

“Keeping Collaboration Alive in the Criminal Justice Response to Domestic Violence”

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## INTRODUCTION

Great strides have been made in the way communities respond to battered women and their families in the past two decades (Shepard and Pence, 1999). The battered women's movement has successfully lobbied states to guarantee protections to victims that force the removal of violent partners, ensure arrest where appropriate, require prosecution to the fullest extent of the law and provide funding for community intervention projects, safe shelters, rehabilitation programs, evaluation research, and the like. Pence and Shepard (1999) claim that, “these shifts in the legal status of women marked a monumental achievement for the women's movement, not unlike the gains in abortion and divorce rights efforts” (5).

As the criminal justice system adjusted to changes in the law and the new zero tolerance climate, it became apparent that the work of service providers and practitioners in allied fields (law enforcement, the courts, probation, social services, victim services) needed coordinating. As a result, coalitions were formed in many areas around the country, uniting representatives from relevant agencies whose mission included writing protocols, organizing training sessions, performing case management, and overseeing

public relations campaigns. According to the NRC (1996), research is sparse on the effectiveness of adopting a coordinated response in a locale, though a few studies have found that domestic violence arrest rates go up after coordinated community response teams are instituted (p. 123).

This paper explores one such coordinated community response to domestic violence, though with an emphasis on a different facet of the problem. In most investigations, the focus is on the consequences of coordinated response, specifically the amount of reported violence, recidivism, and psychological outcomes for victims and batterers, not necessarily on the organizational processes resulting in interagency collaboration. We began our investigation of a local coordinated response effort by asking its earliest participants to discuss what it was like to get the process off the ground. We were interested in understanding how alliances are forged between two key constituencies in any community collaboration effort: law enforcement and victim advocates. In-depth interviews were conducted with eight key professionals working to establish a domestic violence consortium of agencies. The consortium, established in the early 1990's, has successfully addressed a number of challenges in its efforts to improve the county's response to domestic violence. Yet, how easily did the consortium accomplish this social change? How well did these two groups work together to create today's climate? What is at stake in the process of collaboration for these individual agencies and their representatives?

## LITERATURE REVIEW

Previous research on community collaboration efforts has suggested that competing theories or perspectives can interfere with successful implementation. Programs described as successful and innovative like the Domestic Abuse Intervention Program in Duluth, Minnesota, or the Family Violence Program in San Francisco are “programs that incorporate a feminist view of battering, initiated by battered women’s groups, (based on) cooperative efforts with the criminal justice system” (Kurz, 35). Pence and Shepard (1999) explain that: “Community intervention projects are a type of institutional advocacy project that focus on creating institutional practices and policies within a community that allow for a coordinated community response to domestic violence. Community intervention projects emphasize that it is the community’s responsibility to address domestic violence, not the victims of this violence” (p. 12-13).

Historically, American society has tolerated wife abuse and given license to husbands to beat their wives with impunity. “Violence inflicted by dominant groups, such as white, male property owners, against their subordinates, such as slaves, wives, and children, has been accepted as socially necessary and morally just” (Ferraro, 1993: 165). Much rethinking has had to go on in this society to change the way wife abuse and child abuse are treated—that is, as criminal, not civil matters. Batterers are considered criminals today, not distraught husbands who are free to use whatever means necessary to keep an errant wife in line. This rethinking is reflected in state and federal legislation that gets tough with offenders. The legislation not only changes victims and batterers’ experiences in the criminal justice system, it also changes the way law enforcement practitioners are expected to do their jobs. Laws and protocols authorize changes that

now must be implemented by agencies. The agencies are responsible for putting into action what the law deems reasonable.

The adoption of presumptive or mandatory arrest laws represents a significant change in public policy regarding domestic violence. Historically police officers have had tremendous discretion in the handling of “domestic disturbances.” According to Walker (1992), the police are involved with only a small percentage of all domestic violence incidents anyway, so it seems fruitless to debate the merits of arrest as the only way to prevent domestic violence. Instead, Halsted (1992) suggests that communities consider all types of actions that “will best motivate the police and others in the criminal justice system to better protect abused women” (159). At the very least, however, mandatory arrest laws have allowed coordinated community response teams to advertise a “get tough” policy for offenders.

Activists for battered women agree that positive changes have taken place in the criminal justice response to domestic violence, but not without struggle and strife:

Police do not generally share a gendered analysis of battering. Feminists define battering within the context of patriarchy, focusing on male domination within all major social institutions. Criminal justice personnel, including police, view battering in gender-neutral terms as a problem of pathological family interaction. This difference in perspective results in conceptual conflicts in feminist and police definitions of woman battering (Ferraro, 1993, p. 167).

