

Dynamics of Domestic Violence and Law Enforcement Response

Sgt. Les Hunter

Criminal Justice Institute

SLES Session LI

### Abstract

This paper will try to show my fellow Law Enforcement Officers why they are answering the domestic violence calls we so often are called to throughout our shift. With this paper, I hope to give them a better understanding of what true domestic violence is all about. It will also enlighten them on the abuser and why he abuses. Then it will try to illuminate better law enforcement practices to help the victims battle this challenging prevalent issue that continues to grow and harming our families that make up the communities we live in.

*Keywords: domestic violence, abuse, power, and control,*

### Dynamics of Domestic Violence and Law Enforcement's Response

It was December 23, 2004, and I was a new detective working in Juvenile Crimes. Being one of the newest detectives and it being the Christmas Holidays, I was the detective stuck as the "on-call detective". The "on-call detective" position is just a precaution for major crimes that may occur after normal business hours. Well on this day it happened, as I started settling down at home, my phone rang, and I could tell it was the on-duty patrol sergeant by the caller ID. I answered it in hopes it was just a minor incident that didn't need much attention. However, little did I know this phone call would have a major change in how I approached the victims of domestic violence that I swore to protect and serve for the rest of my career.

I was advised I needed to head to the local hospital's emergency room and contact the patrol officers who were out with a victim of domestic violence with life-threatening injuries. On my arrival, I was then directed to the trauma room where the victim was located. No one prepared me for the gruesome sight I was about to encounter once I enter the room. As I walked into the trauma room I looked over and lying there on the gurney was the victim. As I looked at her, I had to ask myself, is this victim a white female or a black female. Due to the discoloration and bruising of the victim's face, neck, and upper torso, it was hard to distinguish her ethnicity. As I began to speak to her, I discovered the victim was a white female who had suffered severe force trauma to her upper body and head. As we talked, I could see through all the bruising there were also several lacerations to her body and a very large laceration to her chin. Medical staff also informed me that the victim had a fractured skull. Before the victim was transported to the Intensive Care Unit for further treatment and observation, she advised me that her attacker was her live-in boyfriend of several months. It was a shock to me that a person who was in a relationship with another person would or could get so angry they would want to harm the person

they loved to the point of almost death. From my investigation, it was learned from the suspect's mother, the victim and suspect were always together. Wherever one would be so would the other. The suspect's mother said she became suspicious there was something wrong when she did not see the victim after a few days with her son. The mother stated, out of concern for the victim's wellbeing she got her daughter to persuade the suspect to leave his home, in an effort for the mother to sneak into the suspect's home to check on the victim. Once the suspect was lured away from his home his mother entered the residence. Once inside the home, she located the victim in the bedroom lying in semi-conscious state in the bed. We later learned the suspect had assaulted the victim on multiple occasions over several days before she was discovered. During this time the suspect refused to transport the victim to the hospital or allow her to leave to seek medical treatment for her injuries. He held her hostage in her own home for three days letting her suffer in pain and bleeding internally. If it was not for the mother's intuition and a smart ruse in getting the suspect away from his home, I am sure I would have been working a homicide that weekend.

Because of this incident, I accepted an assigned as the Domestic Violence Investigator for my agency when the position came available. During my tenure as the Domestic Violence Investigator, I worked closely with the Arkansas Coalition Against Domestic Violence and educated myself on the dynamics of domestic violence to help the victims that passed through the domestic violence investigator's office.

No one deserves to be hurt. But according to the CDC and the National Coalition Against Domestic Violence, "nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men." (Black,2011) This is a staggering statistic especially given that the one causing the hurt is a loved one. Over the next several pages, we will break down what exactly domestic violence

entails, why people abuse, and what we as law enforcement can do to help combat this problem in the communities we serve.

### **What is Domestic Violence?**

Domestic Violence is not a new problem in society and has been documented as far back in the first book of the bible when Cain killed his brother Able in a fit of jealousy. The fact is that Domestic Violence can manifest itself through one thing, or a combination of multiple things. When we as Law Enforcement Officers get involved it is normally because of a physical abuse situation. When we arrive, we arrive at a time when the victim is at a point they want to do something to stop the hurt. This could be the first time to reach out or the last time, but this is where we can start to get involved. This is where our connection with this Domestic Violence victim begins. However, most officers are unaware or just oblivious of what this victim has been through just to reach this point.

