times when it may be needed.

Illinois statutes give the police officer the power and the responsibility to arrest someone for a breach of law, when there is reason to believe that a crime has been committed, and when the accused is present. In these circumstances, a complaint is signed either by the victim of the offense or by the officer. If the accused is not present, the police officer is empowered to advise the victim that a warrant can be sworn out for the accused's arrest (including how and where that can be done). Or, the officer can swear out that warrant himself. With these as general conditions under which the arrest power can be used, our police informants' descriptions of their arrest decisions reflect often striking contrasts between law and practice.

All of our police respondents discussed arrest as a possible response to the calls. Approximately a quarter of them mentioned the

possible use of warrants to effect arrests. It was clear that police officers at least consider the possibility of arrest in these cases, though their descriptions of practice suggest that this "ultimate sanction" is used infrequently. Our interviews also indicated that there are a number of considerations which police feel discourage the arrest of domestic battery offenders. These include, principally, the failure of complainants to sign complaints, the tendency of victims to drop complaints, the short-term impact of arrest due to liberal bail procedures, and the difficulty of getting court prosecutions of the cases. All of these issues limit the tendency to arrest. In the following sections, we have detailed the police views of these issues and contrasted those with the perceptions of victims reacting to similar circumstances. Throughout, we have referred to the legal grounding of the arrest power in these circumstances in order to see how that law is being applied.

No Signed Complaint

About a fourth of the officers interviewed indicated that they would only make an arrest with a signed complaint. This is not to suggest that a victim's willingness to sign a complaint would automatically lead these officers to make an arrest - only that it was for them a prerequisite. An additional one-quarter added visible evidence of the victim's beating to the "signed complaint" condition. Most officers said they would sign a complaint on their own only if they were witnesses to the battery; some indicated they would avoid an arrest even then, unless the woman actually signed the complaint herself. One officer explained his perception of the situation as follows:

I could have arrested the guy, but if she disagrees with you and you don't have a cooperative witness, there's nothing you can do. Women's groups say that officers don't arrest enough, but that is the main reason, I would say. You can't arrest if you don't have the woman to back you up because it would go nowhere.

This frustration about the limits of what the police felt they could do was common. Another officer reached the same conclusion in different circumstances.

I've run into women in emergency rooms with cuts and bruises, etc. and they say they don't want to make out a report. Well the police intervention stops there - we can do nothing more for her.

In addition to the police who said the failure to sign complaints prevented their involvement, an even larger number of officers expressed their frustration at the unwillingness of victims to sign complaints after they had called the police. So common was this complaint, it almost seemed to be an operating assumption of many police officers that victims would not sign. On the other hand, officers sometimes indicated they actively discouraged victims from signing complaints. About fifteen percent of the respondents acknowledged they did this. These officers felt the complaints were not in the victim's interest, would not be followed up, or would go nowhere in the court system.

In victim interviews, almost thirty percent of the women said an arrest had taken place at some point in their relationship with a battering spouse or lover. Twenty percent of those arrests were made several days after the woman went to the police station and swore out a warrant. In forty percent of the arrests, the batterers were arrested for charges other than the battery on the woman. The police noted to us that, if the man tried to fight with them as they were settling the problem, there would be no question about locking him up right away. There are more arrests in the victims' experiences than we would have expected after hearing police response. But, often, the arrests were made only when offenses in addition to the battery had been committed.

From the victim's perspective, the issue of signing a complaint was clearly a question of great concern and uncertainty. The battered woman who calls the police for help in a moment of terror and panic is rarely, if ever, "ready" to make major decisions. In addition to the tension of the situation, women's lack of knowledge about the criminal justice process and, more specifically, the courses of action available to them as battery victims contributes to their confusion. For example, many of our subjects thought that the police would take the offender away and hold him for several days, even without the pressing of formal charges. Others described the situation where police "arrested" their husband only to "let him go at the corner," obviously something less than a formal arrest.

The majority of women in our study stated that their rights were not explained, or that they received only partial explanations of what they could or should do. Furthermore, a number of women were discouraged from exercising their right to press charges. Sometimes police stressed the limits to arrest. In other cases, police inappropriately stated that the call was "after the fact," or that "there were no witnesses" to the event, or there was "no blood," so no arrest could take place.

Twenty-five women felt the responding officers did not provide the necessary information, while five said that they did learn about their rights from the police. However, police may have given more accurate information than the victims in our sample remember. They may have suggested taking steps the battered woman was not yet ready to take; this

could have affected her understanding, or even her hearing, their recommendations. It would seem, though, from the strong response of our subject, for whatever reason, most women felt they got too little or no information to help them deal with the violence. In some cases, women were told nothing of their legal rights, but simply that the situation was "a civil matter." Often, when women did file charges, they were not told where to appear in court, nor how to follow up on a warrant.

If women knew their legal and procedural rights, they tended to get the kind of help they requested. Some women described the interaction of the police, especially in these cases, as very positive, as this woman explains:

Well, the police came, and I told them I wanted to make a report out on it. He took down all the information. I asked him if I could get a peace bond out on him. He said I should go to the State's Attorney while I still had visible evidence. He was very helpful. He saw that I was scared. He even waited for a half hour to see if my husband would come back.

On the other hand, some police expressed understanding for women who were ambivalent about filing charges. These noted the victim's fear of reprisals, the threat to family economics, and the rejection by a lover as preventing some women from formalizing their complaints.

But, whatever the reason, the police view of battered women calls is shaped by the expectation, grounded to at least some extent in their experience, that women will not sign complaints. Some victims told us how officers used this expectation as justification for discouraging victims from filing charges. One experience with this attitude is recounted by a victim:

I went to the police station first, and I talked to this one officer, and he tried to talk me out of (taking legal action) because he said if you press battery, 99.9% of the time, people kiss and make up afterwards. And I told him I really wanted to press charges.

Dropped Complaints

The second major issue for many officers is the expectation that most complaints made in wife battery cases will be dropped before the case comes to court, when the couple makes up. One victim reported an

officer's response to her complaint, a response constantly reiterated in our police interviews:

The officer said, 'We can't get involved all the time 'cause what happens is that women say they want us to arrest their husbands or boyfriends and then a couple of minutes later they change their minds.'

The woman went on to articulate her objections and to point out the self-fulfilling prophecy this expectation implied:

Then I said, 'Well, I'm not like that. I'm not like other women. He can't judge me the way other women acted, just like I can't judge him (the officer)

like he's my husband. Then he just look at me real funny and he walked out the door. He said, 'Well, I did all I could.'

Police expectations also discourage a phenomenon service providers identify as evolving consciousness in a battered woman. Service providers say it may take a number of battery incidents, and even a number of police contacts, before the victim reaches the point of frustration and level of resolve which allow her to pursue formal courses of action. Yet police often asserted that charges would be dropped, or not pressed, because it had happened before in the same family. Police responses to repeat calls was, therefore, often minimal. One victim expressed both an understanding of this reaction and provided an example of the problems that it created. The police had suggested to her that she press charges when they responded to her call. She waited until the next day and was then told to go to the State's Attorney. She commented:

Some of the women that go through these things with their boyfriends or husbands, don't go through with it (the legal action), and it's a lot of paperwork, and they just keep getting back together.

This victim noted that she had gone through the same process herself, hoping that her husband would change. She could understand why the police might be skeptical, she added, but this time she had let the charges stand.

The Limits of Bond

Approximately a third of the police interviewed mentioned the normal bonding procedures as a limit to the effectiveness of arrest. The

fact that the offender can return to the victim very shortly after an arrest makes domestic batteries potentially volatile. Some officers felt that the safety of the victim was in jeopardy.

I don't arrest them. It doesn't do no good. The guy just bonds out an hour later...the guy gets really pissed. He thinks, 'My wife had me arrested. Wow!' And sometimes he gets down on her even harder.

Bond was also mentioned as part of the financial complication of an arrest. When an offender makes bond, or does not, the financial costs to a poverty family can be significant.

Victims were often told by police that an arrest wouldn't really help much because of the bond. This was a clear case of correct information being provided by police to most victims, for those victims who did have their battering spouse arrested found he was released almost immediately on bond. Most of these women expressed their distress at the fact that police action did not provide more than very temporary respite, even when there was an arrest.

Effects of Courts on the Use of Arrest

Anticipation of the negative attitudes of court personnel was another reason, often cited by police, for not making an arrest. Though this was a concern when the victim was eager to sign a complaint, it was even more of a problem when an officer considered signing a complaint himself because the victim would not.

The judge dismisses them. Some say, 'Kiss and make up.' I'll tell you what I think of the courts if you want to hear. I think they stink - that's what I think. People are getting off left and right. So it's not so surprising with these domestic cases. ...it's not working for domestics, burglaries, robberies, any of them.

Well, a frustration for everything in police work is the court system. ...let's say a guy is battering his wife, and I sign the complaint. It's a battery, I get to court, and the judge says, 'Where's the witness, the victim?' She doesn't come and the thing is thrown out. They drop the whole case.

Some of the police reaction we tapped is a result of the overall frustration with the court system. But, there seems to have been enough actual experience with negative responses of court personnel to spouse battering cases to make police expectations even more negative for these cases.

The victim perspective on the court process supports some of the concerns raised by police and adds issues unique to their experience. The same issues of embarrassment and fear which prevent women from calling the police make them uncomfortable with the court process.

It's just so depressing and hopeless. All those court times. It's almost like a joke. It's just like a joke. You go before a judge, you can't stand up there and say, hey, this man's a liar, and all you get are continuances. ...so eventually they gave him a year's court supervision. Where is the justice? There has to be some kind of justice.

The continuances were a concern raised by many victims; they felt pressured to drop the charges by the delays. Even persistent victims felt judges and state's attorneys were unwilling to impose sentence on the batterer. Another victim reflected on the pressure created by delay:

It's not worth going to court. (My husband) knows how much I hate going to court, so he shows up two times without a lawyer. The case gets continued for two times and I lose a day's pay. I can't afford that. He can. He's self-employed. And I hate the court thing.

Other Victim Concerns

Many victims did not think that they wanted an arrest made - they would often say that they were looking for some relief and protection and did not want to hurt the man. One woman responded to the police question about arrest by saying, "No, I just want my child out of there." The officer replied, "You'll have to settle that yourself. It's a family matter." In other cases, the desire to avoid an arrest was conditioned by a fear of the economic consequences of the action. Particularly for poorer families, the threat of a man losing his job (often mentioned to victims by police) was a source of internal conflict. A number of police were sympathetic to this problem. They pointed out to us how it placed the battered wife in a no-win situation.

Another observation of several victims was the ease with which the male offender was able to influence police action. One victim described the way her alcoholic husband was able to "sweet talk" the police.

That first time, my husband was so drunk, cock-eyed plastered, but as soon as the police came - I don't know how much you know about alcoholics, but they act sober. And my husband is a good talker, so they listened to him instead of me.

Sometimes, victims recognized that their inability to present their case effectively to the police left their husband with the upper hand. On occasion, victims even went so far as to blame themselves for the lack of police action. A suburban woman felt that she had not made enough fuss for the police to take her seriously. "Perhaps it was me," she told the interviewer. "I went to them too quietly. All I wanted them to do was to come down, but they said, 'We don't really interfere in domestic situations.'" In this, and a number of other cases, the victims expressed uncertainty about their involvement in the incidents. This, we have noted elsewhere, is a major inhibition in their willingness to seek police intervention.

Most of our respondents were hesitant about pushing for an arrest because of a sense of pessimism and hopelessness like that expressed by one woman:

I guess that they get many calls, and there's not much they can do. I felt that they were on my side. They told my husband to leave, and he did...they said to go down and make a complaint. But what good would that do? You sign a complaint, maybe he's in jail for a day. Then he gets out and could do the same or worse.

A similar sense of pessimism was expressed by the substantial number of our victim respondents who used the phrase "their hands are tied" - a phrase we had heard repeated over and over again by police. The police use of the term was a catchword to explain how their power prescribed the role they could take. We have tried to indicate the many cases in which they defined their powers far short of what the law would allow. The fact that victims in some communities repeated that phrase is, unfortunately, indicative of the degree to which victims have accepted the misinformation used to justify it.

Summary

The police practice of avoiding arrest in spouse abuse cases has been shown in numerous studies, as well as in policy and training statements issued by police departments. The police officers interviewed in our study, and the experiences that victim respondents had with police, confirm other aspects of arrest avoidance. Battered women's advocates have criticized police for their intervention strategies in domestic violence cases, particularly for their failure to treat the cases as they would batteries between strangers. The reluctance of police to arrest further burdens the victim because, as the report to the U.S. Commission on Civil Rights (Under the Rule..., 1982) points out,

it puts the burden of pursuing any legal action squarely upon the victim, and it perpetuates the abuse cycle by indicating to the assailant that his actions are not viewed as serious by the legal system (p. 14).

