

# FBI

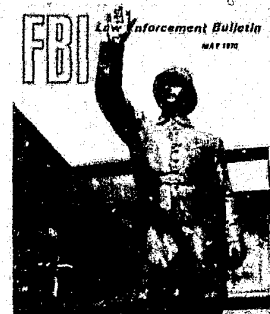


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### THE COVER

This month's cover features a statue dedicated to those police officers who gave their lives in the Haymarket Riot of 1886. See related article on page 16. (Photograph courtesy of Chicago Police Department.)



# Wife Abuse and the Police Response

By  
ROGER LANGLEY  
AND  
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Twenty-eight million Americans are victims of a selected form of violent crime, yet most police officers, judges, politicians, and social agencies seem indifferent to their plight.

Perhaps even more startling is the lack of interest in even collecting accurate data concerning this crime and its victims, though the machinery is in place to do a comprehensive job on a national basis.

These ignored victims of our society are battered women.

At a recent meeting of the American Association for the Advancement

of Science, startling papers on family violence, based on a scientifically selected random sample of 1,200 persons, were presented. This is the first study of its kind and was conducted for the National Institute of Mental Health by the three leading experts in the field, sociologists Richard Gelles, Murray Straus, and Suzanne Steinmetz.

"Physical violence occurs between family members more often than it

Authors of *Wife Beating: The Silent Crisis*, E. P. Dutton, New York, 1977.

**"[W]ifebeating exists at every level of our society and . . . is the most underreported crime in America."**

occurs between any other individuals or in any other setting except for wars and riots," concluded these researchers.

The study shows that more than one-sixth of all American couples each year experience "a violent episode" ranging from an occasional slap to a severe beating. Over a lifetime of the marriage, one-fourth of the couples experience a violent episode.

Dr. Gelles of the University of Rhode Island notes that even though the families who participated in the survey were selected to represent as closely as possible the total U.S. population, the shocking statistics underestimate the problem. He commented, "The major bias is likely to be underreporting. Thus our statistics are probably underestimating the true level of family violence in the U.S."

There are several reasons why Drs. Steinmetz, Gelles, and Straus doubt their own findings. One is the reluctance of both victims and assaulters to admit they engage in violent acts with their spouses: people are ashamed.

Another factor in underreporting is that researchers suspect that if there are rare couples who engage in only one violent act over the course of a marriage, this couple, when surveyed, would be likely to say they had never engaged in violent activities. All the available research data indicates that wifebeaters start early and engage in the practice often. Battered women often endure years of incredible torture and abuse before they tell anyone, and when such a woman overcomes her guilt and reluctance, her one reported case often represents hundreds of actual beatings.

After several years of doing research for our book, *Wife Beating: The Silent Crisis*, the first comprehensive book on this subject, we became convinced that wifebeating exists at every level of our society and it is the most underreported crime in America.

Over and over the analogy of the tip of the iceberg is repeated by all of the experts in the field. The most common estimate is that 50 percent of all American couples engage in some form of physical abuse.

Battered women are the missing persons of official statistics. Wifebeating is so ingrained in our society that it is often invisible. It is so pervasive that it literally does not occur to people to report it to law enforcement agencies or collect statistics on it.

A recent university study staged mock violent fights between men and women in public places. People were willing to become involved when two men or two women fought, but were noticeably reluctant when the fight involved a man and a woman. When the combatants established that they were man and wife, no one was willing to interfere, no matter how violent the action appeared to become.

The classic case of public indifference is the murder of Kitty Genovese on a public street in New York City while 31 witnesses stood by and did nothing. Followup interviews revealed that many of the people did not call police because they thought the victim and the assaulter were married.

There is an understood acceptance of wifebeating in this country that is so ingrained that it need not be articulated. In our research, when we confronted people with the above ex-

amples of the public's reluctance to become involved in wifebeating cases, the response was most often "of course" rather than surprise or shock.