When officers hear the term Domestic Violence, they think of physical abuse that they encountered at the calls they answer. Physical Abuse is defined in an article by Helppguide.org as “the use of physical force against someone in a way that injures or endangers that person.” (Abuse, n.d.) This can include punching, slapping, shoving, grabbing, and any other physical action that causes harm or fear of harm. Which law enforcement encounter most often.

It is important we understand that physical abuse is the pentacle of a combination of actions to get us to the point of contact. In the following section, I want to look at some of the different forms or stages of abuse the victim must endure as she makes her way to the point of contacting law enforcement. It is important to know that the victims can suffer through one, all, or any combination of these forms of abuse during their relationship with the abuser.

According to the National Coalition Against Domestic Violence, “domestic violence does not always manifest as physical violence. Emotional and psychological abuse can often be just as extreme as physical violence.” (Learn More, n.d.) Emotional abuse is usually the beginning of the power and control loop the abuser uses against the victims. It is the most common form of abuse and is the first form of abuse seen by the victims. Emotional abuse starts out slowly and progressively increases to point it manifest its self into physical abuse. The patrol officer needs to understand the cycle of abuse and even if this is the first time you have dealt with this victim, this victim has been in this abusive cycle for some time. When we fail to ask about other types of abuse, we are making the implication that without physical violence, that the abuse is just not that bad. However, during my time in the Criminal Investigation Division/Domestic Violence Unit as the lead investigator, I often heard from victims that the emotional abuse was just as bad, if not worse, than physical abuse.

Emotional abuse can include such various behaviors, that often, are difficult for the victim to identify as abusive until the damage is done. Emotional abuse can be defined as “any abusive behavior that isn’t physical, which may include verbal aggression, intimidation, manipulation, and humiliation, which most often unfolds as a pattern of behavior over time that aims to diminish another person’s sense of identity, dignity, and self-worth.” (DeSanctis, n.d.) These behaviors sometimes manifest as insults, mind-games, and name calling, but can also include more devious behaviors such as gaslighting and forced isolation. I say “devious,” because these two behaviors can’t be explained away using temperament and “that’s just the way he is,” explanation. These behaviors require some sort of conscious effort to control the victim. I used the term gaslighting which is not a very common term. However, it is explained by Psychology Today as “a form of persistent manipulation and brainwashing that causes the victim

to doubt her or himself, and ultimately lose her or his own sense of perception, identity, and self-worth.” (Ni, 2017)

Abusers know that one of the best ways to gain the power over their victim is the practice of isolating the victim. The use of isolation is to keep the victim away from their co-workers, friends and family and anyone who could possibly assist the victim in identifying the abuser's behaviors as being abusive. Again, this behavior normally starts off slowly and it increases over time to the point the victim only has the abuser to rely on for support. The abuser doesn't want the victim to know that he is trying to control her, so he keeps her isolated from anyone who could give her a clue. In time, the victim loses those connections and finds it difficult to maintain healthy relationships with friends and family. Now she is completely reliant on the abuser for companionship, love, and financial support. Mission Accomplished.

Another form of abuse is sexual abuse and coercion. I think that as a society, we are finally starting to come around to the fact that rape and sexual abuse can happen within the confines of a marriage or relationship. The American Psychological Association says sexual abuse is “unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims not able to give consent.” (American Psychological Association Sexual Abuse, n.d.) A victim may feel pressure and persuasion and any other act that makes them feel obligated to have sex or participate in sexual activity from their abuser. Yes, this can also happen in a relationship in which there is consensual sex. The offender may believe that the consent is understood as ongoing. However, this is not the case and we, as law enforcement officers, should be open to documenting this form of abuse when the victim reports it during the abuse investigation.

Related to sexual abuse and coercion is reproductive coercion. The next time you are out on a domestic violence call and the victim tells you that her abuser won't allow her to take birth control, or that he is pressuring her into getting pregnant, you need pay attention. The American College of Obstetricians and Gynecologists tell us reproductive coercion is a "behavior that is intended to maintain power and control in a relationship related to reproductive health by someone who is, was, or wishes to be involved in an intimate or dating relationship." (Women, 2013) One study found that "women with unintended pregnancies were four times more likely to experience intimate partner violence than women whose pregnancies were intended". (PhD, et al., 1995) This is just another way to manipulate and control the victim by putting children into the equation which keeps the victim tied to the abuser. When children are involved in an abusive relationship it makes it harder for the victim to leave said relationship.