The police and victim interviews indicate that there is a great deal of discretion practiced with the arrest decision. Individual officer's requirements for arrest vary. While some officers require signed complaints, others mention visible marks, and still others feel that both are necessary. Officers rarely initiate arrest by signing the complaints themselves, pointing to the possibility of dropped complaints, or the resulting problems this causes when the case comes to court. Some officers are unsure of their arrest powers; they claim they can't sign the complaint if they don't witness the abuse. Others set arbitrary standards for sufficient evidence to arrest. In most cases where police arrested the offenders, victims reported that they had to be quite determined in their desire to initiate the arrest. When women knew their rights, they were much more likely to get the kind of help they requested. Both police and victims sometimes stated that arrest is not the solution for domestic violence. Low bail was often referred to as limiting the effectiveness of arrest. The temporary absence resulting from arrest created concern for the safety of the victim, since the offender can return to continue the abuse.

A woman's economic dependency is also often mentioned by police and victims. But, if the economic dependency of the wife is so great that prosecution of the crime will really threaten a family's security, then the legal system must tailor its disposition to address both short and long-term economic issues. Effective counseling for the batterer should also be part of any long-term outcomes of an arrest and court processing.

The court system and its frustrations for both police and victims was also a frequently mentioned issue. Officers felt that court attitudes limit the effects of police-initiated arrests, or generally treat domestic violence offenders with leniency. Victims expressed fear and embarrassment in court proceedings, distress with the emotional and

financial costs of delays, and concern because of their perception that the courts provide no protection or serious sanctioning.

While it is evident that domestic violence incidents, like most calls for police assistance, are not uniform events, some attempt at standardization is needed. The police discretion exercised, particularly at arrest, clearly minimizes the protection of victims. There is a need for policy, training, and practice that reflect the seriousness of these events, and the potential they have for escalation beyond the initial incident. The recently passed Illinois Domestic Violence Act provides the basis police departments need to develop these measures. This law further addresses some concerns associated with the limitations of arrest through the institution of an Order of Protection, prohibiting the offender from entering the residence, which may be granted as a pre-trial condition of release or in a civil court order.

OTHER ISSUES OF POLICE RESPONSE

Certain specific issues arose in both the police and victim interviews distinct from the four police response alternatives. These included police response time, repeat episodes, and victim perceptions of batterers' response to police intervention. Additionally, victims talked about their willingness to call the police if future abuse occurred. These issues, while not unique to any of the specific alternative responses, are critical issues in police practice.

Response Time and Repeat Calls

The majority of subjects answering our question about response time reported that the police arrived quickly, within ten or fifteen minutes of the call. In only five cases was the response rated as slow. In one case, the police did not come at all. Some of the respondents could not gauge the time because the call to police was made by neighbors.

Two women with numerous police contacts felt they arrived less quickly on each subsequent call. But, generally, even including repeat callers, women seemed more satisfied with this aspect of police response

than with any other. Whether or not the victims were satisfied with police response to repeat calls, the claim that response time is slower on these incidents is a cause for concern. A recent Kansas City study (Wilt, et al, 1977) showed that, because of the danger in repeat cases, it may be even more important for police to respond quickly. The more repetitious the battering, that study showed, the more likely it is to escalate to homicide.

Both police and victims share frustrations related to the number of repeat episodes. Approximately half of all officers interviewed mentioned this problem. As one officer said, "I was at this home about ten times before, and they knew me by name." Women are concerned with preventing further abuse. They often look to police as their sole source of protection. One woman elaborates on this:

...well from my point of view, from what I went through and from what other women went through they should make it better for us and easier for us. I mean they could respond faster, and tell us what we could do to prevent it from happening again, instead of us going through it again and again and again.

Police respondents were aware that prevention of repeat episodes is an important goal. A number of officers stated that handling the call in a manner that does not lead to a return visit is essential. Some also expressed concern about the lack of manpower. They believed domestic calls placed exorbitant drains on scarce police resources. Some officers suggested that repeat calls often occurred when the couple disregarded earlier police suggestions. In addition, multiple calls often led both police and victims to the conclusion that police could neither solve the problem, nor even help to a significant degree.

Repeat calls often received special treatment from police, but the nature of that treatment covered a full range of possible responses. One of the most common reactions, according to one of our respondents, was to let callers wait rather than hurrying to respond. Others suggested using the threat of arrest as a means of cooling off the situation or the opposite tactic, deliberating discouraging a complaint, as the following quotes illustrate:

Some repeaters call two and three times in one night. The first time you say, If we come back, you (the woman) have to sign a complaint. She doesn't want to do this, so it's not usually a problem. ...The next time you say: 'If this keeps up, we will sign the complaint.' She doesn't want

that. They will usually back off when you threaten to sign the complaint.

If it's a regular you don't lean on a complaint being signed. You don't have a repeater sign because this is a problem for the police department and the courts.

Police Effectiveness: Short-term Indicators

Both the batterers' behavior after police intervention and victims' willingness to call police again can be seen, in part, as short-term measures of police effectiveness. The majority of the victim respondents reported the level of violence and threats decreased, at least temporarily, following contact with police. This effect existed whether or not the batterer was arrested. A suburban woman believed that:

Once my husband was aware that someone else knew, he calmed down some...the fact that there were other people involved that knew, made him aware that he couldn't keep beating me up...It wasn't just a woman screaming in silence anymore.

Another woman, whose husband was eventually sentenced to a year's probation, said:

Before the police came he used to beat me every weekend, sometimes every day...but the judge really put a scare into him.

And one more woman stated:

The sense of security I got (after the police came) was worth a thousand calls...the police had a calm manner. Their handling of things was really super.

Most of the women were frightened that the violence would get worse if the police came and refused to take action. For some women, further abuse did occur, but the following experience is telling. The woman called the police after a long night of threats and abuse. Her husband heard her on the phone and tried to get through to the bedroom where she had locked herself in.

I was telling them 'please send someone over here, hurry, hurry, hurry.' And I felt maybe he's going to come in, and he pulled the wires out of the phone in the living room, and we got disconnected. And I thought, well, I'll be okay, because even if he does get a hold of me the cops are going to come any minute...then he comes running into the room...And nobody came...But i don't think he really wanted to do anything (bad) because he thought the police were coming, too.

This may be a case where the expectation that the police were coming acted as a deterrent.

Despite the mixed results of their police contacts, most women in our study stated that they would call the police if they again found themselves in abusive situations. Some of these women were ones for whom the police presence reduced the violence, at least temporarily, but others simply felt that there was no other place to turn.

Some women, with the help of counseling, were realistic enough to have made escape plans and to learn about resources to use if the abuse should occur again.

Three women felt that their efforts to find help had been so ineffectual and experience in the courts so demeaning that their only recourse would be to act in self-defense even if it meant killing the men. One woman told us, in response to the interviewer's question, "would you call police again?"

I would really say, for what? If I was ever in that situation again, I'd try and kill him. I wouldn't call the police. That's my total feeling.

And to the question, "what would you do if he beat up on you again?" one woman answered:

That's hard to say. I don't know. With everything I've been through, I'd probably end up trying to kill him the next time for all the stuff he's done to me and trying to hurt my baby. That would be my reaction the next time. To try to kill him. Because I didn't get any help from the police the other times.

Another victim, for whom the court decision to place her husband on probation did greatly lessen the violence, stated:

I'd call again, if there was bad violence. But the last time I handled it myself and started divorce proceedings. I'd do that again. It's more helpful.

Summary

The majority of women respondents indicated that police response time was good, although there was some evidence that repeat calls were dealt with less expeditiously. Women may consequently be endangered; the literature shows that the violence escalates. Repeat calls are often a frustration for police, though a number of officers expressed an awareness of the importance of preventing repeat occurrences. Many officers treated repeat episodes more lightly, or considered them an annoyance. This approach does not recognize the increased potential for violence these incidents have.

Most victims interviewed stated that the batterers' violent behavior diminished after police intervention. They also related that they would call the police again if they found themselves in other abusive situations. It is important to note, however, that the majority of victims also feared increased violence if police responded and failed to take action. In addition, a few women felt so strongly about the hopelessness of their situation and the inability of the police to help them, they indicated they would kill the offender before involving the police again.

SECTION IV: THE PERSPECTIVE OF SERVICE PROVIDERS

INTRODUCTION

Members of the women's movement can be credited with first publicizing the problems of battered women. Their approach to the issue, as it was to the needs of rape victims, was first to create resources to meet primary needs and to implement public education programs.

Since 1975, when there were only eleven shelters for battered women in the entire United States, the publicity and outcry have grown. There are now over three hundred shelters in the country. Though these are still sadly inadequate to deal with the estimated need, other service providers have begun to address the problem. Counseling agencies and other social services are now at least more aware that the problem exists, and exists on all economic levels of society.

We contacted over thirty agencies in Chicago and suburbs, in order to incorporate into our findings the views of professionals working with battered spouses. The service providers were included in the study because broad public access to their services is dependent on police referrals and because of their special perspective on the police-victim interaction process. We also asked for their support and help in contacting victims to participate in the study. The agencies contacted were limited to those that could have served individuals from our selected communities.

Most of the agencies were private, about one-quarter public, and another quarter religious-affiliates. Eight served only battered women; three of those agencies were shelters, which provide temporary housing. The others were general counseling agencies, crisis intervention or victim-witness programs, and general emergency shelters. We also talked to numerous clergy, lawyers, and hospital staff, and the directors of emergency food pantries who often found themselves doing some counseling.

The interviews with agency staff shed particular light on certain issues because service providers tend to see both the failings of police response and the difficulties of dealing with the victims. Their interviews tended to be a mixture of previously heard themes, both from victims and police.

In this section, we will discuss the descriptions of agency interaction with police, with clients' experiences with the police and the courts, and some common frustrations in their work, as well as victims' experiences as agency clients. The section concludes with a discussion of economic class and its possible effect on seeking help, an extraneous finding, but one we often found mentioned in the interviews, and one that we feel is fairly important.

AGENCY - POLICE INTERACTIONS

Almost all the agencies we contacted felt they had a "positive" relationship with police. None would say that interactions are hostile or negative. A few shelter workers and police command-level-officers have served together on panels. Despite this, staff of shelters and battered women services would like to see a closer working relationship with police. One problem shelter staff identified was that police referrals to services to shelters expressly for battered women are rare, though referrals to emergency shelters and victim-witness programs (mandated to follow up on domestic violence calls in three of our sites) are, reportedly, more numerous. One crisis agency director discussed why he thought police referrals to outside agencies were so rare:

I believe police don't refer these cases in that they believe, generally, that it's over-stepping people's rights, and they don't want to get involved in anything like that.

Another director of an agency that works closely with police had this to say about the support they receive by way of referrals:

The support we get depends a lot on the attitude of the individual officers. The realistic men, those who know that their jobs are 85% social service, give us good support. The ones who think that it's cops and robbers time, don't support us...It

depends a lot on the supervisors. If the supervisors support us, then their patrols do.

And one director of a general crisis agency was very hopeful about other changes that have occurred:

I think the attitudes of the police department have changed immensely, especially at the higher levels. For the police officers working on the street, it's a slow process. By and large, I see them as being far more open than they were three or four years ago. From time to time, though, you'll still get an officer to whom this is a bunch of nonsense.

About one-quarter of the agencies are involved in special training for police, but only two of these were specifically battered women's programs. The Chicago Metropolitan Battered Women's Network, a coalition of groups serving battered women, has done some training of police officers, and is working to become more involved with law enforcement agencies. Agencies reported, though, that even immediately following the training sessions, police did not seem much more willing to refer to them.

Some staff stated that social workers and psychologists have a bad name with police, and that much work has to be done to build better relationships between human services and the departments. One board member of an agency told us:

Our agency became non-confrontive, empathizing with the officers' feelings, acknowledging that some of the women they deal with can become abrasive. But the police department is not willing to talk. Our agency is now more aware of police problems, and much more eager for dialogue, but little comes back from the police.

A director of a crisis team believes that the police are concerned with territoriality. He said:

An agency like ours is viewed with suspicion. When we've gotten in with police, it's been by having helped someone. It's no good if you go into a police department and act like an expert.

Even when police and social services are formally connected, cooperation between the two is sometimes limited. One human services worker indicated that police are mandated by a city-wide order to call the crisis team on all domestic violence and rape cases, but that "there are still lots of police who have not learned about that order." Another worker believes that close cooperation between social services and police is essential in handling the problem:

A smart officer would know that he would be called a lot less if they would call for Human Services. Now that doesn't mean that the agencies are taking care of the problem. What it does mean is that the way to find out where family violence is occurring is through the police department and Human Services is a bridge between police work on the street and social service agencies.

It would seem that the problems, and indeed the goals, of agencies and police are very similar and complementary, and that more cooperation between the two could provide better answers to the problems of battered women.

AGENCY PERCEPTIONS

Police-Victim Interactions

Though agency interaction with police was found to be generally positive, the agencies reported that their clients were not so fortunate in their dealings with patrol officers. The agency respondents also were relevant to generalize about police treatment of battered women; they felt that police response within departments was very uneven. One worker blamed the lack of consistency on the fact "there is no set policy...The police have a lot of play in what they do."

Many workers expressed the familiar concerns that police often "just take a batterer out for a walk," that they do not arrest, and that they discourage women from signing complaints. A number of directors stated that there is still a good deal of denial that a problem exists. While agency staff seem to understand, and even to share, police frustrations, they express much concern about the police lack of understanding of the reasons why women remain in battering situations.

