



**United States Senate Committee on the Judiciary**

**Hearing on:**

**“The Need to Reauthorize the Violence Against Women Act”**

On behalf of the Peace Officers Research Association of California (“PORAC”), I appreciate this opportunity to provide the Committee with testimony on the crucial role the Violence Against Women Act (“VAWA”) plays in supporting state and local law enforcement efforts to end domestic violence, stalking, sexual assault, and other pernicious crimes that are still far too common in our communities.<sup>1</sup>

The Peace Officers Research Association of California (“PORAC”) is our nation’s largest statewide association representing public safety personnel, with over 70,000 members. Our members serve in California and include active, retired, and reserve municipal police officers and sheriff’s deputies, correctional and probation officers, airport police, and officers in other statewide groups. PORAC is dedicated to empowering and representing the interests of rank-and-file peace officers and to protecting the rights of the men and women who on a daily basis keep our nation’s communities safe.

PORAC strongly supports the reauthorization of VAWA. Through its combination of potent criminal penalties for offenders, funding for law enforcement, and essential support programs and services for victims, VAWA has helped save countless lives from the scourge of domestic violence.

Since enactment of this landmark legislation, state and local law enforcement have made great progress in domestic violence response. But there is much more work to be done. The prevalence of domestic violence remains shocking: It is estimated that approximately 10 million Americans are physically abused by intimate partners each year—an average of 20 people per minute.<sup>2</sup> One in five women and one in seven men have been severely physically abused by an intimate partner;<sup>3</sup> and intimate partner violence accounts for 15% of all violent crime.<sup>4</sup>

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<sup>1</sup> Special thanks to Sargent Lisa Maneggie of Sacramento Police Department’s Domestic Violence unit; Elaine Whitefeather, Executive Director of A Community for Peace; and David Cropp, Director of Domestic Violence Response Team Services at A Community For Peace for providing invaluable information for this statement.

<sup>2</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J. & Stevens, M. (2011). The national intimate partner and sexual violence survey: 2010 summary report, [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf).

<sup>3</sup> *Id.*



## I. Understanding the Crime of Domestic Violence

Domestic violence takes many forms, but it is most often about control. Perpetrators of domestic violence use physical, emotional, psychological, financial, and sexual abuse and assault, along with many other forms of coercion to establish control and power over their victims. Furthermore, because of the individuals it involves (intimate partners and family members) and the venue where it often takes place (the home), it is a particularly difficult “crime type” for law enforcement and the broader community to combat. Not surprisingly, research indicates domestic violence is a severely underreported crime.<sup>5</sup>

Victims are often loath to reach out to law enforcement for many reasons. Some may have convinced themselves that their situation is “just not that bad,” while others may be paralyzed by fear. Often, domestic violence offenders capitalize on linguistic, cultural, legal, and emotional concerns to instill fear in victims and thus, exert control over them.

For instance, if the victim does not speak English or have any financial means of support beyond those provided by the abuser, she may be afraid of what will happen if she reports the abuse. This is a particularly pressing concern when there are children involved—and the victim may fear that the abuser may harm the children in retribution for reaching out to law enforcement or that she may not be able to support the children without the abuser’s help.

Further, an individual living in the United States unlawfully (who may also have language limitations) may be afraid to reach out to law enforcement out of fear she (or her abuser) may be deported.<sup>6</sup> In short, an abusive partner often takes advantage of these vulnerabilities by cultivating the victim’s dependence or exploiting insecurity concerning immigration status.

This fear complex has real implications. In 2016, for example, the Sacramento Police Department received 11,820 domestic violence-related calls, and took 3,258 domestic violence reports—which include battery and restraining order violations.<sup>7</sup> In 2017, however, domestic

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<sup>4</sup> J. L. Truman & R. E. Morgan, *Nonfatal domestic violence, 2003-2012 (2014) available at* <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

<sup>5</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Victimizations Not Reported to the Policer, 2006-2010, (2012), available at* <https://www.bjs.gov/content/pub/pdf/vnrp0610.pdf>.

<sup>6</sup> This is an even more acute concern when there are children involved.

<sup>7</sup> This total does not include information reports, which are not classified as crime reports.



violence calls fell to 10,224 and reports taken fell to 3,021.<sup>8</sup> This is the first time that domestic violence numbers have *decreased* from one year to the next, a notable deviation from the trend. While several factors may have caused this, many law enforcement officers link this decrease in reporting to victims' fear, particularly those from immigrant communities, to call law enforcement given changes in federal immigration policy.