Another tactic used by the abuser in a relationship is Financial Abuse. This abuse is a common form of abuse and is also very difficult for law enforcement to identify because it is often a subtle and a progressive form of abuse. We see financial abuse as "controlling a victim's ability to acquire, use and maintain financial resources." (Gordan, 2017) Victims may be prevented from working, having a bank account, and even not having a say in the financial matters at home. Or, as we have seen in some of our investigations, the victim is sometimes forced to work multiple jobs and having to give the abuser all the money the victim earns, this also makes it easier for the offender to know where she is at any given time. The offender may restrict the victim's access to money and/or make her account for every dime she spends even on groceries or other household and personal items. Whatever the tactic, the goal is the same: to gain power and control over the victim by limiting her access to resources. If it sounds an awful lot like the isolation discussed earlier, that's because isolation is often a direct result of financial

abuse. This will be discussed more when we talk about why women stay in abusive relationships.

With the advancement of communication technology these days we are seeing a rise in Digital abuse. It is sometimes also referred to as Technological Abuse. "Digital abuse is the use of technologies such as texting and social networking to bully, harass, stalk or intimidate a partner. In most cases, this type of abuse is emotional and/or verbal and though it is perpetuated online, it has a strong impact on a victim's real life." (National Domestic Violence hotline, 2014) Examples include: an offender who monitors closely the social media/online/phone activity of the victim, sends threatening communications through email, text, or social media, sends or pressures the victim to send sexual photos especially when those photos are then used to threaten, blackmail, or otherwise control the victim.

I'm sure as you have read through these you have recognized one or several of these abuses from an investigation you worked or victim you have dealt with over years. If not, start paying attention and asking the questions which will get the answers you need for that investigation or understanding of what is going on in that victim's life.

### **Why Do People Abuse?**

The number one question that I've been asked by victims of domestic violence is "why did he/she do this?" Most of us have trouble understanding the motives of someone who would intentionally and purposefully hurt those that they supposedly love or care about. One of the possible answers to this question is that violence is just normal, learned behavior to the offender. The CDC says that "if you grow up with domestic violence, you're 74% more likely to commit a violent crime against someone else. They go on to state, that children of domestic violence are 3

times more likely to repeat the cycle in adulthood, as growing up with domestic violence is the most significant predictor of whether or not someone will be engaged in domestic violence later in life.” (Childhood Domestic Violence Asso., 2014) Another possible answer to the question of “Why do people abuse?” is that there could be some mental health issues going on or some sort of brain injury. People with certain mental health disorders find it difficult to control their behaviors, resulting in abusive behaviors. I don't believe that there is a definitive answer to the question because of the different variables in every situation. What we as, Law Enforcement Officers, need to know is when we are called to a Domestic Violence call there has been an abundance of domestic issues in the life of the victim and the abuser and the call is most likely a call for help from the victim.

On the other hand, the number one question I get from fellow officers and civilians is “Why do victims stay with the abuser?” The answer to this question is, “it's complicated.” I say that because if we understand any of the points mentioned above we can see that the abuser makes it hard for the victim to just walk away. Victims who have been subjected to years of physical abuse and brainwashing can't “just leave.” According to the National Domestic Hotline, “it takes victims an average of seven times to leave before they leave for the last time.” (National Domestic Violence Hotline, 2013)

Victims of domestic violence face many obstacles when they are deciding whether to “just leave.” As stated earlier, victims of domestic violence are often financially monitored, making it difficult to put back enough savings for a place to take her children if she does manage to escape. The legal issues she will face with child custody are also expensive, as well as child-care. If children are involved, leaving is not easy because of the child custody battle the victims have to