Many staff members pointed to the police job description as a principal constraint in the handling of battering between spouses. One agency director told us:

One of the problems is in the policeman's job description: what he can do for the woman. He has so few alternatives to give the woman. There are extremes of what a woman wants. Some want the husband removed. It's on a continuum, but I'm unsure of what the lower end is. There just aren't remedies for the police to use.

Agency personnel also identified some other major difficulties underlying the problems of police interviewer:

The way police structure the experience is twofold. Domestic violence is at the bottom of their list. When they get a domestic violence call, they see it as a nuisance, as time consuming, as unproductive. The police will say what's the good of it, the wife ain't gonna press charges. There's a lot of conflict in their job between law enforcement and resolving domestic violence. There's not a clean-cut resolution to the problem...

They have a definite conflict between seeing themselves as social agents and control agents. What happens is that police on the whole deny their real jobs in the sense of how much of what they do is a social function, and not a control function.

Most staff we interviewed reported that the majority of their clients experienced negative police attitudes. This was true particularly of women who stayed in shelters. One emergency shelter worker said:

Women tell us that the police attitudes are bad - there's a lack of response. That's pretty common. Lots of women tell us that police just laugh at them, or say 'you're probably the one who started him off.'

Interviews with service staff reflect the victims' reports that police neither tell victims their rights nor explain their options. One staff member suggested that the lack of information was an added burden to both police and victims. He stated:

It's (because) of a lack of knowledge of the law on the part of the victim that causes complications. Women have an idea of what should be done, and the police officer didn't do it. And the officer will say that he wanted to do something but he couldn't. The police officer might not arrest a husband when the wife pleads with him to do it; and she'd say,

he'd respond by telling her she needed to go to the ward officer.

One program director suggested that police seem to divide the participants into "good" victims and "bad" victims. (The woman's demeanor and composure was also mentioned several times by police and victims as one determinant of how police responded.)

I think the police officers consider the attitude of women. The number of calls they've made before. Some clients are more demanding than others. I think this ties in with police frustration. The woman almost has to play the policeman the way she plays her husband. How you play the role, like a victim, has a lot to do with the police response.

The director went on to describe the "good" victim from the police perspective as "feminine, frail, and passive."

Another example of a variable that influences the response of an officer to any specific victim was described by another shelter worker:

If a woman calls, she's more open to help, the police think. If a neighbor (calls) it's seen more as a domestic quarrel. The woman might not want the police. The police take it as a noise complaint then. It's about the same level as a stereo being on too loud, rather than 'woman in danger.'

This comment illustrates a common belief that the response of police depends on whether a victim or a neighbor initiated the complaint. However, this worker's experience differs from the study of Berk and Loseke (1980--81) which found that police were less likely to arrest when women called.

One of the problems battered women services especially note is that some police hold the victims responsible for the violence. One agency director stated:

There's an implied provocation. Police think the woman must have done something to bring on the violence. And this fits into the whole psychology of the battered woman.

Women's beliefs that they are responsible for the man's violent outbursts keeps many of them in abusive situations. Some police attitudes tend to reinforce this feeling. Unfortunately, a woman becomes even more trapped if the people she turns to for help only tell her how she is responsible for being a victim.

Another agency director, describing a panel she was on with police officers, had this to say about the police subculture that might affect the attitudes victims encounter:

(the norm is) not to be a sissy, or too sympathetic. One cop called (being understanding) some pejorative term. A lot of this is being said by police. So if you're part of a group (who are sympathetic) you are a closet sympathizer.

This director's impression of police attitudes was: that there is no encouragement within the police department to gain understanding or knowledge about the problems battered women face, and victims suffer because of the lack of police knowledge. Another director, who works closely with police, underscores this feeling:

The police - and the judges and state's attorneys - have no understanding of the ambivalence a woman goes through. Lots of women tell us (agency staff) 'thank god you're a lady.' But you have to remember, we don't see the things that (the police) do.

Some agency staff feel that police attitudes reflect the more general societal values which are the cause of widespread spouse abuse. As stated by one male director:

Pure and simple. Attitudes about women in our country are the reason why they are getting beaten.

Another staff member of a shelter suggested:

(the police) will be fairly responsive. Then they'll go off in a corner and say, 'she probably deserved it!' Many police are batterers themselves.

Approximately one-quarter of the agency personnel we talked to mentioned their impressions that many policemen were batterers. Comments ranged

from a mere mention of that impression, to the following description given to an interviewer by the head of an emergency shelter (not specifically for battered women):

The women who are married to policemen! Oh, talk about frightened! We've heard that law enforcement people are batterers themselves, often. We get lots of calls from wives of sheriffs and deputies.

Another staff person of an agency said:

A lot of guys don't think it's so bad to smack your wife around a little. So how can they think what some guy does is bad when they do it themselves?

We note that the impressions of agency staff are subjective ones. There is, to date, no research showing that wife battering is more common among police, or other law-enforcement officials' families. The sensitivity this issue creates for service providers comes at least partly from the complications it creates for police wives who seek help from the law.

The Courts and Domestic Violence

The court system's response to battered spouses was attacked by many staff. Most agree that their clients have little faith in resolution through the courts. "The whole procedure won't stop the beatings," one attorney and board member of a battered women's service said. "In fact, the evidence is that the beatings will increase. The responses of the criminal justice system, and particularly the courts, are not consistent with the written law. Agency staff feel that states' attorneys and judges do not feel compelled to enforce the law."

The epitome of this kind of response was provided by a court watcher in one program. She quoted a judge (who was trying a domestic violence case where the woman had been badly battered) as saying: "I'm not going to make this man a criminal by sending him to jail. This is a civil matter. Go back to divorce court."

Many workers saw the courts as part of the larger systems problem. One part of the system cannot act effectively without support from the other parts. One director pointed out a "rippling effect." He believes:

(t)he attitude of the judges ripples through the whole criminal justice system. The states' attorney knows what the judge will or will not accept and he passes it along to the police officer. Police officers go back on the street and see a case that should really end up in the courtroom, but it's senseless (to arrest) because the State's Attorney won't do anything. And the State's Attorney says, 'well, I'm not going to do anything because this will never go by the judge...I don't think you can gauge what the police are doing or not doing by just studying their behavior. They're not doing things they would like to do. They feel it's not going to go anywhere once they pass it along. If (battered women's cases) were more acceptable to the State's Attorney or the judges, then (the police) would definitely (do something about) it.

This director went on to identify the scope of the problem:

The mess-ups are a system's problem. Police, doctors, nurses, states' attorneys respond in similar ways, have similar frustrations. It's not just one profession's problem.

Shared Frustrations

Most of the agencies expressed sympathetic attitudes about the frustrations of the police. A few share the frustrations of working with women, only to have them drop charges and return to their husbands. Workers in general counseling agencies often feel their work with battered women is among the hardest counseling they do. Agencies, shelters, and services that serve primarily battered women seem to have the necessary perspective to look for long-term changes. One worker noted, "A woman knows that she can come back to me when she's ready to leave the guy no matter how long it takes her to make that decision."

Another staff pointed out the need for other service providers to take this long-term view:

What they don't realize when they get so frustrated that a woman returns to her

husband, or drops the charges, or calls the police week after week, is that some time she might be ready to leave. And that all the work (the police did) could be preparation. She needs time to change. And maybe it will be that nice cop, or that supportive counselor, that two years ago did something helpful, or said something sympathetic that helps her leave now. They plant the seed.

VICTIM PERCEPTIONS

Victim-Agency Interactions

For some women, agency contact is an alternative to police contact. This was the case for nine of the women in this study. Others contacted an agency for support and then were able to use police as a resource. Many women have ongoing contact with both agencies and the criminal justice system.

The kind of outside assistance most frequently sought was that of a general counseling program, such as a family mental health center. This was true for thirteen of the women interviewed. Other women received counseling from shelters, battered women services, and alcohol counseling programs. Three women mentioned use of the clergy as a primary resource, and four others sought legal support as a primary resource. There were both favorable and unfavorable perceptions about the effectiveness of agency help. Many women spoke enthusiastically about how they had been helped to think for themselves, to clarify their lives, and to initiate action. Women were encouraged not to tolerate the abuse, and, as one respondent states:

I don't allow him to do what he used to.

The shelter experience allowed women to see that they were not alone in their suffering. The shared experiences of other women provided needed support. And, most important of all, shelters provided women with a refuge. Many were informed of their legal rights for the first time and advocates helped them to negotiate the criminal justice system.

The latter was a particularly important function of shelters and programs with a legal advocacy system. One respondent illustrates the latter with her comments:

I pressed charges and I was able to tell the judge that I wanted him to order supervision for my husband and order him into A.A. I knew my rights; I went to court the next day. I got counseling for me and my husband, and I had an Al-Anon advocate right with me. The advocate had knowledge and helped me.

When the goal of counseling was resolving the conflict and repairing a relationship, it was often frustrated by the reluctance of the male partner to participate. Often men would go for short periods of time and then refuse to continue. One woman elaborates:

We went for four months, once a week, but then he refused to go. It was probably too close to his problem. He was strongly urged to go on the wagon. But then he didn't want anyone to know about the violence. Now he doesn't care. He wears it like a medal. I mean when a guy can hit his wife with his mother standing there, he doesn't care a heck of a lot.

Police do not often refer victims to counseling programs and often cited their negative experiences as reasons:

We can advise them to get some counseling help for their problems, but most of these cases are recurring and there doesn't seem to be any help for the situation. Most of them have either been in counseling, are currently in counseling, or refuse to go. ...often these people are really beyond help - they aren't helped by counseling and there's nothing that we can really do, and that's why we have so many callbacks.

Several victim respondents were dissatisfied with the counseling they received. They felt that the batterers had manipulated the counselor, just as they had manipulated the police. One woman claimed her husband would overpower the session, doing all the talking, and then laugh and brag afterward about "conning" the counselor. The complexity of this

problem, and the woman's role in it, is illustrated by the following dialogue between interviewer and respondent:

Respondent: But I feel that he had the counselor, the psychiatrist 90% snowballed. He always managed to slip one over on them. So at the time I was getting no feedback or help. And I have to admit that I didn't go much into the physical part.

Interviewer: You mean you didn't tell them that you were abused?

Respondent: I brought up one or two incidents but it didn't get dwelled on. He always seems to manipulate the conversation. I said very little during the whole thing. So anyway about three weeks before I left, I got fed up with the whole thing. It wasn't accomplishing anything and he was manipulating them.

This vignette illustrates the dilemma for both counselor and client in resolving the issues of family conflict and abuse. The respondent's admission indicates that this woman bears at least some responsibility for the failure of counseling. This type of behavior pattern has been identified with battered women in past research. One author (Walker, 1977) has described the phenomenon of "learned helplessness" which results from women's inability to control, predict or comprehend their beatings. Others have also identified the difficulties mental health professionals have in intervening effectively in family violence. (Fleming, 1979; Dobash and Dobash, 1978).

AGENCY PERCEPTION: BATTERED WOMEN IN WEALTHY CLASSES

Another issue revealed in the agency interviews is the problem of serving wealthier women. For a long time, the public perception was that domestic violence occurred much more in lower-class communities than in higher economic groups. Later research showed (Straus, 1977-78) that the problem, though perhaps more prevalent in lower-class families, crossed class, culture and economic boundaries. Part of the earlier perception was based on the fact that more poor women called police than upper-class women. The counter-argument stated that wealthier women have more resources to use for purchasing private support and, therefore, do not have to call the police.

A crisis worker in a district with many higher-income families said of his area:

It's the least likely place people will go to the police. I believe there is violence there - people with college are more violent than those without college educations...but they go the private route. They have money to leave home for awhile, to go to a private doctor instead of an emergency room, go out of town. And that's why everyone got thrown off in terms of the sociological research on family violence.

There is evidence that the stigma attached to being a battered woman is harder for an upper or middle-class woman. Further, sometimes her resources for real help are fewer. One suburban hospital social worker told us:

Now the house staff is good about referring battered women to workers but the private physicians - it depends on how they feel about support services. And the background of a patient has something to do with it. I guess if it's an upper or middle-class patient, the doctor is more reluctant to do any more than treat it medically. I guess they're afraid the patient would never dare to darken their doors again if they tried to refer.

An interviewer asked the director of a shelter if wealthier women ever called. She indicated that they often call for information.

They're interested in the legal questions, the physical aspects of the shelter. They are concerned with the stigma and their use of the shelter relates to perceived economic class. Some will question if we have black women here. They use it to find out that this is something which happens to other women; that they're not all alone. They use it to talk to an anonymous person. Wealthy women are more apt to remain anonymous. They have greater embarrassment and denial.

All this might suggest that the wealthier woman's "greater resources" and "social status" might actually keep her from leaving an abusive relationship.

SUMMARY

The agency perspective on the issues of police intervention and spouse abuse proved to be a mixture of the concerns voiced by both the police and the victims. Most service providers could appreciate the difficulties of each, but stated strongly that police need to better understand the problems of battered women in order to respond more adequately.

Generally, the agencies reported positive or neutral relationships with police departments in their districts. However, most wished for greater communication and were concerned by the lack of referrals. Some staff felt police command-level officers were the key to gaining the cooperation of patrol officers. About one-quarter of the agencies we interviewed are involved in police training on domestic violence and crisis intervention. At this time, however, involvement does not seem to lead to greater numbers of referrals from the departments. Police tended to refer more often to agencies, such as victim-witness programs, connected to the department.

