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Family Violence-Dedicated Family Violence Advocate

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ABSTRACT

After many years, Family Violence has become a paramount crime issue to central government. All levels of law enforcement and social agencies practice the theory of immediate response to and consistent handling of family violence incidents to curb the recidivism. The immediate response by these agencies has shown that services made available at time of incident allow the victim(s) in many cases to leave their abusers. This structured array of services also allows for the education of both the abuser as well as the victim, that family violence is a crime.

In the past, family violence was routinely investigated much like an assault with no follow-up services. Once this problem was realized the McKinney Police Department through a grant process utilized a Victim's Advocate to provide badly needed follow up services and education for the victim as well as McKinney Police Officers. Though this program has been a success, there are many restraints on the advocate such as criminal history information, monetary needs as well as office facilities and conveyance needs.

In order to effectively meet the domestic violence victims' needs, a budgeted position in the McKinney Police Department is justified. The position being a city service would enhance the available resources to the Victim's Advocate as well as meet and promote governmental and the City of McKinney goals and services to the public. The resources and available information would ensure more thorough case filing, education through a systematic approach to reduce recidivism in domestic abuse.

Introduction

After years of inattention and inaction, domestic violence is currently a matter of public and social concern. Statutory and voluntary agencies, including the police, now take the issue more seriously than they have done traditionally, and domestic violence has recently become a subject of increased interest to central government (Hague 37.) This study is to justify and prove the beneficial need of a Family Violence Advocate to provide officers and support personnel with a clear direction and guidelines on family violence to assist victims. The advocate position will promote a consistent and efficient response in the investigation for a better prosecution of cases.

A reoccurring dilemma to prosecution is that the victim of family violence tends to drop charges. "Intervention by the criminal justice system, with or without the victims' participation, is the best way to stop the violence, enhance victim safety and hold the batterer accountable" (Schmitt 83-85.)

The study on the implementation of a family violence advocate is directed to all divisions of the police support staff, which as individuals or teams, are vital resources to assure victim safety and efficient prosecution. Findings within this study are derived from several current police journals, The Police Journal, Social Justice, and the *Law and Order* magazine. The opinions documented are complimented by legal opinions, case law, and the Texas Family Code and Penal Code.

The intended outcome of this research is to validate the need for a Family Violence Advocate to become incorporated into McKinney Police Department operations as an advisor and resource provider to aid the victim and McKinney Police Department personnel. The

advocate will provide a comprehensive report for family violence offenses to be placed in the case file for further investigations.

Historical, Legal or Theoretical Context

The elements of the varied offenses of family violence are defined in the Texas Penal Code. The State of Texas Family Code defines family violence as an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself (Texas Family Code 130.)

The McKinney Police Department and its officers recognize and understand that family violence is a crime. As a service to the community, the department and its personnel respond to family violence calls as they do with other crimes. In efforts to address victim's need for intervention and education, the State of Texas mandates family violence information and the Texas Crime victim's Bill of Rights be distributed to all victims. As with other calls for service, actions taken by patrol officers at the scene have traditionally been to secure the scene, identify parties involved, separate parties and ascertain the facts. When necessary, arrests are made to prevent further violence and this in and of itself may afford victims the opportunity to leave their abusers. However, many victims do not have a safe place to go or knowledge of available community resources. Thus, victims in a disproportionate number of these cases are often repeatedly victimized. In 1996 McKinney Police officials realized that only 6.8% of family violence victims received follow-up services. There was a lack of structured follow-up services to address the issue of recidivism (Wei.)

Communities and law enforcement agencies now recognize the need to educate family violence victims of the dynamics of the abuse, as well as educate them with regards to the available community resources. It is hoped that with this information victims will be more likely to utilize available resources and perhaps break the cycle of violence.

Once the need was identified, McKinney Police Department in conjunction with the Collin County Women's Shelter, presently known as Hope's Door, applied for a grant. The grant was to fund the development and implementation of the Victim's Advocate Program, to be housed out of the McKinney Police Department. "the goal of this systematic approach was to provide victims with information and referrals at time of the offense and at the scene of the crime. The advocate and volunteers are to be summoned at the time of initial law enforcement response. It is the desire of such collaborative approach between the two agencies to insure the protection of the victims, educate the victims with regards to resources and options and also to educate law enforcement officers. It is hoped that officers would become more sensitive to the needs of the victims and therefore enhancement of call approach would occur. In essence, this would allow the victim to benefit from an understanding service provider" (Wei.) Primary prevention of spouse abuse is exceedingly difficult to accomplish because it requires a change in attitudes and values of individuals, communities, and social institutions (Roberts.)

For too long the delivery of social services to battered women has been woefully neglected (Roberts 65.) For centuries-perhaps from earliest society- men were given free reign to batter and bruise their wives and girlfriends as they saw fit. In the 1870's, despite advances in some areas of Women's Rights, American courts still thought it "better to draw

the curtain, shut out the public gaze, and leave the parties to forgive and forget” when it came to domestic violence” (Quincy 5.)