Drs. Steinmetz and Gelles both estimated that up to 60 percent of the American married couples engage in spouse abuse. Both have done studies with small samples which have indicated these high figures. Dr. Steinmetz, using both interviews and questionnaires and checking the results against each other, probed the violent behavior of 57 families living in New Castle, Del. Her study showed 60 percent of the families reported that the husband and wife engaged in some form of violent physical behavior and that 10 percent admitted they regularly engaged in extreme physical abuse of their spouses.

Dr. Gelles studied 80 families, and the results of his study showed that 55 percent engaged in one or more violent acts of spouse abuse. Twenty-one percent beat their spouses regularly, with the frequency ranging from daily to six times per year.

Stewart Oneglia, a judge in Prince George's County, Md., and an attorney who specializes in domestic relations, estimates, "Fifty percent of all marriages involve some form of physical abuse of women. I don't classify a scuffling match, where a man holds a woman's arms or pushes her away as physical abuse."

Another expert, Gladys Kessler, an attorney for the Women's Legal Defense Fund in Washington, D.C., said, "Fifty percent of all husbands beat their wives."

A report prepared by the National League of Cities and the U.S. Conference of Mayors, noted, "The inci-

dence of wife assault is so pervasive in this society that half of all wives will experience some form of spouse inflicted violence during their marriage, regardless of race or socio-economic status."

Seven studies using small samples indicate that between 55 and 65 percent of the married population engages in spouse abuse. If one accepts these findings as representative, then there are between 26 and 30 million abused women in the United States today. Obviously, severity and frequency are important factors, but nevertheless, any activity occupying up to 30 million Americans is worthy of serious study.

Furthermore, assault is a crime in every State of the Union, but wife-beating assaults almost never go to court. In fact, even when the crime has been admitted to under oath by the assailant, it is rare that he is prosecuted. Thousands of divorces are granted every year on the grounds that the husband physically assaulted the wife. Yet our research failed to discover a single case where criminal action was subsequently taken, even though the evidence of the crime existed in court records.

The job that needs to be done is to collect adequate statistics on the problem. This will require action by the International Association of Chiefs of Police (IACP), local police agencies, and the Federal Bureau of Investigation. The IACP can create a new category—Spouse Abuse: Female/Spouse Abuse: Male—to be collected with other Uniform Crime Reporting statistics. If local agencies cooperate by recording the data, the FBI can be given the funds to compile the information; we would then have some national statistics on this crime. Of course, this would only give that part of the picture represented by reported cases.

Wifebeating can be a civil matter, a criminal matter, or both. It's been

a tradition in this country to regard it almost exclusively as a civil matter and to avoid arrests.

In New York, there was a law on the books until the 1977 session of the legislature which required wifebeating cases to be channeled out of the criminal system and into the civil process.

The Detroit Police Department's General Orders state, "Family trouble is basically a civil matter . . . ."

The outline used by instructors at the Wayne County Sheriff's Academy, Wayne County, Mich., explains a typical arrest-avoidance policy:

- Avoid arrest if possible.
- a. Appeal to their vanity.
- b. Explain the procedure of obtaining a warrant.
  - 1. Complainant must sign complaint.
  - 2. Must appear in court.
  - 3. Consider the loss of time.
  - 4. Cost of court.
- c. State that your only interest is to prevent a breach of the peace.
- d. Explain that attitudes usually change by court time.
- e. Recommend a postponement.
  - 1. Court not in session.
  - 2. No judge available.
- f. Don't be too harsh or critical.

The procedures used in Michigan are representative of the official police tactics used in all States. The recommended procedure is to make an arrest only as a last resort. Policemen are often officially advised, "Never create a police problem where only a family problem exists."

Typically, the battered wife is put on the defensive when she seeks help from the police, who are predominantly male. Instead of assistance, she is confronted with questions such as:

"Who will support you if he's locked up?"