Agency impressions of clients' experiences with police were generally negative. Though each staff member clearly stated police response is uneven within the same department, and that some officers have gone out of their way for victims, they felt that police were more often reported to be insensitive and unhelpful to clients.

Some social service providers shared the police frustrations of seeing a woman return to the abusive situation, but feel the police "job description" probably stands in the way of empathy for the battered woman. Most police see themselves as "control agents" rather than "social agents", and feel uncomfortable in the role of the latter, according to many staff.

Service providers also felt that women's lack of information about the law, their rights, the rights of the batterer, and the policeman's responsibilities cause confusion and distress, both on women's handling of their situation and, particularly, on their relations to police. Factors that determined police response, discussed by the agencies, included who calls police, the attitude of the victim, and the attitudes of the police answering the call.

Police attitudes were commented on by agency personnel. Some felt that sympathetic understanding of the battered woman was incompatible with police "subculture." Others stated that police reflected the values of a society that has long condoned, at least implicitly, violence in the home. Still others mentioned the impression that violence may also be present in the homes of law enforcement officers.

The agency staff indicated serious misgivings about courts providing the answers for battered women at this time. However, some who knew about the passage of the new Illinois Domestic Violence Act hoped that changes would occur. Judges and States' Attorneys were often described as lacking understanding, and assailed for seeming reluctant to sanction men who abuse their wives and girlfriends. A number of directors viewed the problem as a "systems" problem; one part of the system must cooperate with others to solve rather than exacerbate the problems.

Victim's impressions of the agency experience provided another perspective on the process. Women most frequently contacted a general counseling program in their initial attempts to reach out, though many also utilized police and shelters. The shelters provided strong supports, refuge, and legal advocacy. Resolution of the complex problems of family violence is difficult, and counseling agencies were often effective in helping women to clarify their lives though seemingly less effective in reaching the abusers.

Finally, there is some evidence that middle-class or wealthy women, because of concerns about status and economic dependency, experience constraints in leaving abusive relationships that are comparable to those experienced by less economically privileged women.

SECTION V: SUMMARY AND RECOMMENDATIONS

SUMMARY

Through this research, we have better understood the nature of the interaction we sought to explore: domestic violence incidents and police. This process has clarified some complicated issues, but equally important has been the awareness that many of the issues we have been exploring are complex. Acknowledging that ambiguity makes simple summaries and succinct conclusions very difficult indeed.

There is, however, general agreement that domestic violence is a major social problem. Estimates of the frequency of domestic violence cases vary widely. What studies indicate most clearly, however, is that the problem is wide-ranging. Even if only a very small percentage of the incidents were to result in identifiable injuries, it would still rank as one of the more significant types of crime in our society. The estimates of actual frequency of these incidents are necessarily vague, since the rate of reporting has not been established.

One reason commonly advanced for the low reporting rate is that the phenomenon is not serious enough for the victims to call upon the police for assistance. Our victim interviews, for all of their sampling problems, unequivocally indicate that: first, the women usually were the

victims of past violence, often over a period of years, before they ever called the police; and, second, the lack of records on the frequency of these crimes is, in large part, a function of the police tendency to treat the complaints, and the events that occasioned them, as temporary and minor problems. Even police think that, although they often feel they are called to respond to trivial complaints, there are many abuse victims who never call the police. These are cases heard about only if a homicide occurs. The problem may well be a major part of the "dark figure" of unreported crime.

While the evidence is relatively clear that domestic violence is a major problem, the views about appropriate responses vary widely. Most of these differences seem to be rooted in contrasting assessments of how serious the events are. Some have pointed to the high proportion of homicides involving family members, the high proportion of women in prison for homicide of husbands or lovers after relentless beatings, and the numbers of homicides preceded by numerous calls to the police for assistance with domestic violence problems. Recently, in several court cases, women have been found not guilty of homicide; they experienced conditions of violence to be so sufficiently life-threatening as to justify their action as self defense.

Since a high level of danger seems to be associated with these incidents, the police function must have a different orientation in domestic violence cases from that reflected in our data. In order to prevent the escalation of incidents, a policy of active intervention and protection is essential. The informal, and formal, rules which limit the likelihood of police protecting the safety of parties in domestic disputes must be modified. The discretionary distinctions commonly made between domestic and stranger-on-stranger battery are counter-productive, both in the short and the long run, if the protection victims should receive from the criminal justice system is limited. The responsiveness of the criminal justice system may be improved by the recent passage of the Illinois Domestic Violence Act (1982), which recognizes family violence as a serious crime.

Our interview data, acquired before the passage of this act, pointed to a wide divergence of opinion between police and domestic violence victims about when police should be called to take an active intervention role in the conflict. At the same time, there was a shared sense of ambiguity about just when an incident became "serious enough." For example, some women were very demanding that police protect their rights. However, the more common response from victims was one of apology, uncertainty and embarrassment that others were bothered with their private problem.

Both police and victims need to know what the law does or does not allow. The police must know when they are responsible for providing access to legal sanctions. For the police, this ambiguity is conditioned by a number of factors, including their attitudes towards job definitions, training, and practice.

One of the structural determinants of police decisions about seriousness lies in categorizing domestic violence incidents in the much larger classification of "domestic disturbances." As the title suggests, these offenses are disturbances of public order. In the minds of most officers, they lie at the margins of what is important police work.

This category includes altercations originating in bars, and verbal disputes between persons in homes. The far more serious and personally threatening aspects of domestic violence are often minimized because they are viewed as just another step on the continuum of relatively minor disputes. The fact that familial disputes are potential homicides is often ignored in the process of police response to many relatively insignificant arguments. The police system places a high value on the prevention of very serious crimes like robberies and murders, and the broad category of domestic disturbances is generally given a much lower significance.

The mediation approach to domestic altercations, which we found to be so dominant in the responses of police, reflects this minimization of the potential and, often, present danger of these situations. As our data indicate, the need for better protection is a very real and pressing problem. It is also a problem about which the law has been relatively clear, and is further accentuated by the Illinois Domestic Violence Act (IDVA). Protection from violence is the right of every citizen and the responsibility of the criminal justice system to ensure.

This categorization of domestic violence, as one of a wide range of relatively minor disputes, may also have affected the formal and informal training of police officers in how to handle these incidents. As long as they are treated as similar to bar fights or verbal altercations, then inappropriate responses are likely to continue. However, the issue of whether attitudes and social values of police support this tendency to minimize or underestimate the seriousness of domestic violence is something which must be examined. Like the personal views of police regarding racial, ethnic or economic classes, these perspectives have no appropriate place in police work. No woman should be subject to the denigration of a complaint or request for protection because of the biases of police officers.

For victims also, there is often a question about the legitimacy of their complaints. Those respondents who minimized their battering, or who indicated doubts that police could prevent their beatings, illustrate how much this view of their own victimization, as somehow socially acceptable, has pervaded our society.

Illinois statutes have been quite clear about conditions under which a law is violated when one person inflicts bodily harm upon another. The new IDVA defines abuse as "the act of striking, threatening, harassing or interfering with the personal liberty of any family or household member

by any other family or household member..."¹ We would like, therefore, to recommend that police departments adopt an explicit policy for application to interspousal battery based on a strict interpretation and clarification of the new law. Any more conditional criteria only opens the door to the kind of discretionary interpretation which is the Achilles' heel of recent practice.

In addition, police policy should not overlook the appropriateness of assault charges when, even though actual battery has not taken place, charges are made that threats of violence have occurred with or without weapons.

Adoption and serious application of this policy would substantially change the role of police officers in domestic violence cases. Some assert that police would become enmeshed in unsolvable problems and in any number of cases where police authority would be "misused" by complainants. But the police task is not to determine if there is a false claim, but to stop and prevent life-threatening behavior in the short term. This may include using all legal means to restrain the perpetrator, as well as referrals to programs which may assist both parties. The claim that the police may be "used" by the parties in a dispute is unconvincing to even the naive observer, since they must address and control for this characteristic in many other situations.

More generally, the resistance of police to "get involved" with domestic incidents is inconsistent with their practice on other cases which may be equally serious. Police routinely respond quickly to "in progress calls" where there is a greater-than-average chance of preventing a crime or catching a perpetrator. Police response must be changed to reflect this reality: domestic violence calls are, in fact, serious. Police should recognize the urgency of these calls and take aggressive protective action to prevent serious batteries or even homicides from occurring. Assuming police take seriously their goal of crime prevention, active, supportive and preventive intervention in domestic violence cases should be one of their highest priorities.

The information we have outlined about the practice of police, both from police interviews and from observations of victims and service providers, identifies a wide range of problems in the handling of domestic violence calls. We recognize that some officers do an exemplary job of responding to the needs of these battery victims. But, in reality, many policemen routinely act in ways contrary to the needs of victims and outside the intention, if not the letter, of the law.

1. "Family or household members" means spouses, former spouses, individuals sharing a common household, or parents and children.

Much discretionary judgment resulting in the objectionable practices may be minimized or eliminated by adoption and enforcement of the definition of abuse stated in the new IDVA. For example, one of our consistent findings is that police often avoid the use of arrest, even when it may have been directly requested by victims. Instead, they place heavy emphasis on mediation and informal separation procedures which, according to our respondents, are often an inadequate response. The new law emphasizes the power of police to arrest. If police practice reflected the law, the majority of cases where mediation or separation was misused would be eliminated. Mediation might then be the method of choice where the altercation is exclusively verbal and there is no evidence of physical battery or harassment.

Another police discretionary practice has been making judgments of guilt or innocence. It is not an uncommon police practice to limit action, based on characteristics of the victim and offender, or beliefs that some actions by women may fully justify the violence. These issues are decisions only for a court. By defining domestic violence incidents more clearly, by specifying the appropriate responses of individual officers, and by establishing means for the enforcement of these changes, IDVA could substantially reduce the likelihood of this misuse of discretion. It remains for the police to respond to the new law.

Central to the problem of police response to the battered spouse is the assumption that disputes in marriage or cohabitation are, in some essential way, different from identical problems in the larger society. On an intuitive level, this view has some appeal - families are certainly different from strangers in both economic and psychological ways. But, in practical terms, different treatment for these victimized citizens has denied them protection of the law at times when their physical well-being has been seriously threatened. A judge may take the relationship of the parties into consideration in determining the most effective sanction to be imposed, but outright violations of law should never be condoned. This issue, of course, is a problem not just for the police, but is compounded by prosecutors unwilling to prosecute cases, and by judges unwilling to hear them or to invoke sanctions against offenders when they do. In order to provide the support needed for a change in police practice, the new law must be enforced by the court system as well.

One of the most common conditions cited by officers for the decision to avoid an active role in domestic violence cases is insufficient evidence to establish probable cause. One of our respondents was told the evidence was insufficient to warrant strong police action, even though she required hospitalization. This is one of the most serious indications of the misuse of police discretionary powers. Illinois law has clearly stated an arrest is appropriate whenever there is probable cause for the officer to believe that an offense has taken place. Now that the issue of abuse has been defined by law, the question of probable cause determination must be

incorporated into training and procedure so that standard investigation and evidentiary procedures will begin immediately.² A Chicago Police Department order focuses on the probable cause issue.² If this order were clearly and consistently enforced, it would eliminate the relatively common refusal of officers to accept complaints, and the practice of telling victims that police could do nothing to help. Of course, the existence of the order at the time of our interviews, and the evidence that it has been largely ignored in practice, indicates the need for systematic review and unwavering command-level commitment to the change.

We have noted our concern with the evidence-gathering process. IDVA identifies the importance of evidence,³ but police could work with battered women's agencies to develop a systematic evidence-gathering procedure (similar to that which has been developed for rape cases), easing the woman's and the state's presentation to the court. Such a procedure may also help reduce the victims' tendency to drop charges when confronted with the pressures of giving largely unsubstantiated testimony in court. In cases of stranger battery, and more recently in work on child abuse cases, careful photographic evidence and medical assessments of damage are routine. Similar practices are essential if domestic violence cases are to be treated with the degree of seriousness they deserve.

Another consequence of the limited police investment in these incidents is that officers often neglect to document the abuse to avoid paperwork. The consequent lack of records can have serious results at several later points. First, it allows the police no systematic way to keep track of repeat offenses by the same person. This means that officers called later do not get information essential to properly assess the conditions of the complaint. Second, it does not allow a victim to cite record(s) in cases where the persistence of a problem is an important issue. A more rigorous record-keeping policy would at least assure that basic facts are routinely gathered. A state law effective January 1, 1980 (Chapter 38, 206-5.1.; See Appendix) requires all police departments to maintain records of domestic violence incidents and to report them to the State Department of Law Enforcement. Of those departments we studied, only the Chicago Police Department has systematically taken steps toward compliance with this law.

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2. Patrol Division Special Order 78-18 was issued in August of 1978, and has been reemphasized by Special Order 82-6.
 3. IDVA states in Section 304,b,3 that: "whenever a law enforcement officer does not exercise arrest powers or otherwise initiate criminal proceedings, the officer shall...(3) Advise the victim of the importance of preserving evidence."