Review of Literature or Practice

In recent years, law enforcement agencies have strived to develop procedures backed by zero tolerance policies to protect victims and hold perpetrators accountable in family violence crimes. Domestic violence calls are among the least popular in policing because they're so unpredictable. in the past, “their common short term solution was on arrest for disorderly conduct” (Schmitt 85.)

Texas law enforcement agencies and law enforcement educators were awakened by the seriousness of domestic abuse and its devastating impact on victims and both state and local government in 1984. The tragic incident was the Tracy Thurman domestic abuse case which occurred from early October 1982 until June 10, 1983 involving Mrs. Thurman's husband. In this case there was little or no action taken by police after many contacts which resulted in Mrs. Thurman's serious bodily injury and considerably high monetary damages awarded to her. The Thurman Vs. City of Torrington case has been deemed a landmark case in Domestic Violence (Texas Commission on Law Enforcement: Officer Standards Education.) Shortly after the Thurman case another case came before the courts, Sorichetti Vs. City of New York. This case was consistent with Thurman in the lack of police action over a long period. Josephine Sorichetti had dropped charges repeatedly and police failed to act for the protection of Mrs. Sorichetti. There was no follow-up or attempt to provide resources for a woman who was in fear. The victim in Sorichetti was the Sorichetti's daughter, a child who was permanently disabled as a result of an attack by Mr. Sorichetti (Texas Commission on Law Enforcement: Officer Standards Education.)

In the past, both the aforementioned cases have taught law enforcement that the need for strict enforcement and intervention is needed to curve the recidivism of family violence. Law enforcement must support family violence training and be in partnership with shelters and advocacy groups for the safety and future of the victim. Many agencies in Texas have implemented special police units to investigate and provide follow-up services to the victims of family violence and their families that are victims of abuse themselves in many cases. These special units dealing with domestic abuse cases are usually a follow-up unit after the police patrol officers have handled the initial call for help.

In the past, there have been many federally funded studies on the impact of arresting batterers in domestic abuse. Sherman (1992) for example, concluded that mandatory arrest does not reduce recidivism and, with certain offenders (unmarried, unemployed, and African-American men), mandatory arrest actually increased recidivism (Websdale 54-55.)

The police units strive to provide more indepth case files to lengthen jail sentences on offenders and coordinate social resources to assist the victims at the time of the offense rather than the next day or within 24 hours which are time periods usually common to other criminal investigations. While the crimes charged are not different from those charged in other violent crime conflicts, the relationships of the parties mandates a different approach. "spouse abuse is a dangerous form of violent crime" (Schmitt 84.) In no other category of violent crime does one find the offender going home to live with the victim (Schmitt 84.) Law enforcement has to be prompt in intervention with the victim's of domestic violence including spouse battery which requires specialized knowledge and skills acquired through training. Police intervention is normally the first critical step in managing domestic violence problems" (McKenzie 121.)

In working with law enforcement, shelters, upon notification of an arrest or family violence-domestic abuse incident immediately dispatches volunteer advocates through the use of electric beepers. These advocates, who are on call visit the victim and offer services and resources to the victim, many times, the advocates also interview the abusers. The volunteer advocate provide support and encouragement to the abuser to face his behavior and discuss treatment options available to them. Simultaneously, the advocates advises the victim of the domestic violence with support information, subsequent court proceedings and other available remedies. Advocates, if requested, also transport victims and children to shelters where a healing can begin in safety (Hotaling 197.) Women shelters do more that remove the woman from immediate danger. They also have tremendous potential for preventing further violence. This is because the woman is given the physical, economic and psychological support needed to change the basis of the marriage (Straus 224.) Battered women's shelters, safe home projects, counseling and hotline services appeared in hundreds of location in 1976. Rarely, however did services exist for all who needed them. Shelters are havens, but they are not utopias. The atmosphere within a house varies depending on the current group of residents, staff morale and shelter organization. Just getting to the shelter may be an overwhelming task (Schechter 81.) Until a victim is able to resolve her psychic pain, deal with dependency, passivity, battered women's syndrome, shattered self esteem, depersonalization, emotional numbness and other psychological impairment she remains a victim. As a victim, she is likely to reenter the previously violent relationship or choose a new batterer (McKenzie 177.)

Discussion of Relevant Issues

It is optimal for the victim's advocate program to be integrated into the structure of McKinney Police Department, rather than an outside social service entity. If the program

became a part of the McKinney Police Department, administration within the department would be better able to allocate duties and responsibilities in hopes of reducing recidivism in domestic violence calls and case filings. It is also believed that the program would then be able to serve in the best interest of the McKinney Police Department and thus maximize the resource for the department. In order to utilize information on past occurrences of domestic abuse and present family issues, the victim's advocate will have access to law enforcement and court records in preparation for a more detailed comprehensive approach to the aid the victim and assist in criminal case filing. The present system restricts the release of law enforcement records and information as that is protected by the Texas Open Records Act (Texas Freedom of Information Handbook I-3.)