## **II. Law Enforcement & Domestic Violence: Funding and Other Limitations**

Beyond a victim's reticence to come forward there are other factors preventing us, as a society, from combatting domestic violence. The government, for example, is hamstrung in its efforts to address domestic violence and help victims. Unfortunately, there are still too many law enforcement officers and criminal justice personnel (prosecutors, judges, etc.) that do not understand the inherent complexities that accompany domestic violence, including the complex interpersonal dynamics of these crimes. For example, some may think "why should I bother with this? She always goes back." Fortunately, however, this mentality is changing with proper domestic violence trauma informed education and training—although far slower than it should be because of cuts to education and training budgets.

The larger obstacle to addressing domestic violence, though, is the lack of resources that impede law enforcement's ability to respond to incidences of domestic violence. Police departments in California receive thousands of domestic violence calls per year—a number that does not include information reports, which are not classified as crime reports.

In light of the funding shortages that have led to fewer officers on patrol, it is simply impossible for local police departments to be able to respond to all victim calls to 9-1-1. Moreover, many departments now utilize online victim reports. In many domestic violence cases, it is only after numerous online reports have been filed (and the situation has become far too dangerous) that prosecutors will even file charges and prosecute a crime. This is because the criminal justice system is stretched so thin that prosecutors, courts, and law enforcement officers must choose where to allocate resources—and candidly, for domestic violence cases, resources can only be allocated once the situation has deteriorated considerably.

To change this situation, it is critical that Congress reauthorize VAWA and maintain robust grant and technical assistance programs for law enforcement.

## **III. Policy Solutions Through Innovation and Collaboration**

California law enforcement is on the forefront in trying to find innovative solutions to responding to domestic violence calls, including collaborating with local community-based

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<sup>8</sup> Meanwhile, the Sacramento Police Department reports an increase in homicides involving domestic violence in recent years.



organizations. Partnerships between community-based victim support organizations and law enforcement agencies have proven invaluable and are leading to some hopeful results.

First, some law enforcement departments have begun to deploy “lethality assessments” when responding to domestic violence calls. A lethality assessment is a series of approximately eleven questions posed to domestic violence callers by a law enforcement officer or a victim’s advocate (see more on this below) as part of the victim interview process.<sup>9</sup>

Unlike the traditional interview process, which asks the victim to recount events with the officer taking notes, the assessments are designed to reveal patterns of abuse and serve as homicide predictors (i.e., evaluate the likelihood that a victim will die in a future domestic violence incident). These assessments can predict such outcomes based on data showing correlations between certain factors in abusive relationships and lethality rates.<sup>10</sup>

Data shows that answering lethality assessment questions can be an exceptionally effective eye-opening experience for a victim. The assessments allow victims to systematically take stock of patterns of abuse they have suffered, giving them perspective on their situation that may otherwise be difficult to achieve. This evidence-based approach can motivate victims to seek support services or take legal action that may ultimately save their lives.

Second, police and other law enforcement departments have begun collaborating with community-based domestic violence organizations. One such partnership was formed in Citrus Heights, California, thanks to the initiative of the local Police Chief, Christopher Boyd, and a group of domestic violence and abuse advocates/survivors and staff from a public service and advocacy organization called A Community for Peace (“ACFP”).<sup>11</sup>

Led by its Executive Director, Elaine Whitefeather, ACFP partnered with Citrus Heights law enforcement in 2009 to form Domestic Violence Response Teams (DVRT), called DVRT FIRST RESPONSE™. DVRT are multidisciplinary groups that include a domestic violence survivor and advocate and a law enforcement officer, and may also include a deputy district or city attorney, a probation officer, and a health care provider. The Citrus Heights-ACFP

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<sup>9</sup> Jill Theresa Messing et al., Police Departments’ Use of the Lethality Assessment Program: A Quasi-Experimental Evaluation, Final Report to the National Institute of Justice, NCJ, 247456 (2014) *available at* <https://www.ncjrs.gov/pdffiles1/nij/grants/247456.pdf>; *see also* Jacquelyn C. Campbell, Danger Assessment (2001) *available at* <http://www.ncdsv.org/images/DANGERASSESSMENT.pdf>.

<sup>10</sup> Jill Theresa Messing, Jacquelyn Campbell, and Janet Sullivan Wilson, Research designs in the real world: testing the effectiveness of an IPV intervention, 275 Nat’l Inst. Justice J. 49 (2015), *available at* <https://www.ncjrs.gov/pdffiles1/nij/248775.pdf>.