If it is the feminist approach that accounts for success in interagency coordination, then how is any success possible when we know that a feminist stance is not so easily or readily embraced by all constituencies? Kurz (1999) explains how unlikely it is that law enforcement agencies will willingly adopt a feminist perspective. Rather police officers’ basic assumptions are that violence between intimates is not usually dangerous and will

never go away, especially when perpetrated by members of perceived deviant subcultures. Officers are likely to believe that violence is a way of life for “these people” and not likely to make any difference at all in the long run. Black (1976) found that police are more likely to arrest low-income, minority individuals when they offend high status, rather than low-status, victims. To arrest a low-status offender for beating his low-status wife would be atypical for police officers then (Ferraro, 1993, p. 169).

Ferraro (1993) also found that police officers harbor stereotypical attitudes about women who are abused that run counter to the feminist principle that all victims should be given the benefit of the doubt. In Ferraro’s observations of policing in Phoenix, every officer had a story to tell about a woman who failed to follow through with her case against an offender. Police officers’ doubts about a victim’s willingness to cooperate can affect his/her decision to arrest the offender, even though it is not relevant from a legal standpoint.

Since 1994, domestic violence prevention and intervention have been on the agenda of the relevant agencies in the county, in large measure because of the Family and Domestic Violence Intervention Act of 1994 that mandated arrest in New York State. Feminist groups who wanted to see batterers prosecuted to the fullest extent of the law pushed mandatory arrest policies. These policies were also fueled by research in the 80’s specifically addressing the deterrent effects of arrest (Sherman and Berk, 1984), even though research results were equivocal. Nonetheless, most states today provide police with the power to arrest offenders on the scene without a warrant (Halsted, 1992), and victim advocates encourage its consistent application.

Considering the attitudes that police officers hold about “domestic incidents,” the victims and offenders, one has to wonder what they make of the feminist activists and advocates who have lobbied successfully for these changes in the criminal justice system and how difficult it would be for practitioners with conceptually conflicting views to collaborate.

## METHODS

### *The Research Setting*

The setting for this study is a rural, upstate New York county with a population of over 50,000. Our county is one of the poorest in the state, whose largest municipality is a village numbering slightly over 5,000 residents. There are no cities. The rural nature of the county means that there can be large distances between where people live and where public services can be accessed, as well as large distances between neighbors. A call to the police involves response times ranging from a few minutes to an hour, because of the long distances between police stations and rural residences.

In rural regions, there aren't the amenities you can expect to find in the urban and suburban regions of a state such as round the clock public transportation or major shopping centers. Furthermore, the public service agencies, which would tackle social issues such as this one, are usually facing funding and manpower shortages. There aren't enough professionals to get done the work that is needed. We, like others in this county, wear multiple hats that can complicate matters. Another factor complicating the relationship between participants in the criminal justice network and the victims and offenders is the greater likelihood that relatives of defendants and victims work in the helping, medical, criminal justice, and victim services system.

The rural setting has been ignored, argues Websdale (1998) in his book, *Rural Woman Battering and the Justice System*. While the types of interpersonal violence and the injuries sustained may not vary by region, the attitudes and responses to the crime do, at least by degree. In rural and remote regions of the country, suspicion of outsiders is greater, the patriarchy is more entrenched, and there is a pervasive stereotype that the rural life is idyllic and tranquil. Families tend to value their privacy and sometimes living many miles away from help of any kind.

#### *The Consortium*

With state and federal support available to shore up community responses, a local community action agency secured grant funds to foster collaboration between agencies involved in the criminal justice response to domestic violence. Forty-five member agencies joined together in 1994 to implement a domestic violence intervention and prevention system with the goals of enhancing safety for victims and their families and holding abusers accountable for their actions. Individuals from each agency were assigned to the collaboration project with the express purpose of representing their agencies and with the overall goal, we assumed, of working together to protect victim safety, hold perpetrators accountable, and create a climate of zero tolerance for domestic abuse.

The Consortium coordinates services provided by a number of allied agencies, including law enforcement, social services, medical, judicial, and victim services. A local community action agency was awarded federal funds to organize the consortium and hired us to evaluate the efforts to date.

Regular meetings of all consortium members are held once every six months or so. In the beginning of the collaboration, though, the meetings were held monthly and were typically attended by a core dozen or so members. Membership in the consortium has fluctuated as agencies are added or drop out. Individual membership changes as well. Persons attending the meeting are not compensated for their time, though their time spent at meetings is tracked for the purposes of reporting to funding agencies.