IDVA states that "Every law enforcement officer investigating an alleged incident of abuse between family or household members shall make a written police report of any bonafide allegation and the disposition of such investigation." These reports are to include the frequency and severity of prior incidents of abuse as described by the victim, and the number of prior calls for police assistance. The Chicago Police Department has issued Special Order 82-6 reflecting the new law. An earlier department order required officers to "prepare the appropriate case report" if a crime had occurred. IDVA goes farther in detailing police reporting responsibilities, especially on the identification of victims of repeated abuse; hopefully it will be enforced more diligently than the previous law.

Another difficult problem is the high frequency of repeat offenses, even in cases where the offender has been arrested and released on bail. Current bail practice consistently minimizes, and even trivializes, the seriousness of these incidents and the danger they pose. A more appropriate assessment of dangerousness would result in higher bail amounts, more consistent with general bail practice. However, the long-term solution to the problem of providing needed protection to victims cannot come through the deterrent effects of bail, but should be sought through the use of protective orders, as under the new Illinois Domestic Violence Act. Enforcement of these orders through a court's contempt powers will be both an effective and a constitutional means of assuring the protection of victims.

As required by the IDVA and reflected in Chicago's Special Order 82-6, there should be a clearly defined and systematically followed policy of attempting to arrange a secure placement for the victim if there is an apparent threat of further violence. Where the victim is unable or unwilling to leave, regular checks to ensure against recurring violence should be made.

Increased attention to the problem of spouse abuse has spurred the growth of resources for victims who need help in managing their situational and psychological problems. Perhaps our most surprising finding was the police lack of knowledge of these resources. Even when there was knowledge, officers made little use of available services. Only in the department where a closely connected victim-witness program had developed a relationship of trust with most of the police officers were referrals consistently made. The need is clear for effective victim referrals. Police must be trained, and, again, supervised so that they refer essentially all cases for these services. The new law requires officers to provide one referral to a social service agency. The Chicago Police Department has included the twenty-four-hour referrals on a "Domestic Crime Victim Information" sheet. Also, a working relationship with agencies who help victims of domestic violence could increase the number of referrals as well as help police understand the plight of the victims.

The other necessary services, not provided to any substantial degree in the Chicago area, are services to batterers. While the alcohol treatment program (Al-Anon) has shown that treating the victims of abuse can sometimes diminish the problematic behavior of offenders, few programs have specifically tailored efforts to the treatment needs of batterers. In some parts of the country, there are special counseling groups for batterers but, to our knowledge, this type of therapy has only just begun in the Chicago area.

Where the victims of a domestic battery required either medical treatment or referral and transportation to a place of safety, many policemen were unwilling to provide transportation. This kind of legitimate need, under other circumstances, would likely receive routine service. When protection or medical assistance is necessary there is no excuse for withholding transportation and referral services. IDVA now requires police to provide or arrange "transportation for the victim of abuse to a medical facility for treatment of injuries or to a nearby place of shelter or safety."

One, more specialized, question asked police respondents was whether they took particular measures when children were present. Sometimes police, to induce cooperation of the parents and to quiet the conflict, would say: "...you wouldn't want your kids to see this...." This indicated police sensitivity to potential negative effects when children are eye witnesses to parental violence. However, the most common police answer was that the only special response necessary was to remove children to another room. Sufficient attention was not paid to the impact of the situation upon young children. Other studies, and some of the cases in our sample, suggest that men who abuse their wives may also abuse their children. There is a real danger to children, who may be the objects of parental anger. Police responses must include the protection of children, too, especially where there is evidence that they may have been victimized in the past. In order to provide even minimal security for children, police must be trained to consider them as potential victims, psychologically or physically, of continuing or repeated violent episodes.

Changes Needed in the Courts

Our study did not encompass a close examination of the court system. Nevertheless, in the process of our inquiry, the role of prosecutors and courts in these cases has been continually cited as a reason for limiting the involvement of the police. Two principal issues were voiced: women will not follow through on complaints and, the court refuses to hear complaints.

On the question of victim follow-through, there is some evidence that women do, in fact, drop complaints brought to the court, causing anger and frustration, often verbalized, within the ranks of the

police. In most cases where charges of any kind are pressed, the proceedings are aborted at some point in the process. But, there is no concrete evidence indicating that they are dropped more often than other complaints. In fact, police so commonly asserted to victims that they knew the charges would be dropped, that one wonders if a self-fulfilling prophecy is at work. In spite of this pressure, however, almost half of the women with police contact in our study had pursued some relief through the criminal courts.

Both victims and police referred to "pursuing a case" through the criminal prosecution process as though such matters are prosecuted on the basis of the victim's desire alone. In fact, in making spousal battery a crime, we have already decided that the state, for us, has a great interest in stopping such behaviors. Yet police repeatedly told victims in our sample that it was fruitless to file complaints. One victim respondent reported a prosecutor as saying, "I don't want to be bothered." A police respondent described his experience with spousal battery cases as one in which judges decide women are to blame before there is evidence presented.

If these are accurate descriptions of the manner in which professionals designated to hear criminal matters treat complainants in spousal battery cases, the courts and their officers are further trivializing this crime.

The courts are a mysterious institution to most people. For victims, this mysteriousness is aggravated by the information provided by the police, which is usually the first description of the process from an authoritative person. It is further aggravated by the public nature of the proceedings.

The victims' fear of the courts, the police denigration of the desire and willingness of prosecutors to prosecute, and the victims' fear of the courts is reinforced by negative police attitudes and expectations and the reputed trivialization of inter-spousal battery complaints by some prosecutors and judges. It clearly requires an iron will and determination for a battered woman to file a complaint and follow through with the criminal court case.

The presence of an advocate is probably the only measure which can significantly counter the negative perception of the courts. By clearly informing the victim of the law and her rights, an advocate can provide the reassurance needed for her to follow through the protracted court process. The advocate can also decrease the likelihood of the case being dismissed.

An increasing number of programs provide free advocacy services for battered women, either in the form of an attorney or as counseling, advisory and support services. The services need to be expanded as a major effective counter-measure to the current negative attitudes

effective in many courts. Recently, funds for domestic violence services and shelters have been allocated through a surcharge on marriage license and divorce fees. Hopefully, some of this money will be used to finance more such support services.

One other glaring problem in the court's handling of cases is sentencing of those offenders convicted. As we have noted, a major issue for all parties in these disputes is the economic consequence of proceeding against a person upon whom the family is dependent for their livelihood. Thus, the most likely sentence is a small fine and/or supervision. The clear message is: the court is neither seriously concerned about this violation of the law, nor is it interested in providing the necessary help to reform the battering behavior. Not only must sentencing reflect the seriousness of each individual case, judges need to order the offenders into treatment programs. Where those programs are not readily available, judges should order other appropriate counseling, with consequences for failure to participate fully.

Finally, the court must devise effective and accessible means for protecting the victims' safety. Traditional peace bonds have such a poor enforcement record they are largely ignored by those seeking an effective solution to these problems. The new IDVA provides for an Order of Protection. This new tool to prevent further abuse can involve various remedies, including ordering the respondent to refrain from "striking, threatening, harassing, or interfering with the personal liberty of the petitioner." Further, violation of this order is a Class A misdemeanor.

One of the most repeated concerns of both women and officers was the economic cost of pursuing the legal remedies to repeated battering. The women in our sample, even those who were working, all had major economic dependency problems, and felt threatened as a consequence. The IDVA, through the Order of Protection, provides for ordering the offender to continue support of his wife and family. However, both police and courts need to go the further step of developing the limited knowledge necessary to refer women to programs and services which can first ensure that minimal economic needs are met and then provide the training and placement services necessary for them to become less economically dependent.

Of course, the court will never be effective in preventing the recurrence of family violence unless there is a clear statement of the consequences of violating the court orders and the experience of both certainty and immediacy in the court's commitment to carrying through on the punishment.

Recommendations for Service Providers and Victims

For two reasons, the needed changes in the roles of service providers and victims are discussed together. First, there is the impossible task of identifying the general population of victims in a way that they can be addressed directly. Second, the personal changes necessary for victims to be more effective advocates for their own needs can emerge from the counseling and support that various types of service providers can best develop and make available.

Nevertheless, there are at least two major issues which every victim must confront. First is the problem of each individual knowing when she can reasonably demand the criminal justice system provide protection from her battering spouse. IDVA criteria suggests that this point is earlier, rather than later, in the escalation pattern of domestic violence. Women need to be given the clear message that our society will no longer condone or countenance their victimization at the hands of their husbands.

The second issue victims must confront is their role in limiting the assistance the criminal justice system can play in halting the abuse. No part of the formal system can respond unless the victims themselves believe they have a right to ask for assistance. This goes beyond the simple issue of understanding their right to protection; it also involves participation in the processes of the system in a way that encourages and even demands its response. Victims must relate to police and other authorities in an assertive, responsible manner, so their complaints can be treated more seriously. Attitudes need drastic changing if, in the words of one police officer, "...the woman has to do a real good sales job on me." To effect this change, women must learn to deal with police attitudes by knowing what they have a right to expect and "helping" police to do what the law requires.

The recommendations for those agencies which provide counseling and service to battery victims are more specific. These agencies can not only develop more awareness in victims about their rights but, also, more effective and extensive counseling resources, services for children involved in battering families, and more effective working relationships with police.

Public awareness of the options for victimized spouses is essential to effect substantial change in the system of response. Judging from attitudes uncovered in both our police and victim interviews, some of this monumental task will involve working with police departments and courts' personnel to change those attitudes while, at the same time, convincing isolated women they need not bear the burden of their victimization in silence.

One route to greater public information could be through creating more, and more effective, counseling and advocacy programs for victims. This should be coordinated with police departments. A systematic referral process for victims could be instituted so at least the victims who have appealed for help from police could be provided the necessary support. Beyond this, seminars for general counseling agencies, clergy and other counseling professionals are essential. These programs could heighten awareness of the problems of battered spouse clients and the complex issues in counseling abuse victims. Crisis intervention counseling would seem to be the most effective initially because it concentrates on the victim's safety and helps her to examine her options.

Another area general service agencies have to address is treatment for offenders. As recommended in the section, "Changes Needed in the Courts," and also noted as a remedy under an Order of Protection (introduced by IDVA), one dispositional alternative that should be routinely considered is a program of batterer counseling. Groups now responding to the problems of victims could serve as consultants and resources for agencies undertaking the task of serving batterers. Only by addressing the causes of violent behavior can we find long-term solution to individual problems and begin to break the cycle of intergenerational abuse.

Chicago area shelters serving battered women have policies which allow them to accept both battered women and their minor children. When a woman seeks the protection of a shelter, provisions for children are essential. All of the women in our sample were either mothers or pregnant. Unfortunately, shelter space is at a premium - a factor which can delay the placement of families. Though most Chicago area shelters address the needs of the children of these families in conflict, more shelters and more services for children must be developed.

One pattern identified in our interviews was the intergenerational recurrence of domestic violence. If that pattern is to be stopped, the children of battering parents must have opportunities to learn that their experience with family roles is neither desirable nor acceptable. A corollary of this problem is that children may also be victims of the father's violence. This fact is not always identified and acknowledged by police. Those working with abused children have also identified the need for counseling resources both to help the young victims generate a sense of their personal worth, and to prevent the tendency toward repetition of such violent relationships as they become adults.

Throughout this discussion there is an underlying issue about the relationship service groups and agencies are able to establish with police. These groups often have some of the same feelings of frustration that police do when treating battered women who are located into patterns of inaction and helplessness. Yet, relations have not been good between police and social service professionals. In our research, one program stood

out as having fostered the best working relationship between the two. In that program, a group of social workers are part of, and yet substantially independent of, the police department. They get reports of all domestic violence calls and have the authority to follow up on any incidents reported. In addition, they may be called to an event in progress by officers in need of help and are the officers' most common referral suggestion. They also have and exercise, the right to urge further investigation in cases where they feel that the police response has been inadequate. Apparently, this kind of relationship was not easy to establish, but, since it involves them in a supportive and supplementary role, the department has come to view the unit as a resource of great value. They are able to address many of the specific problems we have identified; this program could well be a model for effective integration of police and social service resources.

Part of this program's effectiveness is in their commitment to provide counseling and advocacy throughout the process, including advocacy at court hearings, assistance in marshalling evidence, finding housing and shelter for victims, and referring for more intensive counseling. This consistent involvement, coupled with the fact that the workers are available as a resource immediately following the incident, has brought them the respect and appreciation of both victims and service providers in that community.

Violence as a means of resolving disputes or releasing tensions and frustrations is common within marriages as well as in the larger society. Throughout this research, however, the unique quality of interspousal violence has appeared again and again in the implicit answers to a very basic question: "To what degree should the society at large take responsibility for preventing behavior within family groups that violates the laws of the land?" The law has changed radically since the time when it explicitly condoned sexual inequality and approved of the physical "chastisement" of women by their husbands. Still, our explorations of this issue indicate that in many parts of the society both women and police are, at best, uncertain about what is socially and legally unacceptable behavior.