<sup>11</sup> *See* <http://acomunityforpeace.org/>. Citrus Heights Police Chief, Christopher Boyd was awarded the James Q. Wilson Award for Excellence in Community Policing in 2012 for ACFP’s DVRT First Responders partnerships.



partnership was one of the first of its kind in the nation, where law enforcement arrived on scene to address a domestic violence situation with a credible messenger (i.e., a survivor who is also a certified domestic violence advocate) with them in the patrol car.

DVRT First Response™ responds to domestic violence calls and provides immediate on-site support services to minimize victim trauma immediately after an incident of domestic violence. During a typical DVRT response, the law enforcement officer will secure the scene and then, a domestic violence advocate will talk to the victim, offender, and child/children (if applicable) and provide direct on-site support.<sup>12</sup> This approach has been successful in large part because law enforcement officers – figures of power and control – often are themselves (even when they have the best of intentions) a barrier for domestic violence survivors to access services or be forthcoming about their situation because domestic violence usually involves domination via power or control.<sup>13</sup>

A Community for Peace has found that domestic violence victims are much more likely to follow up with their organization to receive additional help when they receive immediate, face-to-face assistance that DVRT advocates provide rather than simple contact information or guidance on how to access assistance resources alone.

Specifically, the ACFP reported a remarkable 62 percent increase in the follow-up rate compared to other methods of contact (from 6-8% to almost 70%) as a result of implementing this DVRT approach.<sup>14</sup> In addition, within three to four years of starting the program in Citrus Heights, there is evidence that the approach is leading to a reduction in repeat domestic violence incidents. Because law enforcement is supported by trained advocates, the program also serves as an on-the-ground education for law enforcement—leading to more empathetic officers that ask better investigative questions and write more comprehensive reports after incidents.<sup>15</sup> It is not surprising; therefore, that ACFP is now initiating discussions to expand the program to Sacramento at the request of the Sacramento Police Department.

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<sup>12</sup> In traditional domestic violence incidents, law enforcement would secure the scene, take statements, and leave the victim with a brochure on how to access support services.

<sup>13</sup> See Jacqueline Fox, *Compassion Through Action*, <http://www.citrusheightsmessenger.com/articles/2018/0221-Compassion-Through-Action/index.php?ID=4499>.

<sup>14</sup> Rowena Shaddox, *Response Team Helps Citrus Heights Police in Domestic Violence Calls*, Fox 40 (Oct. 22, 2014) available at <http://fox40.com/2014/10/22/response-team-helps-citrus-heights-police-in-domestic-violence-calls/>.

<sup>15</sup> The partnership between the justice system and the community creates an environment where truth can be told, where there is accountability between all of the players responding to domestic violence incidents, and where there is a change in the underlying environmental condition (power and control) that hinders victims from coming forward and hamstrings law enforcement's ability to address dangerous situations.



The techniques and innovative solutions described above have proven successful thus far. Yet, these techniques are not widespread across California or the nation. That is why it is so critical that Congress reauthorize VAWA. This landmark program is the key to many of these successful initiatives as it provides support for law enforcement, prosecutors, and others in the criminal justice space, as well as to local advocacy programs. It has made these partnerships, which provide tangible qualitative benefits and successes, possible.<sup>16</sup>

#### **IV. Conclusion**

On behalf of PORAC, I thank the Committee for allowing us to share our views and highlight some of the remarkable work being done by law enforcement and their partners across California.

PORAC calls upon Congress to reauthorize VAWA and to continue discussions with law enforcement, the men and women who fight to keep our communities safe each day and who work closely to assist victims of domestic violence. The association and its members stand ready to work with members of this Committee and with Congress to ensure that VAWA is reauthorized.

Brian R. Marvel  
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Peace Officers Research Association of California

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<sup>16</sup> On the value of law enforcement partnerships, *see* David Cropp, *The Theory and Practice of Collaborations in Law Enforcement*, 14 *Int'l J. Pol. Sci. & Mgmt.* 213 (2012) *available at* <http://journals.sagepub.com/doi/abs/10.1350/ijps.2012.14.3.284> (this article highlights the effectiveness of the Sacramento Domestic Violence Prevention Collaborative (DVPC) and gives testimony to the lives saved as a result of using a collaborative approach to domestic violence.); *see also* William Bratton and Zachary Tumin, *Collaborate or Perish!: Reaching Across Boundaries in a Networked World* (2012) (this book addresses the need for agencies to use partnerships for maximum efficiency.).