

Victims of Domestic Violence: Findings and Suggestions

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Abstract

This paper provides an overview of the findings as it relates to law enforcement responses to domestic violence situations. The research findings identified during the interviews was consistent with establishing new protocols for a domestic violence court, specifically addressing domestic violence cases. This study determined there was a need for further law enforcement training in the area of domestic violence. It further suggested that law enforcement needs to improve in follow-up investigations of these domestic violence cases, in order for successful prosecution and to ensure the victim is not revictimized.

Keywords: domestic violence, law enforcement, revictimization, training

Introduction

This research first introduced the incidences of domestic violence cases in Florida. In addition, an overview of how law enforcement agency officials could go about improving their response to incidences of domestic violence was suggested. Also suggested were some of the avenues, or actions, law enforcement professionals sought in order to prevent revictimization. To ascertain a foundation for why this particular research was of such significance, in Chapter Two

an exhaustive summation of the history of domestic violence was presented, along with a recapitulation of the time when domestic violence was traditionally believed to be a family issue.

Domestic violence was traced through the annals to the present time, when the State of Florida has designed a set of statutes that mandates law enforcement officers document every incident of domestic violence in which they are called upon to intervene. Chapter Two presented a comprehensive review and assessment of the most current literature on domestic violence from a law enforcement perspective. In Chapter Three, what was determined to be the best methodology for investigating how law enforcement could go about reducing recidivism among purveyors of domestic violence was introduced. It was concluded that, based upon the phenomenon of the study, the best approach would be the mixed methods tradition, inclusive of both qualitative and quantitative components.

After an in-depth analysis and evaluation of the data collected from 44 study participants, the study revealed the findings of the ways law enforcement agency officials could improve their responses to domestic violence calls. To this end, the following is a detailed account [review, description, evaluation and explanation] of the major findings of the study as the findings relate to the variables previously discussed. Initially, however, this chapter will commence with a discussion of the findings, and then will highlight the implications for practice, recommendations for future research, limitations of the research, and, as a final point, present a conclusion.

Discussion of Findings for Qualitative Portion

During data collection, the following questions were asked of 44 participants. Ten initial themes were generated from the responses to the following questions. The questions are:

- Q1.** What is the connection between law enforcement officers' responses to domestic violence calls and the success rate of prosecuting domestic violence offenses?
- Q2.** What steps can be taken for Florida law enforcement agency officials to help improve the rate of domestic violence prosecutions?
- Q3.** What types of policies translate into successful outcomes and law enforcement officials' ability to effect change?
- Q4.** Looking at Brevard County Sheriff's Office current policy on domestic violence, what procedures would you change?
- Q5.** What changes in procedures would you change for on-scene investigation, report writing, arrest procedures, and follow-up procedures?
- Q6.** What rights do victims have in a domestic violence incident and what support mechanisms, or services, are provided for the victim that you are aware of?
- Q7.** Considering the domestic violence laws in Florida are "pro-arrest," what changes could be made that may increase prosecution rates of offenders?
- Q8.** Discuss some suggestions regarding the legal system or current practices that you might consider as a problem in domestic violence cases.
- Q9.** As a patrol officer, a State Attorney, a Domestic Violence Agent or Victim Advocate, give some suggestions as to what you can do to empower victims?
- Q10.** What, if anything, would you change concerning the handling of domestic violence calls?

These questions were germane to the current study of domestic violence and how law enforcement officers responded to domestic violence calls. The information attained from the interviews resulted in the following themes:

1. Responsibilities (RS).
2. Training (ET).
3. Legal Guidelines/Policies (LG).
4. Procedural Changes (PC).
5. On-scene Investigation (OS).
6. Victim's Rights (VR).
7. Increased Prosecution Rates (PR).
8. Legal System/No Contact Orders (LS).
9. Empowering Victims (EV).
10. Changes/Observations (CO).

Implications for Practice

Implications for law enforcement agencies, specifically the Brevard County Sheriff's Office, call for updated policies and procedures for interviewing victims of domestic violence. This was indicated by the interviews with the participants. More training for the deputies is needed than simply the mandated Florida Department of Law Enforcement training that is required every four years. Follow-up investigations were indicated as an issue that needs to be addressed, as to whether the responding deputy or the domestic violence agent conducts the follow-up interviews and photographs. By initiating this training, if properly implemented and revisited every year, the cycle of domestic violence might be better understood by law enforcement officers.