The progress in attitudes has been dramatic in recent years. The hidden victims of family violence have begun to be recognized. Some segments of the society, most notably the organized women's movement, have taken an aggressive lead in refining laws, establishing facilities, and developing programs to address the needs of what is now seen as a large class of victims. The task is, however, far from complete. Education must continue with legislators, criminal justice officials, men who are or might be offenders, and the women who continue to be victimized; it must be broadened and expanded to include children suffering now and who may become the next generation of victims and offenders.

The current public outcry is an essential first step, just as the growth of support programs is an essential protective measure, while the

design and enactment of new, clearer, and more enforceable laws provides the foundation for social change. Yet, in the end, the greater task is to eliminate the acceptance of violence as part of family life. Perhaps only fundamental change in basic social values will bring us to that goal - a society committed to complete equality, where violence is unacceptable as a means for resolving differences.

RECOMMENDATIONS

For Police:

- that an explicit policy be adopted for application to interspousal violence or persons in a close relationship whether or not they are married based on a strict interpretation of the law.
- that battery charges be filed against abusers under the provisions of IDVA whenever there is evidence or claim that physical contact has taken or is taking place which causes pain or discomfort to which the victim objects.
- that assault charges be filed against abusers under the provisions of IDVA when, even though actual battery has not taken place, the victim charges that threats of violence with or without weapons have been made.
- that mediation be used only when the altercation is exclusively or primarily verbal and where there is no evidence of physical battery or a history of prior abuse.
- that careful records be kept on all domestic incidents as required by the IDVA and a check of the IDLE file be made in all repeated offenses to determine if an order of protection has been violated.
- that bail amounts and procedures be brought in line with that used in other serious offenses where there is a danger of recurrent offenses.
- that, where the need exists, a policy of attending to medical needs and attempting to arrange a secure placement for the victim be systematically followed in accordance with the law. Where a secure placement is not deemed necessary or advisable, or where a victim is

unable to unwilling to leave, regular checks be made to insure against recurring violence.

- that evidence-gathering procedures be developed in kit form similar to that which has been available for rape cases so that if and when the case comes to court, the woman's and the state's case can be made.
- that training and systematic review by supervisory police personnel be instituted to ensure that all persons involved in domestic violence are referred for appropriate services, in addition to whatever legal action is taken.
- that encouragement, support and close supervision be given by training and command police personnel for the changes in the treatment of domestic violence cases.
- that removal of children to a safe place be practiced when appropriate. Children should remain with the non-violent spouse.
- that closer working relationships be developed with agencies counseling victims of domestic violence on the model of victim-witness programs.
- that police departments develop and provide to all victims a written document summarizing the legal options, procedures and social services available to victims of domestic violence as provided for under the IDVA.
- that police shall undertake a public awareness campaign to inform citizens of their rights as domestic violence victims.

For Courts:

- that expansion of legal advocacy programs be undertaken.
- that stronger sentences on offenders be imposed and that more serious consequences for violation of court orders be established.
- that counseling for batterers should be routinely ordered by the court with clearly stated consequences should the offender fail to participate.

- that the remedies of the Order of Protection be applied in all appropriate cases.
- that domestic violence cases be treated by the court as the health and life-threatening situation they are.

For Service Providers:

- that public information campaigns be mounted to educate victims:
 - **that they can reasonably demand that the criminal justice system provide them protection from battering spouses;
 - **that they have the right to ask for assistance;
 - **that they can relate to police and other authorities in a manner which insists that the authorities take complaints seriously;
 - **that they be informed of the IDVA definition of abuse;
 - **that the general public be made more aware of the problems of domestic violence.
- that increased and more effective communication be established with police and court personnel.
- that more shelters, counseling and advocacy programs for victims be developed, and these should have a better geographic distribution.
- that systematic referral processes for victims and batterers be implemented in cooperation with police and courts.
- that all counseling agencies be educated on domestic violence issues and resources for their resolution.
- that treatment programs for batterers be developed.
- that programs for children of battered spouses be developed.

1 AN ACT to add Section 5.1 to "An Act in relation to
2 criminal identification and investigation", approved July 2,
3 1931, as amended. 4

4 Be it enacted by the People of the State of Illinois,
5 represented in the General Assembly: 5

6 Section 1. Section 5.1 is added to "An Act in relation
7 to criminal identification and investigation", approved July
8 2, 1931, as amended, the added Section to read as follows: 5

(Ch. 38, par. 206-5.1) 5

9 Sec. 5.1. Reporting of domestic crime.) All law
10 enforcement agencies in Illinois which have received
11 complaints and had its officers investigate any alleged
12 commission of a domestic crime, shall indicate the incidence
13 of any alleged commission of said crime with the Department
14 through the Illinois Uniform Crime Reporting System (as part
15 of the data reported pursuant to Section 8 of this Act.) 6

16 Domestic crime for the purposes of this Section means any
17 crime attempted or committed between husband and wife or
18 between members of the same family or household. 7

APPENDICES

PATROL DIVISION SPECIAL ORDER 78-18

11 August 1978

SUBJECT: BATTERED FEMALES

REFERENCE: General Order 78-1 & 78-4

I.

PURPOSE

This order:

- A. emphasizes the importance of proper police response to calls for service which involve females who are victims of a battery or assault, and
- B. identifies procedures for handling battered female calls.

II.

BATTERED FEMALE CALLS

Calls for service by females who have been the victim of a battery or assault are not to be considered Domestic Disturbances. In a domestic disturbance, no serious crime has occurred, and the function of the officer is to restore order, whenever possible, without resorting to arrest. Once a crime is alleged to have occurred, however, the incident should not be considered a domestic disturbance and an arrest should be made or warrant advised, if the preliminary investigation substantiates the allegation.

III.

PROCEDURES ON BATTERED FEMALE CALLS

Police officers conducting preliminary investigations on Battered Female calls will:

- A. Determine whether or not a crime has occurred or is occurring.
- B. If a crime has occurred:
 1. In case of serious injury, or if the victim is unable to sign a complaint, arrest the offender if he is still on the scene.
 2. If the injury is not serious and the offender is still on the scene:
 - a. advise the victim that the offender can be arrested on a signed complaint.
 - b. advise the victim that she can obtain a warrant at a later date if she declines to sign a complaint and provide her with the information necessary (including court branch address) to obtain a warrant.
 - c. ensure that both parties agree to some type of non-arrest remedy if no arrest is made.

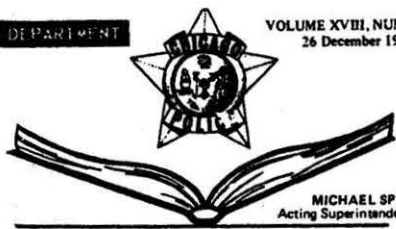
3. If the offender has left the scene:

- a. advise the victim that a warrant or summons can be obtained at a local court branch and provide the address of that court branch.
 - b. provide information to the victim on where she can obtain legal assistance, counseling, and, if required, shelter. (The Department of Human Services has a 24 hour telephone service - 744-6065).
4. Prepare the appropriate case report.
- C. If a crime is in progress:
1. Arrest the offender and complete the necessary reports.
 2. Sign the complaint, if necessary.

Carl R. Johnson
Carl R. Johnson
Chief of the Patrol Division

DISTRIBUTION: 3
Additional: One copy to every Police Officer assigned to the Patrol Division

Training Bulletin



MICHAEL SPOTTO
Acting Superintendent of Police

"DOMESTIC DISTURBANCES"

Domestic disturbances are sensitive, potentially volatile situations requiring the most prudent judgement and professional action on the part of a police officer. Police officers must recognize that domestic confrontations require tactics far more delicate than those used in handling other, less intimate confrontations. Officers must exercise the highest degree of understanding, compassion, diplomacy, and discretion.

Domestic disturbances differ from most other disturbances in that they involve persons who have or have had a personal relationship with each other. Often these disturbances are a result of internal conflict or personality problems which are not readily apparent at the time of an emotional outburst. To promote and preserve domestic harmony, the underlying causes of domestic discord must be uncovered and eliminated. It is not a function of the police to attempt to resolve those underlying causes. Police officers do not have the particular expertise needed to undertake such action. However, officers should always be sensitive to problems and inform individuals that there are family and legal services available for professional counseling. The Department of Human Services is available to counsel individuals and families or to refer them to other appropriate services.

Domestic disturbances may involve family members, persons living together, or other individuals who at one time voluntarily entered into a personal relationship. The

police are usually summoned into the home to restore peace and, when appropriate, to make an arrest.

Officers may enter private premises when one of the inhabitants requests police intervention. When one party is merely locked out by another, however, officers should not assist the evicted party in forcing entry. That, alone, is a civil matter in which police officers have no authority to intervene. In emergency situations, officers may enter private premises over the objection of all inhabitants when there is probable cause to believe a crime is being committed therein or when there are reasonable grounds to believe that immediate entry is necessary to prevent serious injury or to render emergency aid to an injured person.

Officers must approach a family dispute cautiously. They must be alert to potential injury to themselves and to others. Therefore, the first necessary action may be to separate the parties involved. Officers should control the disputants' movement and access to possible weapons. Separating and controlling all parties will serve to direct attention away from each other and toward the firm and impartial presence of the officers.

After peace has been restored, each party should be allowed to present his or her side of the argument. When the settlement of the dispute might prove embarrassing to an individual, officers should proceed tactfully and privately. Children and uninvolved persons should not be present.

The most sensitive determination is whether or not

Training Bulletin



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MICHAEL A. SPOTTO, Acting Superintendent
JOHN J. JEMLO, Director of Training
KENNETH HAYES, Editor

an immediate arrest should be made. Individuals requesting police intervention in domestic conflicts are usually desperate for help. It is not the same desperation that a victim of a street confrontation feels when police intercede to apprehend a stranger. A domestic victim may fear further reprisals if an arrest is not made but at the same time may be emotionally torn because of economic and personal ties to a domestic offender. A responding officer must always be sensitive to the best interests of a victim and other family members.

When there has been a physical confrontation resulting in an intentionally inflicted serious injury, an arrest of the offending party for battery is required. If a disturbance has subsided, no one is seriously injured, and it is reasonably certain that a further confrontation will not ensue, police officers may decide upon other action in lieu of an arrest. However, a non-arrest remedy may be utilized only when officers reasonably believe that it will be effective. If an injury is not serious and a non-arrest remedy is likely to be ineffective, an arrest for a lesser included offense, such as disorderly conduct, may be more appropriate.

When there is conflict concerning damage to property and the parties in conflict are married or share ownership rights to the property, officers should advise complainants to seek civil action. Interference with co-owned property is not usually a criminal matter. When the parties in conflict are not married and it is evident that the offending party has no ownership rights to the property, criminal charges may be initiated by the owner of the property. In either

case, the offending party may have committed an assault against another when damaging the property, or the damaging acts may have constituted disorderly conduct. An arrest for such conduct may be appropriate.

A complainant's desire to sign a complaint should be given major consideration when determining the appropriateness of an immediate arrest. In addition, all circumstances must be considered, and, of course, an officer must personally have reasonable grounds to make an arrest.

The following factors usually indicate that an immediate arrest should be made. Officers should affirmatively try to determine the presence of these factors if they are not readily apparent:

- 1) **Serious, Intense Conflict** - Officers must first consider the nature and intensity of the dispute. Intense disputes of a serious nature would most often require an immediate arrest. An intentionally inflicted serious injury most certainly requires an arrest of the offending party for battery. Likewise, severe property damage is a measure of dangerous aggression which may call for an arrest. However, officers must remember that damage to co-owned property is a civil matter, and any resulting arrest cannot be based on damage to the property but should be based on the assaultable or disorderly acts committed.
- 2) **Use of a Weapon** - If the parties have indicated any intent to use an inherently or potentially dangerous object during the dispute, either offensively or defensively, an immediate arrest of the offending party would be appropriate to prevent a further, more serious confrontation.
- 3) **Previous Injury or Damage** - If the complainant has previously been a victim of the offending party's aggression, officers should consider the extent of any previous injury or damage. The present conflict could become more serious if an immediate arrest is not made.
- 4) **Previous Court Appearance** - A previous criminal court appearance against the offending party may strongly indicate a victim's sincerity to prosecute. An immediate arrest should be made when it is apparent that the victim's interests would be best served by returning the parties to the court which handled the former, similar complaint.
- 5) **Prior Attempt to Sever the Relationship** - If there has been any previous voluntary separation of the parties which indicates an attempt by one or both to end the relationship, there is less need to consider the disrupt-

POINTS TO REMEMBER WHEN RESPONDING TO A DOMESTIC DISTURBANCE

DEPARTMENT OF HUMAN SERVICES

1. At every domestic disturbance, officers should inform individuals that the Department of Human Services is available for counseling and referrals to other appropriate services.
2. Officers should assist individuals in contacting D.H.S. if they desire counseling, shelter, and/or legal assistance. The 24 hour telephone number is 744-4045.

RESPONDING TO DOMESTICS ON PRIVATE PREMISES

1. Officers may enter private premises upon request from one of the inhabitants (but not to assist an individual in forcing entry into a dwelling of which he or she has merely been locked out by another).
2. In emergency situations, officers may enter over the objection of all inhabitants when there is probable cause to believe a crime is being committed therein.
3. Officers may also enter over the objection of all inhabitants when immediate entry is necessary to prevent serious injury or to render emergency aid to an injured person.