In relation to the confidentiality of law enforcement records, advocates, under the present system, are held to confidentiality on information received from victim's interviewed that cannot be released to law enforcement. This withholding of information on the part of the victim's advocate, required by the advocate's agency, coupled with the confidentiality of law enforcement hinders the progress of services from both agencies. This sometimes presents investigative problems for police and slows the services resources to the victims.

The housing or staging area for the victim's advocate would require a computer equipped cubical or desk in which interviews could be performed. In addition to the work station a telephone would be furnished for inter-outer office communication with a voice mail message identifying the service reached.

The victim's advocate in order to respond to domestic abuse calls and to aide victim's and/or their families with transportation to shelters or other services would have access to McKinney Police unmarked vehicles or an assigned vehicle. Presently the McKinney Police

Department carries the victim's advocate on a rider policy to the City of McKinney Insurance which covers officers and operators of motor vehicles in other city services. The victim's advocate would be assigned a McKinney Police Department portable radio to monitor calls for domestic violence incidents and for communication when not in a police vehicle and there is no phone. In many cases abusers have consistently pulled the phone lines from the wall of the residence or destroyed the phone in rage to stop the victim from calling for assistance. The police portable would add an asset to program. The use of the radio as well as the police unmarked car would be regulated as to set use guidelines set forth in the McKinney Police Department's Standard Operating Procedure Manual. This manual would also set forth guidelines concerning safety issues for the advocate when conducting outside follow-up investigations and on scene investigations.

As in the preceding text, the response to domestic violence requires a different approach, differing from other crimes investigated. Domestic abuse investigations require indepth study of the family unit which requires sensitively awareness and training to conduct comprehensive interviews with victims, family members and in some cases the abusers. The victim's advocate must be well versed in criminal law, elements of crimes, as well as police procedures and case filing requirements. In addition to having a excellent working knowledge of criminal law and interview skills the advocate would be required to have good computer skills to effect a concise record of cases worked and services referred to or given to the victim. The advocate would develop a public service training awareness program for the victims of domestic violence while maintaining files on each victim served.

In efforts to address the problem of violence in the family, the advocate should head a subcommittee made up of social workers, ministers of religion, psychologists and medical

personnel to address symptoms and causes of the violence but also to open avenues to added resources not now available (Stevens 65.)

In order to effectively meet domestic abuse victim's obligations and to promote departmental and the City of McKinney's services and programs to the public, it is recommended that the City of McKinney screen applicants for the advocacy position. Standards are to include educational requirements of at least a bachelors degree, but preferably a Master's degree in Social Work or Criminal Justice. This position requires long term commitment due to the trust and confidence built between the victims of domestic abuse and the advocate. Many victims keep in touch with their interviewers for some time regarding problems they have to face (Walker 112.) The program will demonstrate drops on effectiveness with a short term service provider.

The victim's advocate position implemented as a permanent full time position guideline by the City of McKinney and it's police department could be funded without matching funds and/or grants for \$39,000 annually including wage and supplies not already furnished by the McKinney Police Department. This monetary cost for service is paramount to the total service to victims of domestic violence. This home bred often secreted violent crime is growing and/or reported today more than in the past in comparison to other offenses. We have learned that law enforcement response enhanced by training in domestic abuse does offer positive solutions for the victims, training for dispatchers of emergency services who generally by phone are the first responders. "from a crime scene perspective, the first person at the scene is the person who answers the call for help" (Sasafia 61.)

In so far, then as the control of crime, fear and disorder is important to cities' well-being- that is to a very considerable degree-urban conditions are police business. The police

have tried to handle that business, in modern times, in clear and well defined ways. Their end has been to control crime, especially murder, rape, robbery and the like (Sparrow 6.)

Conclusion and Recommendations

The extent of domestic violence between spouses is unknown, because neither law enforcement nor social services agencies have maintained accurate records of violence between spouses. The Attorney Generals task force on family violence recommends that all police agencies establish: Family Violence as a priority (Walker 17-18) (Palmiotto 480, 481.) In effort to meet this recommendation the McKinney Police Department has Proposed a police victim's advocate to develop and apply procedures for the department and it's officers to approach domestic abuse in a systematic mode that would expedite case filings and provide resources to identified victims. The victims advocate working with the domestic abuse case load of the McKinney Police Department would offer a more thorough one on one atmosphere to the victim while still greatly enhancing police service to the community.

In the past, the problems have been with communications both confidential in nature and time elements. These were only magnified by shortage in manpower to address the rising number of incidents in which many of the victims didn't receive available resources or notification of same wasn't made. The shortage of manpower for authorized street patrol and investigative officers made an in-house advocate seem a luxury rather than a priority.

As a result, law enforcement now realizes to effectively combat domestic violence a systematic approach has to be utilized both within the department itself and in assisting the varying victims of abuse. The victim's advocate position incorporated into the ranks of the McKinney Police Department will expedite case filings and quickly make available resources to victims in a systematic approach to reduce recidivism in domestic abuse.

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