Recommendations for Changes in Current Law Enforcement Procedures

Throughout the entirety of this research, many recommendations have evolved. They include:

- the development of a specialized domestic violence court, specifically designed to prosecute only domestic violence cases,
- mandated training for law enforcement officers, specifically designed to address interview techniques concerning victims of domestic violence,
- victimless prosecutions, which were highly recommended by law enforcement officers and which would, essentially, have to overcome legalities that address the Sixth Amendment and the Confrontation Clause.
- changes and updates of the current policies and procedures of the Brevard County Sheriff's Office domestic violence protocols, and
- implementation of a tracking program that would monitor recidivism of domestic violence offenders, not only for the Brevard County Sheriff's Office, but also for the municipalities within Brevard County.

Specialized Domestic Violence Court

A specialized domestic violence courtroom, which only handles the prosecution of domestic violence offenses, is of particular interest with some participants. Currently, in Brevard County, domestic violence cases are seen by various judges, some of whom handle not only domestic violence cases, but also other crimes as well. The implementation of a domestic violence court would be assigned one judge, who would oversee only the prosecution or adjudication of incidences of misdemeanor domestic violence. The proposal for a domestic

violence court includes having one judge assigned to that could who would oversee only domestic violence cases.

Research conducted by Labriola, Bradley, O'Sullivan, Rempel, & Moore (2010) indicated 91% of the judges who are dedicated to domestic violence courts receive specialized training. In 2009, there were specialized domestic violence courts in 32 states, plus Guam. Nationally, California and New York account for more than 46% of the domestic violence courts (Labriola et al., 2010). Additionally, the primary reasons for a specialized domestic violence court are to provide increased safety for the victim, hold the offender accountable, and potentially deter future violence by the offender (Labriola et al., 2010).

Mandated Training for Law Enforcement Officers

Throughout the entirety of this research, of constant concern has been the need for more training for law enforcement officers in the area of domestic violence. Many participants desired more training in the area of interviewing victims of domestic violence, understanding the dynamics of domestic violence, and conducting a thorough investigation; which may increase the prosecution rate of those cases. Further research in this area is necessary to determine if that would result in an increase in prosecution of domestic violence offenders.

Victimless Prosecutions

Victimless prosecutions would require research that addresses issues with the Sixth Amendment of the United States Constitution and the Confrontation Clause. The Confrontation Clause states,

In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the

witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. (National Institute of Trial Advocacy, 1998)

Under the Confrontation Clause is the Hearsay Rule, which is a statement that is made by someone other than the defendant, while testifying at trial, which offers evidence as a matter of fact (NITA, 1998).

Policies and Procedures Update/Change

Currently, the Brevard County Sheriff's Office reviews the domestic violence policy every three years. During this process, which is called "Accreditation," the agency reviews the policy for any procedural changes that may need to be implemented. Information gathered from the interviews suggested the deputies need to be included in the process. Currently, this is not the case, and those officers who are conducting domestic violence arrests and investigations are not reviewing the policy for accuracy and additional updates relating to all aspects of investigating these cases. Further, this suggestion would better the policy and its accurateness.

Recommendations for Future Research

The first recommendation for future research is to conduct a study on law enforcement agencies that are considered municipal agencies. The current study was conducted by using one unincorporated law enforcement agency within Brevard County. A study using municipal agencies may yield different findings in the procedures and protocol for the handling of domestic violence cases.

The second recommendation for future research would be to conduct this same type of study in other states. As previously stated, this study was conducted in Brevard County, Florida,

specifically the Brevard County Sheriff's Office. Examining other states and their procedures for handling of domestic violence calls may indicate other avenues that may need to be explored.

The third recommendation for future research is to strictly complete a qualitative study, where only interviews were the basis of the study. This research indicated a vast amount of knowledge, suggestions, and information that was relevant to improving the responses to domestic violence calls.

Finally, the last recommendation for future research is for training and education to be implemented into a law enforcement agency, specifically addressing better ways, newer updated policies that will address the handling of domestic violence cases. As indicated in this study, training was recommended in interview techniques, especially for the victims of domestic violence. After this training and education has been implemented, then potentially five years later, a study could be done revealing the success rate of prosecutable cases and the recidivism rates of offenders.

Limitations of the Study

The first limitation of the study is directed at the tracking of recidivism. It was discovered that the agencies involved do not track recidivism; therefore, this lack of information hindered the investigation of domestic violence reoffending. Reoffending is often studied by agencies in order to better understand why violent offenders kept offending. The issue of recidivism needs to be addressed within both agencies, as there is currently no tracking system in place.

The second limitation of this study was the selection of participants who were reached out to regarding the 5-level Likert Scale questionnaire and the number of participants utilized.

The sample size used for the Likert Scale questionnaire was ten victims of domestic violence. By utilizing such a small sample size, only a t-test could be used for analysis.

Further, during the course of the interviews of law enforcement officers, it was suggested the researcher should have reached out to some women's groups or the State Attorney's Office, in order to leave the questionnaire in their office for those victims of domestic violence who use their services. It is doubtful that this course of action would not have changed the results of the study.