CAUTIOUS AND PROFESSIONAL APPROACH

1. Officers should be alert to potential injury to themselves and others.
2. The parties in conflict should be separated and their mobility controlled.
3. Each party should be allowed to present his or her side of the argument.
4. Officers should attempt to settle the dispute firmly, impartially, tactfully, and privately. Children and uninvolved persons should not be present.

APPROPRIATE ARRESTS

1. An officer must personally have reasonable grounds to make an arrest.
2. A complainant's desire to sign a complaint should be given major consideration but should not alone dictate the appropriateness of an immediate arrest. All circumstances must be considered.
3. An intentionally inflicted serious injury requires an arrest for battery. If an injury is not serious, an arrest for a lesser included offense, such as disorderly conduct, may be made; or a non-arrest remedy may be utilized if it would most likely be effective and

more appropriate under the circumstances.

4. Damage to co-owned property is a civil matter, and an arrest cannot be based on damage to the property but should be based on the assaultable or disorderly acts committed, if appropriate.
5. The following factors usually indicate that an immediate arrest should be made:
 - (a) serious, intense conflict
 - (b) use of a weapon
 - (c) previous injury or damage
 - (d) previous court appearance
 - (e) prior attempt to sever the relationship
 - (f) second call to police
 - (g) children, mentally deficient or intoxicated parties involved.
6. A signed complaint should be secured before making an arrest unless there is serious injury or need for expedient action.
7. A case report should be completed in all instances when an arrest for a criminal offense is appropriate, even if the offending party has left the scene.

NON-ARREST REMEDIES

1. Fundamentally, a non-arrest remedy may be implemented only when there is no serious injury or imminent danger of a further confrontation and the implementing officer reasonably believes that the remedy will be effective and appropriate.
2. Non-arrest remedies may be formulated at the reasonable discretion of responding officers, provided that aggressive parties are willing to comply.
3. An immediate remedy may be to remove the individual who is the source of tension, thereby reducing the potential for further confrontation.
4. A complainant should be informed that criminal prosecution is not barred by a decision not to make an immediate arrest and that if alternative courses of action are found to be unsatisfactory, a warrant or summons may be obtained at any local court while court is in session.
5. Giving consideration to all circumstances, an officer must decide the appropriate action to be taken in each and every situation. The officer must exercise professional judgment and be responsible for the reasonability of his or her decision.

tive effects an arrest may have on the relationship. If the parties have separated, an intrusion should be considered an aggravating factor.

6) Second Call to Police - A second call for police service may indicate that conciliatory measures have failed. An arrest would be appropriate to avoid further escalation of the dispute after officers again leave the scene.

7) Children, Mentally Deficient or Intoxicated Parties Involved - When children or mentally deficient or intoxicated individuals are assailants or victims in domestic conflicts, special consideration is required. As assailants, they are not easily reasoned with and, as victims, are not easily able to avail themselves of criminal, civil, or other remedies. Therefore, the discretionary latitude of officers is far more limited under such circumstances, and an arrest is more likely to be appropriate. When an arrest is appropriate, officers must ensure that provisions are made for the care of any children who would otherwise be left unattended.

A signed complaint should be secured before making an arrest unless there is serious injury or need for expedient action. A case report should be completed in all instances when an arrest for a criminal offense is appropriate, even if the offending party has left the scene.

In all instances, regardless of the police action taken, individuals should be informed that there are services available which offer counseling, shelters, and legal assistance. Officers should assist individuals who could benefit from such services in contacting the Department

of Human Services which has a crisis intervention and referral program available 24 hours a day. The 24 hour telephone number is 744-4045.

Whenever an arrest is not made, it is imperative that aggressive parties be willing to comply with non-arrest remedies and that officers be reasonably certain that a further confrontation will not ensue after officers have left the scene. Immediate non-arrest remedies may include a temporary separation of the parties. By removing the individual who is the source of tension, the potential for further confrontation may be eliminated or at least greatly reduced. Such a separation should be voluntarily consented to in order to reduce the danger of aggravating the conflict.

A complainant should be informed that criminal prosecution is not barred by a decision not to make an immediate arrest and that if alternative courses of action are found to be unsatisfactory, a warrant or summons may be obtained at any local court while court is in session.

It must be emphasized that a police officer's duties are not to be circumvented or neglected under the guise of discretionary judgment. An officer must reasonably decide the appropriate action to be taken in each and every situation. If necessary, officers should seek supervisory assistance in making this determination. Explicit procedures cannot be delineated to cover all of the circumstances which could be involved in a domestic disturbance. A police officer must truly exercise professional judgment and be responsible for the reasonability of his or her decision.

This Training Bulletin was prepared by the Research, Development and Data Systems Division. Appreciation is extended to Lucy A. Williams, Legal Assistance Foundation of Chicago, and Marty Goddard, Citizens Committee for Victim Assistance.

163-76 WJB

**DEPARTMENT SPECIAL ORDER**

DATE OF ISSUE

26 February 1982

EFFECTIVE DATE

1 March 1982

NO.

82-6

SUBJECT

ILLINOIS DOMESTIC VIOLENCE ACT

DISTRIB-

UTION

B

AMENDS

RELATED DIRECTIVES Department Special Order: Bond Procedures. Department

Notices: Revision of Uniform Crime Reporting Racial Codes and the General Offense Case Report; Victim Information Notice.

Illinois Revised Statutes, Chapter 38, Article 206-5.1; Chapter 40, par. 2301 et seq.

RESCINDS

I. PURPOSE

This order:

- A. informs Department members of the pertinent provisions of the Illinois Domestic Violence Act, Public Act 82-621, which becomes effective 1 March 1982.
- B. establishes procedures for reporting bona fide incidents as defined by the Act.
- C. implements the use of the Domestic Crime Victim Information form (CPD-11.445).

II. ILLINOIS DOMESTIC VIOLENCE ACT

The Illinois Domestic Violence Act recognizes domestic violence as a serious crime that can promote a pattern of escalating violence. Victims of domestic violence are often emotionally and financially dependent on their abuser and unable to appropriately protect themselves.

Effective 1 March 1982, the Illinois Domestic Violence Act expands the civil and criminal remedies for victims of domestic violence including, if necessary, the physical separation of the parties to prevent further abuse. The Act requires law enforcement officers to provide immediate assistance and protection to victims of domestic violence.

III. DEFINITIONS

For the purpose of implementing the Illinois Domestic Violence Act, the following definitions are provided:

- A. "Abuse" means the act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or person in loco parentis of such minor child.
- B. "Family or household members" means spouses, individuals who were formerly spouses, individuals sharing a common household, or parents and children.
- C. "Order of protection" means a final, preliminary or temporary order granted by the court which may include any or all of the remedies outlined in Section 208 of the Act, Sections 109-1 and 111-8 of the Code of Criminal Procedure of 1963, Section 5-5 of the Juvenile Court Act, or Sections 5-6-3 or 5-6-3.1 of the Unified Code of Corrections, as now or hereafter amended.

IV. DOMESTIC CRIMES

- A. Order of Protection
 - 1. The circuit courts shall have the power to issue orders of protection.
 - 2. All orders of protection will describe what the court has ordered the respondent to do or refrain from doing and the duration of the order.
 - 3. An order of protection will be valid for a fixed period of time, not to exceed one (1) year.
- B. Procedures
 - 1. Whenever a member responds to a bona fide incident as defined by the Act, and the offender is on the scene, the responding member will:

- a. immediately use all reasonable means to prevent further abuse.
- b. ascertain if an order of protection has been obtained. The member will verify the existence of the order and its provisions by referring to the copy provided by the victim or by requesting the Communication Operations Section dispatcher to check the records of the Illinois Department of Law Enforcement.
- c. arrest the offender if:

- (1) he/she has knowingly committed a violation of an order of protection which constitutes a Class A misdemeanor.
- (2) any other crime has been committed.

NOTE: Until this public act is codified, members will charge persons violating an order of protection with Public Act 82-621, Section 208, Subsection c, Paragraphs (1) or (2):

- (1) Order the respondent to refrain from striking, threatening harassing or interfering with the personal liberty of the petitioner or any other family or household member;
- (2) Granting possession of the residence or household to the petitioner, to the exclusion of the respondent, when (i) the parties are spouses; or (ii) the residence or household is solely or jointly owned or leased by the petitioner; or (iii) the respondent has a legal duty to support the petitioner or minor children. No order under this Act shall affect title to real property. Nothing in this paragraph shall preclude the court from ordering the respondent to provide suitable, alternate housing for the petitioner or minor children in lieu of excluding the respondent from the mutual residence or household.
- d. provide or arrange transportation for the victim to a medical facility for treatment of injuries or to a nearby place of shelter or safety.
- e. accompany the victim to his or her place of residence for a reasonable period of time to remove necessary personal belongings and possessions.
- f. provide the victim or responsible party acting on the victim's behalf with a copy of the Domestic Crime Victim Information form, which includes a summary, written in English and Spanish, of the victim's rights under the Act, of procedures and relief available to victims of abuse under the Act, one (1) referral to a social service agency, and the officer's name and star number.
- g. prepare a General Offense Case Report (CPD-11.580) and indicate:
 - (1) in the narrative of the report the victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member and the number of prior calls for police assistance to prevent such abuse.
 - (2) the domestic relationship of the victim and the offender in box 82 of the report (offender/victim relationship codes are indicated on the reverse side of the form).

NOTE: When the incident involves a criminal offense and a violation of an order of protection, the Primary and Secondary Classifications and Incident Code will correspond to the criminal offense that has occurred. When the incident involves only a violation of an order of protection (e.g., violation of Public Act 82-621, Section 208-c-(2)) the Primary and Secondary Classifications and Incident Code are as follows:

Primary Classification:	Criminal Trespass
Secondary Classification:	Violation of an Order of Protection
Incident Code:	880

- 2. Whenever a member responds to a bona fide incident as defined by the Act, and the offender is not at the scene of the incident, the member will:
 - a. follow the procedures outlined in Items IV-B-1-d,e,f and g.
 - b. advise the victim of the importance of preserving evidence.

Authenticated by:

JRC

149-81 MLT

Richard J. Braszek
Superintendent of Police

THE ILLINOIS DOMESTIC VIOLENCE ACT (H.B. 366)
in effect March 1, 1982

The new act has as its underlying assumption the recognition of family violence as a serious crime. The major feature of the act is a new order of protection which is enforceable in civil or criminal court. The order may be obtained in an independent action in civil court, in conjunction with the different forms of marital dissolution, or in a criminal action as a pre or post-trial order. The act extends the protection of the court to all members of a household, including cohabitants, formerly marrieds, children and elderly who may be victims of domestic violence.

The act broadens the access for legal redress to the poor, and petitioners may file in forma pauperis in ex parte actions. The act stipulates too that the income of the abuser may not be considered in the latter. The economic dependence of victims is recognized, and the court may require that the respondent assume financial responsibility for legal costs, support and medical expenses resulting from injuries suffered.

The order of protection made available by the act differs from previous injunctions and restraining orders in that, now, violation of this order constitutes a Class A misdemeanor. In particular violation of two remedies available to the court constitutes this offense: prohibition of further abuse and restriction of the respondent from the mutual household.

Furthermore, it is required that all orders of protection be listed and entered into a state-wide computer system. Police can then call the dispatcher if no paper copy of an order is available and verify if the order has been granted. Sheriffs are required to give priority to the serving of an order of protection, and the respondent has seven days to file an appearance.

Law enforcement responsibilities are defined in Sect. 301 of the act. The following are stipulated:

1. Police can arrest without warrant based on findings of probable cause, i.e., a crime has been committed, the order of protection has been violated.
2. It is required that records be kept on all responses to domestic violence calls; this includes, then, that non-arrests be documented too.
3. Transportation to a shelter or medical facility is required if requested.
4. Police are required to accompany the victim to her residence to remove personal property if requested.
5. Police must provide bilingual information (Spanish-English) on the rights of victims, provide a referral to one resource, inform the victim about further procedures, provide the victim with the officer's name and star number, and inform about the importance of preserving evidence.

DOMESTIC CRIME VICTIM INFORMATION
CHICAGO POLICE DEPARTMENT

INSTRUCTIONS: Sign in the appropriate space below and give to the victim or responsible party acting on behalf of the victim.

RIGHTS OF DOMESTIC CRIME VICTIMS

The Illinois Domestic Violence Act provides in part that victims who are abused by members of their families/households are afforded better protection through improved legal remedies and increased police responsibility.

ABUSE means the act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or person in loco parentis of such minor child.

FAMILY OR HOUSEHOLD MEMBER means spouses, former spouses, individuals sharing a common household, or parents and children.

You have the right to be protected from abuse, to press criminal charges against your abuser and to be protected from further abuse. If your abuser is found guilty of a criminal charge, a jail sentence is not the only possible outcome. The law provides for a court to issue an "Order of Protection" which provides additional remedies on your behalf. You have the right to request an order of protection on your own behalf from the court. In the case of a minor or incapacitated victim, a concerned person may seek an order of protection on behalf of another person.