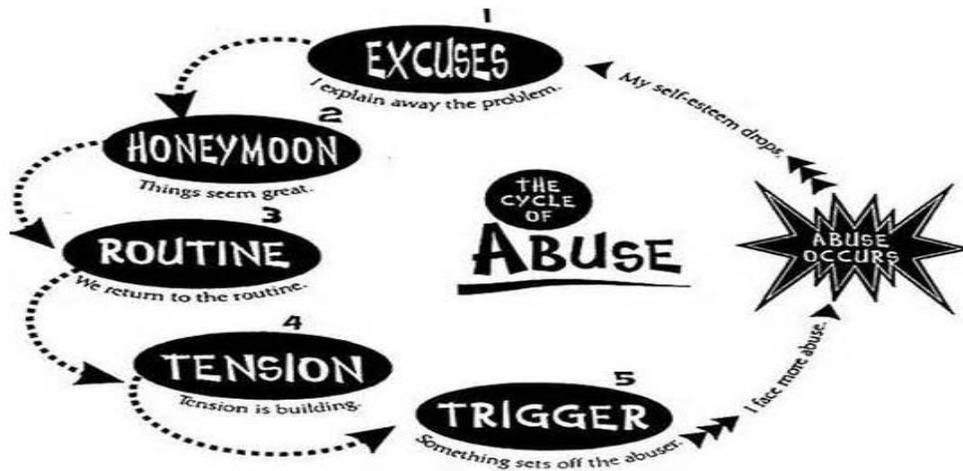
fight through. The fear or the threat of losing their children due to the controlling nature of the abuser has been drilled into them from the beginning of the relationship. Most victims have been isolated from their support system and end up relying on the abuser. This makes it problematic when the victim wants to pack up and head out. No money, no safe place to go to, and sometimes no transportation.

There’s also the issue of power. After years of abuse, victims often feel like they have none. On the following pages are the Power and Control Wheel and Cycle of Violence Wheel used by advocates in domestic violence prevention centers to help educate victims and their loved ones, as well as community members and law enforcement.



DOMESTIC ABUSE INTERVENTION PROGRAMS  
 202 East Superior Street  
 Duluth, Minnesota 55802  
 218-722-2781  
[www.theduluthmodel.org](http://www.theduluthmodel.org)

The Power and Control Wheel is a graphic that shows various “spokes” of abuse tactics that all revolve around gaining power and control over the victim. (National Domestic Violence Hotline, n.d.)



© Content Copyright 2012-2013. ASHLEIGHSPATIENCEPROJECT.COM. All rights reserved.

The Cycle of Abuse Wheel as described on Ashleigh’s Patience Project website shows the cycle of violence that victim’s go through. (Ashleigh's Patience Project, n.d.)

We must understand that the cycle of abuse is a never-ending continuum which is seldom broken. The only time it can be broken is when the victim leaves the abuser to seek help. This cycle is an emotional roller coaster for the victim. Although it’s the same roller coaster it never the same ride due to different circumstance and different triggers. The victim of abuse will learn the signs that the tension is building and, in some case, will trigger the response just to get the inevitable out of the way.

We also need to know that Domestic Violence is not a race, gender, economic problem. This problem crosses all boundary lines and can be found from the rich to the poor, no one is exempted. Victims can't just leave without help and we as law enforcement are usually the first to respond.

### **LAW ENFORCEMENT'S RESPONSE**

In the past, our response has been going to scene taking a report and doing what is required by department policy and state law. We try to get by with the bare minimum on both, so we can either go on to the next call holding or do something we believe is more important. I personally don't feel this is what happens all the time, but we need to take on some of the responsibility of trying to assist domestic violence victims and helping break the cycle of abuse whatever it may be.

We have a lot of tools at our disposal that has been given to us by federal and state laws. Just a brief history of Domestic Violence Laws, these laws did not start to appear on the state law books until the mid-1920. However, at that time these laws were hard to enforce because most were a misdemeanor and had to occur in the presence of the officer for him to do anything about the offense. It was only till mid-1980 when a domestic violence victim, Tracey Thurman sued the City Police Department of Torrington, Connecticut and was awarded 2.3 million dollars. This is when lawmakers really began to take this problem seriously. Her claims were that the City of Torrington fail to protect her after she did all the right things by filing the offense reports, getting the restraining orders. It was from this case, states began to make misdemeanor offenses of domestic violence an arrestable offense. The State of Arkansas has also given its Law

Enforcement Officers the same right under Arkansas Penal Code Statue 16-81-113 Warrantless Arrest for Domestic Abuse. In a nutshell, it gives officers the ability to arrest on a misdemeanor charge of domestic abuse not occurring in the presence of the officer if he has probable cause to believe the offense occurred. This rule gives the law enforcement officer (4) four hours window to arrest on a non-injury incident and (12) twelve hours window to arrest in an incident that involved injury. It also expresses that the intent it has is for an officer to arrest the offender by indicating, "The arrest of the person shall be the preferred action by law enforcement." This law continues to lead us in the investigation by indicating that when you have conflicting accounts of what happened during a domestic violence investigation. It tells you to evaluate each account to determine who is the predominant aggressor. It wants us to determine who is the predominant aggressor and make an arrest. In fact, if the violation is a felony charge of domestic abuse the law tells us we **Shall** make an arrest. I believe the lawmakers are telling us that they too believe that domestic violence is a problem that needs our attention and is given us the tools to help combat this battle that domestic violence victims are fighting.