This type of institutional advocacy didn't materialize in our county until the early 90's. Prior to that, however, local citizens whose response to one woman's plight laid the groundwork for a future institutional response practiced individual advocacy. Leslie Emick was an abused wife who killed her husband in self-defense. The case made headlines around the county and beyond. The way the case was handled by the system outraged many. A group of concerned citizens formed to bring victim safety to light and to protest the treatment Leslie received by the system. Out of these efforts were developed the first safe shelter in the county and a volunteer hotline for victims of domestic abuse. By the early 90's, both the shelter and the hotline were taken over by a community action agency. In 1994, with the help of federal grant money, the county's collaboration project took off. It's clear that without the individual advocacy demonstrated by a handful of county residents, there would not have been an institutional response as soon or as strong.

### *Data*

How we have gathered data and made our observations for this evaluation could best be described as "institutional ethnography." This is an approach used by Pence and Shepard (1999:4) in the book, *Coordinating Community Responses to Domestic Violence*.

These authors explain that they were both members of the effort to reduce domestic violence in their communities, as well as social scientists observing and documenting the process. We find ourselves in a similar situation. In addition to collecting data through conventional interviews with practitioners, we have also had the opportunity to conduct field research while attending consortium meetings, helping to write grants, engaging in informal conversations with consortium members and other practitioners, attending public forums, making trips to Albany, and so on. We also have access to the documents, memos, and minutes produced by the consortium. Consequently, we enjoy both an insider's and an outsider's vantage point.

#### PRELIMINARY FINDINGS

Evaluating interagency collaboration is a multifaceted process requiring several data sources (Shepard, 1999). In this paper, we present preliminary findings from one data source in the overall evaluation: interviews with practitioners who served on the collaboration team from the start. What we've learned from our interviews with key players in the collaboration project is that interagency collaboration is easier said than done. The process of implementing institutional change, as recounted by practitioners in the fields of law enforcement and victim advocacy, was not only slow, but tension filled. Practitioners acknowledged both the misconceptions they and their co-workers harbored about allied agencies and/or the misconceptions they knew were circulating about them.

A veteran police officer, when asked about the victim services program (referred to as DVP--domestic violence victim services program), had this to say about the victim advocates:

We didn't know much about DVP; we handed out their pamphlets, but we didn't really know what they did. They didn't know what we were doing either. There was a general consensus, however, that they constituted "the man-haters' club."

Another member of law enforcement stated it this way when referring to DVP staffers:

We thought that they thought that every man was guilty. If you're a man, you're either a batterer or someone whose going to let a batterer get off easy. They just didn't understand.

Practitioners in other allied social services agencies were reputed to have referred to DVP staffers as "Those femi-nazi bitches." An advocate went on to explain:

The label of feminist was used as a slur to suggest that the work of victims' advocates was wrong to be one-sided. (To them)...we were crazy women who had to be calmed down.

The staffers at DVP were perceived by outsiders as vocal and overly aggressive. There was a concern that their behavior may alienate departments. At one point, staffers were described as "out of control" and the agency was warned "to get those women under control." One law enforcement officer suggested that police might be reluctant to refer victims to DVP because the agency was "private, quasi-licensed, nongovernmental." The agency was also suspect because some law enforcement practitioners thought "victims were running the show." How could the work of DVP staffers who were victims themselves be objective, one police officer wondered.

When the advocates were asked about their relationships with the police, they voiced concern that the officers didn't want to "play ball with us."

They (police) did whatever they wanted to do. There was never any heartfelt desire for change.

The letter of the law was always what they would say they were doing. At times, working with them, it all felt like it was an exercise in futility.

We couldn't get anywhere with the police. [Law enforcement agency] didn't want anything to do with us.

A member of a law enforcement agency explained the attitude of police officers when it came to domestic violence interagency collaboration: "There are two types of responses on the part of officers: either you get into it or you pay it lip service."

"Getting into it" wasn't easy, because it meant an officer would necessarily lose some control over his job. Some of the police officers we interviewed expressed frustration and resentment with being told to change the way they do their jobs:

DVP wanted us to do things we couldn't do. We must follow criminal procedure. We're not the Gestapo. We simply couldn't do certain things.

We were told that among police officers "nobody likes change."

Officers will complain when they think others without the authority to do so are telling them how to do their jobs. Some officers would have participated in the collaboration project by attending only a few meetings with DVP and then quitting.

With all these misconceptions and stereotypes at work, how did the agencies achieve any kind of a cooperative response? The mechanisms creating the institutional change, according to our observations, are: 1) meetings, both formal and informal; 2) "bridges"—either specific positions created in the agencies such as the liaison between victim services and law enforcement or specific personalities that serve the same purpose; and 3) "shake-ups" or threats to shake-up the system such as newspaper stories that expose alleged mishandling of a case or a whistleblower within an agency who reports or threatens to report what he or she knows.