Orders of protection are recorded with the court and are entered into a statewide computer system. If you have already obtained an order of protection and your abuser continues to violate the terms of the order, the police should be notified in order to take the proper action.

METHODS FOR OBTAINING AN ORDER OF PROTECTION

Orders of protection may be obtained by:

1. asking your attorney to file a petition in civil court;
2. requesting an order of protection in conjunction with divorce proceedings, or
3. requesting an order of protection during the course of a criminal prosecution, either while awaiting a trial or as a condition of court-ordered supervision or probation.

COURT-ORDERED REMEDIES

Orders of protection may include the following remedies:

1. Prohibiting an abuser from threatening or continuing to abuse a victim;
2. Granting temporary possession of a residence to a victim, or
3. Prohibiting child snatching and/or the destruction/transfer of a victim's property.

ASSISTANCE BY LAW ENFORCEMENT OFFICERS

When a police officer has reason to believe that a person has been abused by a family/household member, the officer will immediately act to prevent further abuse by:

1. providing or arranging transportation for the victim to a medical facility for treatment of injuries or nearby place of shelter or safety;
2. accompanying the victim to his/her place of residence for a reasonable period of time to remove necessary personal belongings and possessions, or
3. arresting the abuser where appropriate.

When a police officer does not make an arrest or otherwise initiate criminal proceedings, the officer will:

1. make a police report of the investigation of any bona fide domestic abuse incident and the disposition of such investigation, and
2. advise the victim of the importance of preserving evidence.

GENERAL INFORMATION

If your abuser has left the scene and if there has been no arrest action by the police for any reason, you may seek the arrest of your abuser by going to the warrant office of your local court on a weekday morning, excluding holidays, between 9:00 A.M. and noon, and informing the warrant clerk that you wish to obtain an arrest warrant. The warrant clerk will prepare a formal complaint based on your account of the incident and such other evidence as is made known. You will be required to swear to the truthfulness of the content of your complaint in the presence of a judge and an arrest warrant/summons may be issued. Victims may identify their appropriate court location by contacting the Central Warrant Unit of the Chicago Police Department, telephone 744-5507, between 9:00 A.M. and 4:00 P.M., Monday through Friday.

SOURCES OF ASSISTANCE

If you have been threatened or abused, there are programs that offer shelter, counseling and legal services. Example:

Traveler's Aid Telephone: 435-4500 (9:00 A.M. to 5:00 P.M.)	Southwest Women Working Together
686-7562 (at other times)	Telephone: 436-7678 (24 hours a day)

OFFICER'S SIGNATURE - STAR NO.

DATE

**HOJA DE INFORMACION PARA LA VICTIMA DE CRIMEN DOMESTICO
POLICIA DE CHICAGO**

INSTRUCTIONS: Sign in the appropriate space below and give to the victim or responsible party acting on behalf of the victim.

DERECHOS DE LAS VICTIMAS DE CRIMEN DOMESTICO

El Acta de Violencia Doméstica de Illinois provee en parte que las víctimas que son abusadas por los miembros de sus familias/casas son provistas de mejor protección a través de recursos legales enmendados y del aumento de la responsabilidad policial.

ABUSO significa el acto de golpear, amenazar, hostigar o interferir con la libertad personal de cualquier miembro de la familia o de la casa por otro miembro de la familia o de la casa, pero excluyendo el disciplinamiento razonable de un niño menor por los padres en loco parentis de dicho niño menor.

MIEMBRO DE LA FAMILIA O DE LA CASA significa esposos(as), ex-esposos(as), individuos compartiendo una casa en común, o los padres y los niños.

Usted tiene el derecho de ser protegido del abuso, a formular cargos criminales contra su abusador y a ser protegido de subsiguientes abusos. Si su abusador es declarado culpable de un cargo criminal, la prisión no es la única solución. La ley provee que la corte emita una "Orden de Protección" la que provee recursos adicionales en su nombre. Usted tiene el derecho de petitionar una orden de protección a la corte en su nombre. En el caso de una víctima menor de edad o incapacitada, una persona interesada puede pedir una orden de protección en nombre de otra persona.

Las ordenes de protección están registradas con la corte y están asentadas en el sistema estatal de computadoras. Si usted ya ha obtenido una orden de protección y su abusador continúa violando los terminos de la orden, la policía debe ser notificada para poder tomar la acción necesaria.

METODOS PARA OBTENER UNA ORDEN DE PROTECCION

Las ordenes de protección pueden ser obtenidas:

1. pidiendo a su abogado que presente una solicitud en la corte civil;
2. solicitando una orden de protección conjuntamente con los trámites de divorcio, o
3. solicitando una orden de protección durante el curso de una prosecución criminal, ya sea mientras espera el juicio o como una condición de supervisión ordenada por la corte o por libertad condicional.

RECURSOS ORDENADOS POR LA CORTE

Las ordenes de protección pueden incluir las enmiendas siguientes:

1. prohibir al abusador amenazar o continuar abusando de la víctima;
2. otorgando una residencia temporal a la víctima, o
3. prohibir el rapto del niño(a) y/o la destrucción/transferencia de la propiedad de la víctima.

ASISTENCIA POR LOS FUNCIONARIOS EJECUTORES DE LA LEY

Cuando un funcionario policial tiene la razón para creer que una persona ha sido objeto de abuso por un miembro de la familia/casa, actuará inmediatamente para prevenir más abusos por medio de:

1. proveyendo o disponiendo transportación para la víctima a una facilidad médica para el tratamiento de lesiones o a un lugar cercano que le dé amparo o protección;
2. acompañando a la víctima a su lugar de residencia por un período de tiempo razonable para que pueda sacar sus efectos personales necesarios, o
3. arrestando al abusador cuando esto es apropiado.

Cuando un funcionario policial no hace un arresto o no inicia procedimientos criminales, él:

1. hace un informe policial de la investigación de cualquier incidente de abuso doméstico de buena fe y la disposición de dicha investigación, e
2. informa a la víctima de la importancia de preservar la evidencia.

INFORMACION GENERAL

Si su abusador ha abandonado la escena y si no ha habido acción de arresto por ninguna razón por parte de la policía, usted puede pedir el arresto de su abusador yendo a ver al funcionario encargado de esto de su corte local cualquier día de la semana por las mañanas, excluyendo los días feriados, entre las 9 de la mañana y el mediodía, e informando al empleado que usted quiere obtener una orden de arresto. El le preparará una queja formal basada en la descripción que usted haga del incidente y de toda evidencia que haga pública. Se le pedirá que jure sobre la veracidad del contenido de su demanda en la presencia de un juez y una orden de arresto/citación podrá ser expedida. Las víctimas pueden identificar la locación de sus cortes correspondientes contactado a la Sección de Ordenes de Arresto de Departamento de Policía de Chicago, Teléfono: 744-5507, entre las 9 de la mañana y las 4 de la tarde, de lunes a viernes.

FUENTES DE ASISTENCIA

Si usted ha sido amenazado o abusado, existen programas que le ofrecen amparo, asesoría y servicios legales. Ejemplo:

Traveler's Aid
Tel: 435-4500 (9 de la mañana a 5 de la tarde)
Tel: 686-7562 (En otros momentos)

Southwest Women Working Together
Tel: 436-7678
(Las 24 horas del día)

Mujeres Latinas en Acción
Tel: 226-1544
Las 24 horas del día

OFFICER'S SIGNATURE - STAR NO.

DATE

Selected Bibliography

1. Bard, Morton. "Training Police as Specialists in Family Crisis Intervention." U.S. Department of Justice, 1970.
2. Bard, Morton & J. Zacker. "Assaultiveness and Alcohol Use in Family Disputes: Police Perceptions." Criminology. 12(3), 1974. 281-292.
3. Berk, Sarah F. & D. R. Loseke. "Handling 'Family Violence': Situational Determinants of Police Arrest in Domestic Disturbances." Law and Society Review. 15(2), 1980-81. 316-346.
4. Davidson, Terry. "Wifebeating: A Recurring Phenomenon Throughout History" in M. Roy (ed) Battered Women. New York: Van Nostrand - Reinhold Company, 1977.
5. Dobash, Rebecca E. & R. P. Dobash. "Wives" The 'Appropriate' Victims of Marital Violence." Victimology. 2 (3-4), 1977-78. 426-442.
6. Dobash, Russell P. & R. E. Dobash. "Community Response to Violence Against Wives: Charivari, Abstract Justice and Patriarchy." Social Problems. 28(5), 1981. 563-581.
7. _____. Domestic Violence, 1978. Hearings before the Subcommittee on Child and Human Development of the Committee on Human Resources. Washington, D.C.: U.S. Government Printing Office, 1978.
8. Emerson, Charles D., "Family Violence: A Study by the Los Angeles County Sheriff's Department." Police Chief. 1979, 48-50.
9. Field, Martha H. & H. F. Field. "Marital Violence and the Criminal Process: Neither Justice nor Peace." Social Service Review. 47(2), 1973. 221-240.
10. Fleming, Jennifer B. Stopping Wife Abuse. Garden City, New York: Anchor/Doubleday, 1979.
11. Gaquin, Deirdre A. "Spouse Abuse: Data from the National Crime Survey." Victimology. 2(3-4), 1977-78. 632-43.
12. Geller, William A. & K.J. Karales. Split Second Decisions: Shootings of and by Chicago Police. Chicago: Chicago Law Enforcement Study Group, 1981.

13. Gelles, Richard J. "Violence and Pregnancy: a Note on the Problem and the Extent of Needed Services." The Family Coordinator. 24(Jan.), 1975. 81-86.
14. International Association of Chiefs of Police. "Training Keys #245 & 246," in M. Roy (ed) Battered Women. New York: Van Nostrand-Reinhold Co., 1977.
15. Harris, Louis & Associates. A Survey of Spousal Violence Against Women in Kentucky. Frankfort Kentucky: Kentucky Commission on Women, 1979.
16. Jensen, Rita H. "Battered Women and the Law." Victimology. 2(3-4), 1977-78. 585-590.
17. Langley, Roger & R. C. Levy. "Wife Abuse and the Police Response." F.B.I. Law Enforcement Bulletin. May, 1978, 4-9.
18. Levens, Bruce R. with D. G. Dutton. The Social Service Role of Police - Domestic Crisis Intervention. Ottawa: Solicitor General of Canada, (ND).
19. Liebman, Donald A. & J. A Schwartz. "Police programs in Domestic Crisis Intervention: A Review," in J. R. Snibbe & H. M. Snibbe (eds) The Urban Policeman in Transition. Springfield, Ill.: Charles C. Thomas, 1973.
20. Loving, Nancy. Responding to Spouse Abuse & Wife Beating: A Guide for Police. Washington, D.C.: Police Executive Research Forum, 1980.
21. Martin, Del. Battered Wives. New York: Pocket Books, 1976.
22. McCormick, Claudia. "Battered Women - the Last Resort." Unpublished and undated.
23. Pagelow, Mildred D. "Battered Women: A New Perspective in Domestic Violence." Testimony from hearings before the Subcommittee on Child and Human Development of the Committee on Human Resources, United States Senate. Washington, D.C., March 8, 1978.
24. Parnas, Raymond I. "The Police Response to the Domestic Disturbance," in L. Radzinowicz & M. E. Wolfgang (eds) The Criminal in the Arms of the Law. New York: Basic Books, 1971.

25. Potter, Joan. "The Police and the Battered Wife: The Search for Understanding." Police Magazine. Sept. 1978. 41-50
26. Stanko, Elizabeth A. "Judicial Intervention and Domestic Violence: Does the Solution Fit the Problem?" paper presented at the American Society of Criminology, Annual Meetings. Washington, D.C., November, 1981.
27. Stephens, Darrel W. "Domestic Assault: The Police Response," in M. Roy (ed) Battered Women. New York: Van Nostrand - Reinhold Co., 1977.
28. Straus, Murray A. "Wife Beating: How Common and Why?" Victimology. 2 (3-4), 1977-78. 443-458.
29. U. S. Commission on Civil Rights. Battered Women: Issues of Public Policy. Washington, D.C.: U. S. Government Printing Office, 1978.
30. U. S. Commission on Civil Rights. The Federal Response to Domestic Violence. Washington, D.C.: U. S. Government Printing Office, 1982.
31. U. S. Commission on Civil Rights. Under the Rule of Thumb: Battered Women and the Administration of Justice. Washington, D.C.: U. S. Government Printing Office, 1982.
32. U. S. Department of Justice. Crime in the United States 1979. - the F.B.I. Uniform Crime Reports. Washington, D.C.: U. S. Government Printing Office, 1980.
33. Voss, Harwin L. & J. R. Hepburn. "Patterns in Criminal Homicide in Chicago." Journal of Criminal Law, and Criminology and Police Science. 59(4), 1968. 499-508.
34. Waites, Elizabeth A. "Female Masochism and the Enforced Restriction of Choice." Victimology. 2 (3-4), 1977-78. 535-544.
35. Walker, Lenore E. The Battered Woman. New York: Harper & Row, 1979.
36. Walker, Lenore E. "Battered Women and Learned Helplessness." Victimology. 2(3-4), 1977-78. 525-534.
37. Wilt, G. Marie, et al. Domestic Violence and the Police. Washington, D.C.: Police Foundation, 1977.