Domestic Violence is a traumatic thing, and victims who have just been through a traumatic experience are not going to remember details like badge numbers and case numbers. We can help by providing them with a Victim's Information Guide detailing their case number, reporting officer's name, and basic follow-up information. It should also include the contact information for the local domestic violence center, information about protective orders/no contact orders, contact information for the domestic violence liaison for the police department or prosecutor's office, and information on how to follow through with charges.

Just recently a new law has been put into effect called "Laura's Law." According to Arkansas State Statue 12-12-108 which say, "When a law enforcement agency responds to a

report of domestic violence, the first law enforcement officer to interview a victim of domestic violence shall assess the potential for danger by asking a series of questions provided on a lethality assessment form.” (Justia law) Notice the word shall. This means to all Arkansas Law enforcement officers and agency they are now required by law to complete the Lethality assessment form on all domestic violence calls for service. With the help of these assessments, officers on the scene can help the victim realize her risk of further violence which could help her in her decision making at an earlier stage, and possibly prevent further violence.

An effective lethality assessment is a checklist of yes/no questions that the victim will answer. If answered honestly, it will measure several things: Characteristics of the Offender. It will ask the victim questions about the abuser’s tendencies. Examples may include whether the offender has a “hair-trigger” temper, anger issues, tendencies to be suspicious or obsessive, and whether he is a combat-oriented type of person who seeks conflict.

It will also ask questions about the offender’s mental health – whether he has any diagnosed or undiagnosed mental issues such as depression, PTSD, anxiety, substance abuse, personality disorders, brain injuries, or suicidal thoughts or tendencies.

Next, the assessment will ask the victim to answer questions about the victim’s personal history of abuse, as well as the offender’s personal history of abuse. Whether the victim and/or the offender grew up in violent households or witnessed domestic violence as children, how long their relationship has been unhealthy, and other questions should be asked to help determine the level of risk the victim will be facing if she chooses to continue the relationship. Information can be located on this through the Arkansas Attorney General Office or at the following website <https://arkansasag.gov/programs/domestic-dating-violence/lauras-card/>.

Finally, an effective assessment should address the context of the situation. What are the specific issues they are facing in their day to day lives within the relationship? One of the biggest factors to consider is whether the victim has decided to leave the relationship. It should be understood that when the victim decides to leave the relationship is when it becomes more of a risk death. According to a report from Abuse Hurts the level of abuse increases and the potential of death increases when the victim tries to leave the relationship. (stop abuse university of Michigan) Other factors to consider are whether there is an availability of guns in the residence (particularly handguns), whether the offender has unstable employment or the recent loss of a job, financial problems, and whether the victim has children from a previous relationship or is currently involved in an outside relationship. It's important to ask the victim questions about the context of the relationship because these factors can account for a quick and dramatic shift in the victim's risk.

Once officers complete the assessment, they will have a better picture of the level of risk the victim is facing, but more importantly, so will the victim. She will now be faced with a very big decision, and law enforcement can and should play a part in this process. While we can't make the decision for her, we can make sure that she has access to all the resources and information available so that she can make a more informed decision.

Lastly, develop a working relationship with the Domestic Violence Advocates in your area. They will help you develop a proper response to domestic violence. Many local centers offer free training to law enforcement on new legislation, as well as current laws in effect. These training and legislative updates are quite helpful to both new and veteran officers, keeping them abreast of all the different options available to us on the street. Some centers also have legal

advocates that can assist victims in filing protective orders and gaining access to other services and resources.

In a 2015 study, the National Domestic Violence Hotline found that “1 in 4 women reported that they would not call the police in the future. More than half said that calling the police would make things worse. Two-thirds or more said they were afraid the police would not believe them, or that they would do nothing about the abuse.”(Logan, 2015) It is critical that we evaluate whether our responses are working – whether they are meeting the needs of the victims. Are we reducing the rate of repeat offenses? Are we accomplishing our goals?