"Do you realize he could lose his job?"

"Do you want to spend days in court?"

"Why don't you kiss and make up?"

"Why did you make him slug you?"

"Why do you want to make trouble? Think of what he'll do to you next time."

For years, Hartford, Conn., has instructed its police officers accordingly:

"Arrest is usually the least desirable of all available alternatives. As a consequence of arrest the police and the courts have more work to do, the offender may lose income or even his job, the offender may be angered or become even more upset and cause injury to innocent third parties such as children . . . . On balance it is probably a waste of time and effort to arrest in most domestic cases."

If police are trained not to make arrests in wifebeating cases, then it's not surprising that they do as they were trained. Most police do not consider handling such cases a part of their work. "Police have long looked on the problem as an unwanted part of their job," says Dr. Morton Bard. "If police work is crook-catching, this certainly isn't it."

Perhaps this is a fundamental error in the way we are trying to deal with this problem. Perhaps it would make more sense if the police officers concentrated on the criminal aspects of wifebeating and left the sociology and psychology to other agencies.

Currently, American society is saying to its law enforcement officers, "Go in there and shoot it out or administer therapy, whichever is required." Is this a reasonable order?

Many law enforcement experts frankly admit that the police don't know what they're doing when it comes to investigating wife-abuse cases.

Tim Crowe, a senior consultant at Westinghouse Justice Institute who conducts crisis seminars for law enforcement officers, says, "Policemen answer these calls, but they don't know quite what to do. So they de-emphasize them. Yet it is one of the most important things they do."

James Bannon, a Detroit police commander, also feels police are not qualified to do the job. "Traditionally, trained policemen are the worst possible choice to attempt to intervene in domestic violence. The real reason that police avoid domestic-violence situations to the greatest possible extent is because we do not know how to cope with them."

Dr. Morton Bard, a professor at New York University and a former police officer, adds:

"A family crisis which has deteriorated to the point of threatening violence is in critically delicate balance and requires a high level of skill on the part of the intervening authority who is expected to mollify the situation. Regretfully, the police officer, if he is unprepared for this function and left to draw upon his own often biased notions of family dynamics and upon his skill as a law enforcer, may actually behave in ways to induce tragic outcome. . . ."

"There is evidence then that

police officers in today's society are realistically involved in many interpersonal service functions for which traditional police training leaves them unprepared. It is further suggested that intervention in family disturbances is one such function in which unskilled police performance may in fact endanger the policeman and may fail to prevent eventual commission of capital crimes or assault."

Perhaps the time has come to re-think and reorganize training methods dealing with spouse-abuse cases.

**"The concept that the police should avoid making the arrest or actively try and discourage the victim from filing a complaint must be negated."**

It would be wise to make sure that police procedures include some knowledge of the law so that police officers do not mislead victims or attackers.

It would be most helpful, for example, if the police officers would carry printed cards which listed key telephone numbers and addresses, such as battered wife shelters, crisis hot lines, social agencies, magistrates, emergency medical services, and the like, as well as where and when to go and file a formal complaint. Such are useful to give the victim her options.

The concept that the police should avoid making the arrest or actively try and discourage the victim from filing a complaint must be negated. Recently, the IACP even changed its

posture on arrest avoidance. In its Training Key No. 245 ("Wife Beatings") it recommends:

"To minimize pressure on the prosecutor, courts, and social service agencies will only delay the time when adequate remedies and programs are provided. Ignoring the problem is an improper action of the police. Even if each family processed through the legal and social service systems receives no help from them, initiating the process remains the proper action for the police until a better system exists."

If a great deal of paperwork is required to file an assault complaint, it might be productive for police agencies to examine critically their forms and existing procedures with an eye towards simplification. Is it possible to design a form that could utilize more boxes to check and diagrams to mark with less detailed passages? Could the statements be tape recorded and not transcribed unless there is a followthrough on the charge? There can be many creative solutions to the "paper problem" which police professionals could conceive and implement if enough attention is given to the problem.

