

DOMESTIC VIOLENCE:

A GUIDE FOR
POLICE RESPONSE

64313

IA COALITION AGAINST DOMESTIC VIOLENCE

X
DOMESTIC VIOLENCE:

**A GUIDE FOR
POLICE RESPONSE**

NCJRS

JAN 21 1980

ACQUISITIONS

ROBERT E. FREDERICK

X **PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE**

PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE
2405 North Front Street
Harrisburg, Pennsylvania 17110

Publication of this manual was made available through the funding of the Pennsylvania Commission on Crime and Delinquency, Sub-Grant Number DS-78-C-010-0822 to the Pennsylvania Coalition Against Domestic Violence

CONTENTS

Acknowledgements	v
Foreword	vii
A History of Violence	1
The Participants	5
The Police	9
The Management of Conflict	13
Beyond Crisis Intervention	17
Conclusions	25
Appendix A: Protection From Abuse Act	27
Clarification of the Act	33
Example of a Petition	43
Appendix B: New York Police Department Operations Order #89	45
Appendix C: The Referral Network	49

This publication may be reproduced by Law Enforcement Agencies
and Domestic Violence Shelters and Hotlines.

Copyright - April, 1979, Pennsylvania Coalition Against
Domestic Violence

ACKNOWLEDGEMENTS

As with any effort of the sort presented here, it cannot be done alone. It goes without saying that the research and writings cited are the cornerstones upon which I built this manual. The wise counsel of Professor John Thompson of the Harrisburg Area Community College was invaluable, as was the advice of Susan Bienemann, Director of the Pennsylvania Coalition Against Domestic Violence. The staff of the Coalition also contributed greatly to developing my knowledge of the problems of violence in the home.

I would be remiss if I did not acknowledge two other sources of inspiration and knowledge. The many police officers I have worked with over the years have been possessed of a sensitivity toward the problems of the public they serve far in excess of that generally credited to them, and their willingness to learn a better way is to their credit. My wife, Peggy, has endured many years of irregular hours, has shared my frustrations, and has been my right arm, both personally and professionally.

I especially want to thank Linda Straw, whose virtuoso performance on the typewriter has been awe-inspiring.

Robert E. Frederick

FOREWORD

This manual attempts to address the problem of "domestic violence", a comparatively recent term known variously to every policeman by names such as "family fight", "disturbance", and other terms less genteel. During my own days as a police officer I answered countless such calls, often returning to the same home time after time. I experienced the same frustrations that are common today: the wife who refuses to prosecute, or who even bails her man out after he is arrested; the woman who returns to her home again and again after being beaten; even the wife who turns on the officer who attempts to protect her from her husband. I also saw the most tragic victims of this type of violence - the children who watched - and learned - as their mother was beaten.

No matter how often I saw this scenario played out, I was always left with the uneasy feeling that I could be doing more - that I had not handled the problem as well as I might - that there must be a better way.

The police, by the nature of their mission, are the shock troops responsible for confronting any situation that society as a whole is unwilling to handle. The result of that confrontation depends heavily on the skill with which the policeman uses the tools of his trade. Our failure to recognize the need for specialized training in the area of conflict management has resulted in unnecessary injuries and deaths of both citizens and police. In recent years we have begun to respond to the need to better manage crises, beginning with the experimental programs in Police Family Crisis Intervention by Dr. Morton Bard, himself a former New York police officer. The result has been a reduction in police injuries and deaths, fewer call-backs, and a valuable service to the community.

The publication of this manual is one part of a program to increase police awareness of the history and scope of the problem of domestic violence and to provide them with some of the tools they can use in their efforts to deal with it. Although it is by no means complete, I hope it will cause some officers to re-examine their way of dealing with these crises, and to experience the same uneasiness that I did. It may help them to find a better way.

Robert E. Frederick

A HISTORY OF VIOLENCE

The phenomenon known currently as "spouse abuse", "wife beating", "battering", etc. has been a part of our male-female relationship pattern since the dawn of history. The old cartoon depicting the cave man dragging his woman by the hair is probably based more on fact than fiction. What is different today is that such behavior is becoming less and less acceptable. This change in attitudes can be attributed to many factors, not the least of which is the "women's movement", which has labored mightily and with remarkable success to focus attention on the unequal treatment afforded women in nearly every aspect of our society. However, a general societal movement toward the recognition of the rights of all persons to be free from abuse has certainly been another prime motivator. Witness the drastically altered treatment of the mentally retarded, the handicapped, prisoners, etc. Violence directed against anyone is no longer considered to be permissible behavior, except insofar as to prevent injury to one's self. No one has the "right" to beat anyone. The Pennsylvania Crimes Code states quite clearly that, "A person is guilty of assault if he... attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another..."¹ The law does not modify this position relative to the relationship of the actors. In other words, when a man beats his wife (or a wife her husband) he commits a crime.