### Conclusion

The dynamics of domestic violence are very complex and require a multi-faceted response. Victims of domestic violence are faced with making life-altering decisions, sometimes in a breath or a heartbeat's time. It is important that the victim has all the tools available to them before they are asked to make those decisions. Our response should be to share the toolbox. Unfortunately, there is no one-size-fits-all user manual for how to reassemble the victim's lives, but hopefully, with our help, they will at least have the tools to figure it out.

## References

- American Psychological Association Sexual Abuse*. (n.d.). Retrieved from American Psychological Association: <https://www.apa.org/topics/sexual-abuse/index.aspx>
- Ashleigh's Patience Project*. (n.d.). Retrieved from Abuse types and Cycle Wheels: <http://www.ashleighspatienceproject.com/abuse-types-and-cycle-wheel.html>
- Black, M. B. (2011, November). *Nation Intimate Partner and Sexual Violence Survey*. Retrieved from CDC website: [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)
- Childhood Domestic Violence Asso.* (2014, February 21). Retrieved from 10 Startling Statistics about Children of Domestic Violence: <https://cdv.org/2014/02/10-startling-domestic-violence-statistics-for-children/>
- DeSanctis, E. (n.d.). *what emotional abuse means*. Retrieved from joinonlove: <https://www.joinonlove.org/learn/emotional-abuse-really-means/>
- domestic violence and abuse*. (n.d.). Retrieved from Helpguide.org: <https://www.helpguide.org/articles/abuse/domestic-violence-and-abuse.htm#physical>
- Gordan, S. (2017, October 27). *How to Identify Financial Abuse in a Relationship*. Retrieved from Verywellmind: <https://www.verywellmind.com/financial-abuse-4155224>
- justia law*. (n.d.). Retrieved from Arkansas code 2016 12-12-108: <https://law.justia.com/codes/arkansas/2016/title-12/subtitle-2/chapter-12/subchapter-1/section-12-12-108>
- Learn More*. (n.d.). Retrieved from National Coalition Against Domestic Violence NCADV: <https://ncadv.org/learn-more>
- Logan, T. P. (2015, April). *The National Domestic Violence Hotline*. Retrieved from Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement: <http://www.thehotline.org/wp-content/uploads/sites/3/2015/09/NDVH-2015-Law-Enforcement-Survey-Report.pdf>
- National Domestic Violence Hotline*. (n.d.). Retrieved from Abuse Defined: <https://www.thehotline.org/is-this-abuse/abuse-defined/>
- National Domestic Violence Hotline*. (2013, June 10). Retrieved from 50 Obstacles to Leaving: 1-10: <https://www.thehotline.org/2013/06/10/50-obstacles-to-leaving-1-10/>
- National Domestic Violence Hotline*. (2014, March 18). Retrieved from Behind the Screens: What is Digital Abuse?: <https://www.thehotline.org/2014/03/18/what-is-digital-abuse/>
- Ni, P. C. (2017, April). *7 stages of gaslighting in a relationship*. Retrieved from Psychology Today: <https://www.psychologytoday.com/us/blog/communication-success/201704/7-stages-gaslighting-in-relationship>
- Ph.D., G. J., ADAMS, M. M., SALTZMAN, L. E., JOHNSON, C. H., BRUCE, F. C., MARKS, J. S., & ZAHNISER, S. C. (1995, June). *Obstetrics & Gynecology*. Retrieved from The Relationship Between Pregnancy

Intendedness and Physical Violence in Mothers of Newborns:

[https://journals.lww.com/greenjournal/Abstract/1995/06000/The\\_Relationship\\_Between\\_Pregnancy\\_Intendedness.24.aspx](https://journals.lww.com/greenjournal/Abstract/1995/06000/The_Relationship_Between_Pregnancy_Intendedness.24.aspx)

*stop abuse University of Michigan*. (n.d.). Retrieved from Barriers to leaving:

<http://www.stopabuse.umich.edu/about/barriers.html>

Women, C. o. (2013, February). *American College of Obstetricians and Gynecologists*. Retrieved from Reproductive and Sexual Coercion: <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Health-Care-for-Underserved-Women/Reproductive-and-Sexual-Coercion>