Special channels can be created to deal with battered wife cases speedily if the police, district attorneys, and judges cooperate. If the spate of complaints—which many people predict—develops, then courts and the municipal jurisdictions will have to come up with the answers to handle them.

**"[T]he patrolman's chief concern should not be over the amount of paperwork his actions will create nor should it be that an arrest will add to the already overcrowded court situation. His or her first duty is to protect the citizens and enforce the laws. . . ."**

Most importantly, the patrolman's chief concern should not be over the amount of paperwork his actions will create nor should it be that an arrest will add to the already overcrowded court situation. His or her first duty is to protect the citizens and enforce the laws; the administrative problems belong to his superiors. It's not unheard of that a supervisor might pass down the word that he doesn't want to see so many arrests and when this happens he usually gets his wish. It's hardly fair to point the finger at the street officer if there has been an actual or implied order to "cool it." Obviously the police at every level have to work together on the problem.

When the police take it upon themselves to decide "it's a waste of time" to process an assault case "because 90 percent of them drop the charges," they leave themselves open to charges

of selective enforcement. In the eyes of the law, each victim of any crime is entitled to his full rights and protection. No one would dream of refusing to process an armed robbery complaint on the grounds that someone else who had filed the complaint earlier had dropped the charge. No case has a brother, and the citizen has the right to expect that his case will be treated on its own merits and not on a precedent set by other cases. If it results in a flood of paperwork and the tying up of immense amounts of police time, then so be it. Society will have to decide if it wants to change the laws, hire more law enforcement officers, redistribute the way police officers are utilized, surrender some of the protection it now provides, or examine other methods to balance police resources, time, and money.

Police officers who continue to refuse to file complaints for an increasingly militant public could well find themselves in court.

Many feminists argue that the reason women drop wifebeating charges is because of the redtape and indifference they encounter when trying to do so. In other words, it may be hard or time-consuming to seek justice.

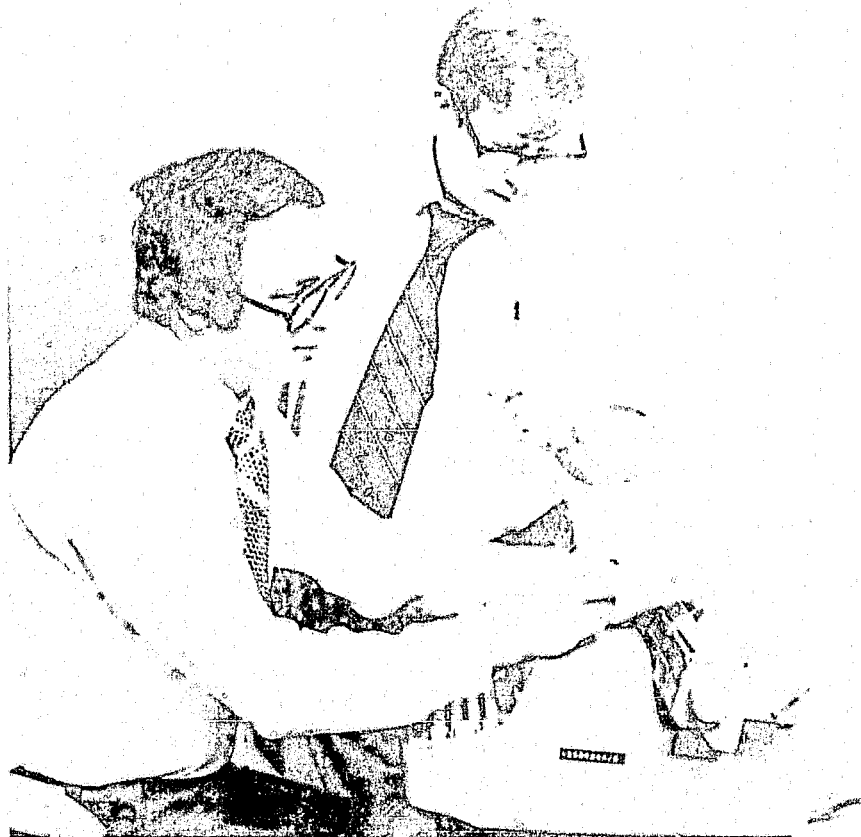
The failure to prosecute may be more of an indictment of the system than the woman. Ms. Susan Jackson, a San Francisco attorney argues:

"It is simply unfair, in light of the systematic discouragement that victims receive from the police and the time-consuming and almost insuperable hurdles to prosecution erected by the district attorney's office, to blame the women for failure to follow through against their attackers and to use this failure as a primary excuse for nonenforcement of the law. . . .

"In many cases the reason a victimized woman drops charges or refuses to testify is not that she needs to be violently abused but the opposite need, to avoid a violent retaliation.

"Recently, in San Francisco, a twenty-two-year-old woman whose husband had been arrested the previous week for a vicious attack in which he had knocked out several of her front teeth and cracked her skull with the butt of a gun, called the Women's Litigation Unit to complain that her husband, out on bail, was threatening to kill her unless she refused to drop the charges against him. When she appealed to the district attorney's office to arrest her husband, she was told that nothing could be done. She was forced to go

Authors Richard Levy (seated) and Roger Langley.





into hiding until the trial. A threat, when coupled with a just reason to believe the one who threatens will follow through, is a crime . . . .

"It should be assumed that a woman whose husband is beating her wants, first of all, an imme-

**"Officials should not assume that the woman is not serious, that she will later change her mind. This is a flagrant denial of her rights."**

di-ate end to the beatings; she wants some assurance that the beatings will not recur, and if they do, she wants an effective remedy.

"Officials should not assume that the woman is not serious,

that she will later change her mind. This is a flagrant denial of her rights."