“All the meetings I’ve attended have been times for working things out—not a waste,” was one person’s answer when we asked about the need to meet. Other people described meetings as occasions for people to disagree vehemently, even verbally fight over the issues. Over time, explained one person, the animosity changed to a willingness to find the best way to comply with the new laws. The first meetings were “bitch sessions,” said one; but another practitioner offered that the “beginning meetings helped to dispel myths.” Attendance at meetings was one way that others could judge how committed a member was to working through the changes. Those with poor attendance not only called into question their personal commitment, but their agency’s as well.

The bridges created by liaison positions, in particular a position titled “criminal justice coordinator,” were seen in a positive light. The practitioners we spoke with uniformly agreed that the job of linking law enforcement and victim services was not only vital to the system, but one that should be funded permanently rather than with soft, grant money. Other sorts of circumstances that seem to us to create bridges involved individual personalities, members of the community who are comfortable operating in a number of agency settings and who garnered a tremendous amount of community respect and loyalty.

Finally, relationships between participants in the consortium get periodically realigned during shake-ups, situations in which the system is publicly exposed for mishandling a case or shirking its responsibility. This can happen when the local media investigate a story. It can happen when an insider blows the whistle or threatens to. Higher-ranking officials are more than likely involved when a shake-up occurs as well,

increasing the chances that sanctions are applied. In cases when this happened, higher-ups were hardpressed to argue against the new rules.

## DISCUSSION

What we've learned about how institutional change happens is that just because people come together as a group who've been identified as advocates for the cause, doesn't mean they will all advocate for the same things. There is so much more at stake when separate agencies come together to solve a community problem than solving the problem itself.

As for police, we find that the following issues are also salient as they participated in interagency collaboration and were asked to implement changes inspired by feminist politics:

- ❖ How will their supervisors interpret their actions—when they go to the scene, will their behavior be questioned? Did they go too far or not far enough in protecting the victim?
- ❖ Do the new laws such as mandating arrest when they have probable cause to suspect a misdemeanor or felony has been committed reduce the discretion they have historically exercised?
- ❖ How will their colleagues interpret their actions? When they participate in the consortium do they get labeled pejoratively as “the domestic violence expert”? If they pursue batterers vigorously will they be seen as putting “otherwise good men behind bars”?

- ❖ Will they be seen as challenging the department's subculture when they espouse a feminist rather than a law enforcement perspective on domestic abuse?

As for advocates, we find the following issues are also salient for them as they put into practice their feminist principles:

- ❖ How will their supervisors interpret their actions? Will they be accused of going too far to protect victims and risk losing their jobs?
- ❖ How will their colleagues and others in the community interpret their actions? Will their judgment be questioned for "sticking up for those women"?
- ❖ Will the grants that fund their jobs be renewed?

## SUMMARY AND CONCLUSION

In this paper we've taken a preliminary look at the relationship between law enforcement and victim advocacy as together they coordinate the criminal justice response to domestic violence in a rural county. What we've learned about how institutional change happens is that old rules or ways of conducting business as usual get thrown over as agencies wrangle with new ones. There is much at stake for all agencies involved in rethinking the rules, as we've described above. But there is also the larger question of which perspective wins out (see Mann, 2000) and whether the problems associated with domestic violence are diminishing because of interagency collaboration. We will tackle these questions in future research.

Many of the professionals we interviewed were skeptical that interagency collaboration would improve the criminal justice response to domestic violence in a rural county, especially in light of the tension-filled relationships they experienced with others

in allied agencies. Misperceptions, misunderstandings, and mistrust slowed the processes early on. The extreme “fragmentation” that exists within the justice system is another problematic feature of collaboration (Gamache and Asmus, 1999). We have identified key features of the collaboration process that mitigate these problems: Monthly meetings, personnel in new positions specifically meant to “bridge” the gap between agencies, and out-of-the-ordinary moves on the part of agency members to stir up an otherwise complacent process seemed to have kept the process going. One practitioner put it best:

We are all working toward one goal. The DA is looking to prosecute. There are fewer plea bargains now and if they do plea to a lesser charge it comes with a penalty rather than a slap on the wrist like before. Victims are getting the help where they weren't before. It used to be that we'd make an arrest and two to three days later the man is out and we'd see the couple hand in hand walking down the street, knowing we'd be called by the victim again soon to go through the process all over again. There is less and less of that now. We (law enforcement) have seen that DVP was facing the same things and the advocates were equally frustrated. Seeing what the agencies have in common really helped. Even though the state law has been in effect for some time now, without the collaboration project, we wouldn't have the working relationships and the cohesiveness that we enjoy today.

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