The third limitation of the study is the data which was collected and received from the county statistics and their databases. Additionally the results are specific to the unincorporated area of Brevard County, specifically the Brevard County Sheriff's Office, and not the municipalities within Brevard County.

Conclusion

The aim of this dissertation has been to address incidents of domestic violence in Florida and to discover ways to improve law enforcement agents' response to these incidences so that revictimization is prevented. To do this, it was necessary to provide a comprehensive description of domestic violence cases in Florida from the perspective of law enforcement personnel. A review of the literature found compelling evidence to support the idea that the rising rate of recidivism in domestic violence cases is due to many factors. The most prevailing factor is law enforcement's failure to respond proactively to the needs and concerns of the victims of a domestic violence incident. The reality is that law enforcement, as first responders, plays a major role in bringing an abuser to justice. How a law enforcement officer responds to domestic violence disputes must be handled appropriately, or fatal results may ensue.

While there are additional concerns, since recidivism rates have been declared such a critical issue in the State of Florida, the suggestion has been for improvement in law enforcement's pro-arrest procedural response to domestic violence cases. What is more, there are general, statewide law protocols in place that law enforcement officers may defer to when handling domestic violence calls. While the protocols make suggestions for officers to ensure the victims safety, what has not been offered to law enforcement agencies are systemic protocols addressing the manner in which law enforcement agencies handle domestic violence occurrences.

However, merely alerting law enforcement officials to the perceived need to improve their response and procedures, from the time the domestic violence service call was made, up to and through the prosecution phase, is not enough to effect change in domestic violence handling protocols. The presumption was that the need to improve law enforcement's response and procedure from call to prosecution would need to be both qualified and quantified to determine its veracity and legitimacy. To this end, this study was conducted combining a triangulation of methods, specifically using quantitative and qualitative traditions.

Additionally, this study concentrated on what law enforcement officials in Florida could conceivably do to expand on domestic violence prosecution rates. At a minimum, the expectation was that the study would establish guidelines to help officers reduce the occurrences of domestic violence, and to provide top-level support and protection for the victims of domestic violence. The study examined the prosecution rates through the Brevard County State Attorney's office. The study also provided an all-encompassing analysis of victims of domestic violence, and, furthermore, elucidated how law enforcement officers could support prosecutors by developing more prosecutable cases. Since recidivism also must be prevented; specific research addressing recidivism was discussed.

Through the use of structured interviews, surveys, and statistical data collection relevant to domestic violence cases in Brevard County, data from the study revealed that the majority of law enforcement officers believed they lack the critical training that may help them respond proactively to repeat occurrences of domestic violence by the same perpetrator. Currently, as data from the study showed, victims do not feel empowered and motivated and have stated that, from their experiences, they are not convinced that the officers truly care. The law enforcement officers interviewed acknowledged the dispassionate way they interfaced with victims of domestic violence and attributed the deficiency and shortage of compassion and overt benevolence to insufficient training in how to provide those reactions to incidents of domestic violence.

Additionally, law enforcement officers indicated that they wanted more training [especially in interviewing] and felt that they needed more education on ways that would help them respond to victims in ways that would help the victims feel motivated and empowered. Data from the study revealed that, while the officers understand that domestic violence is a unique form of abuse, outside of the technical aspects of arresting and investigating abuse and battery crimes, these law enforcement officers may not have a full understanding of the dynamics of domestic violence. They do agree, however, that recidivism is an issue on which they need to be educated. They also agree that they would be interested in participating in any training efforts aimed at boosting domestic violence prosecution rates.

The results of the study, as presented above, are encouraging. The implication is that the challenge of being provided inadequate and nonstimulating training on how to address domestic violence situations, so that the victim is not abused again and the abuser is not permitted to reoffend, can be remedied if education and training initiatives are implemented. Training and education have been determined to be an effective resolution. Given that the dynamics

surrounding how training and education will be implemented is outside the parameters of this study, an opportunity exists for further research to be undertaken in that direction.

In conclusion, the qualitative portion of the study, the research indicated during the interviews was consistent with establishing new protocols for a domestic violence court, specifically addressing domestic violence cases. Further, training of law enforcement officers in interview techniques of domestic violence victims was indicated as essential for better prosecution of these cases, which ties into the quantitative aspect of the study relating to the services the victims receives from law enforcement.

For the quantitative portion, on question 4, which read, "If victim services were provided by law enforcement, how helpful was the services?" Based on the questionnaire from victims, the results indicated to not reject the null, as there was not enough evidence to support the hypotheses that new policies and procedures in handling domestic violence calls would make a difference in the outcome of these cases. This is disconcerting, as the question is based upon what the victim feels and how law enforcement provided services to them. By creating new policies and procedures for domestic violence cases, the issue of victim services would need to be readdressed during a later study.

References

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