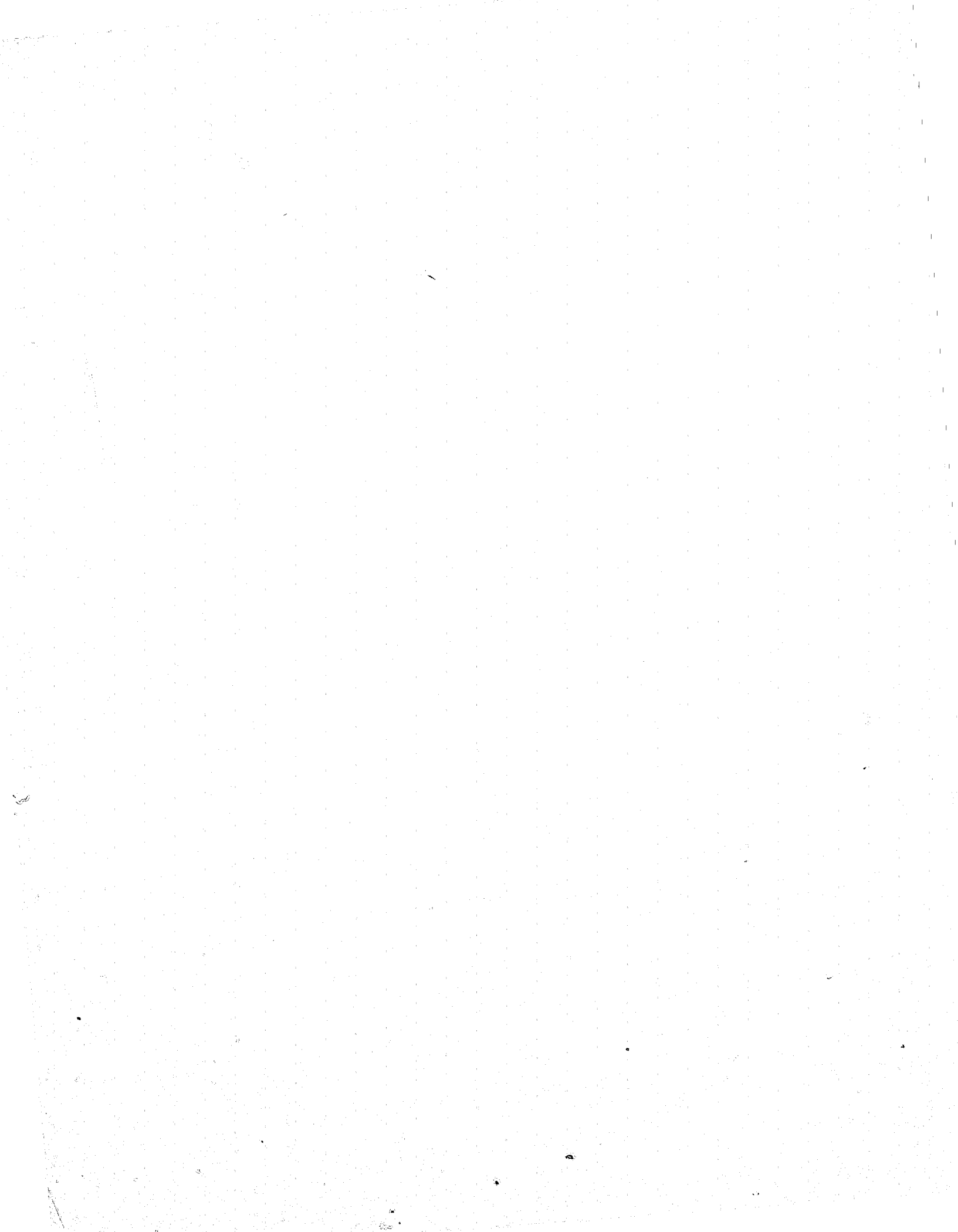
On the other hand, police should realize that there are many complex reasons women may not wish to press charges, reasons which she is not helped to overcome by the frustration in the system. Researcher Elizabeth Truninger lists seven reasons why some women stay with battering mates: (1) Poor self-image; (2) belief their husbands will reform; (3) economic hardships; (4) the need of their children for the father's economic support; (5) doubt they can get along; (6) belief that divorces stigmatize; and (7) the fact that it is difficult for women with children to find work. The fewer resources a battered wife has—education, job skills, access to money, a car, friends—the

fewer alternatives she has to staying with the man. Or put it this way, the more entrapped she is by marriage, the more reluctant she is to end it.

**"[W]ifebeating is a paramount police problem which could involve as many as 28 million victims."**

In summary, wifebeating is a paramount police problem which could involve as many as 28 million victims. One of the first things that needs to be done is to begin a cooperative effort to add spouse abuse to the Uniform Crime Reporting system. Although wifebeating can be a criminal matter, a civil matter, or both, traditionally it is handled as a civil one. Most police officers are trained to avoid making arrests in such cases. The emphasis has been on "cooling down" the situation and talking the woman out of pressing charges, often with erroneous or inaccurate information. Since police work is essentially designed to deal with crime, it might make more sense for law enforcement to concentrate on the criminal aspects and leave the psychology and sociology to other agencies. The principle objection that "most women drop the charges later" and "it causes a lot of paperwork" should not be serious considerations when determining the rights of a citizen to equal protection under the law. If enforcement leads to a paper chase and clogged court dockets, these problems will have to be faced and solved. They should not be the concern of the street officer, but rather of his superiors and other government agencies.

Changing deeply held attitudes and tenets—on both sides—will not be easy, nor will it happen quickly. But because the job is difficult and long, it does not mean that it should not be done. Helping make the world a less violent place is worthy of our best efforts.





**END**