For centuries the public response to spouse abuse has been to treat it as a "family problem", to be settled within the traditional family structure, without interference from the law. In fact, this attitude was specifically stated in many laws in this country and in the rest of the world. In Russia, during the reign of Ivan the Terrible in the Sixteenth Century, the state church issued a Household Ordinance that spelled out how and when a man might most effectively beat his wife.² In Colonial America the early settlers generally conformed to the European attitudes toward women. Our law, based on the old English common law, specifically permitted wife beating for "correctional purposes". However, some restrictions had begun to develop, and the common law

¹ Pennsylvania Crimes Code, Section 2701, 1973

² William Mandel, Soviet Women, Garden City, NY: Anchor, 1975, p. 13

doctrine was modified to allow the husband "the right to whip his wife, provided that he used a switch no bigger than his thumb".³ Thus the origin of our expression, "a rule of thumb". In 1824 a Mississippi court ruled that a husband could administer only "moderate chastisement in cases of emergency..."⁴, but by 1894 even that right was overruled in the same state.⁵

By the late 1800's some states had, by court decisions, at least ostensibly outlawed wife-beating, which might be considered encouraging were it not for the fact that in other states and municipalities, the old rule of "correctional chastisement" was still followed in practice, if not in policy. In fact, there is reportedly still an ordinance on the books in one small Pennsylvania town that prohibits a husband from beating his wife after ten o'clock at night or on Sundays.⁶

Fortunately for the sake of brevity, this is not a text on the history of the law, but more on the problem and treatment, by the law, of spouse abuse. Pennsylvania has, at least in this instance, been in the forefront in producing legislation to deal with the violent familial relationship, and in 1976 passed Act 218, the Protection From Abuse Act.⁷ Details of this act will be dealt with later, but for now it suffices to say that responsibility for dealing with intra-family violence now rests squarely on the police.

The actual extent of the problem remains largely unknown, partly because most instances of spouse abuse are not reported to the police, and partly because police statistics do not reflect such incidents as separate offenses. Such assaults are commonly reported as "disturbances", "family fights", "assaults", and, not uncommonly, "homicide". Similarly, hospital emergency rooms are not reliable sources since, for many reasons, women may be reluctant to tell the truth about the source of their injuries.⁸ However, some figures are available that support the contention that the problem is widespread.

³ Robert Calvert, "Criminal and Civil Liability in Husband-Wife Assaults", in Violence in the Family, Suzanne K. Steinmetz and Murray A. Straus, eds. (New York: Dodd, Mead, 1975) p. 89

⁴ Ibid. p. 88 (Bradley v. State)

⁵ Ibid. p. 89

⁶ Jennifer Fleming, Wife Abuse, unpublished (Philadelphia, 1973) p. 3

⁷ Appendix A

⁸ Del Martin, Battered Wives, (San Francisco, CA: Glide, 1976)

For example:

- In Fairfax County, Virginia, one of the wealthiest counties in the country, the police received 4,073 family disturbance calls in 1974. The police estimated that 30 assault warrants are sought by Fairfax County wives each week.⁹
- In 1972, 4,900 wife assault complaints were filed in Detroit.¹⁰
- In the District of Columbia, the Citizens Complaint Center receives between 7,500 and 10,000 complaints of marital violence each year. Nearly 75% of the complainants are women.¹¹
- In 1971, nearly one-third of all female homicide victims were murdered by their spouses.¹²
- The Citizen's Dispute Settlement Center in Miami handled nearly 1,000 cases of wife beating in 1977.¹³
- The police department in Fort Worth, Texas employed a social worker to handle wife-battering calls; since then the calls have been coming in at a rate of 400 a month.¹⁴
- The FBI reported that in 1969, homicides within the family accounted for one-fourth of all murders; one-half of these were husband-wife killings.¹⁵

⁹ Del Martin, Battered Wives

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Joseph N. Bell, "Rescuing the Battered Wife", Human Behavior, June, 1977, pp. 16-23

¹⁴ Ibid.

¹⁵ Richard J. Gelles, The Violent Home: A Study of Physical Aggression Between Husbands and Wives, (Beverly Hills: Sage, 1972)

- Maryland State Police reported that in 1978 they received 13,597 reports of assaults or attempted assaults on wives or female living partners.¹⁶

The first major study on homicide patterns was conducted by Marvin Wolfgang, who analyzed 588 homicides that occurred in Philadelphia between January 1, 1948 and December 31, 1953.¹⁷ He discovered that 136, or 23% of the murders had occurred between family members, and that 100 of the victims were husbands or wives of the murderers; 53 wives were killed by their husbands, and 47 husbands were slain by their wives. Interestingly, wives in these cases constituted 41% of all women killed, whereas husbands accounted for only 11% of all men killed.

The major significance of these statistics for the police is twofold: first, they point up the likelihood of domestic disturbances escalating into more serious crimes; and, second, since a substantial portion of police injuries (as many as 40%) are incurred in answering disturbance calls, the necessity for improving the effectiveness of police response so as to minimize risk becomes obvious.

A study in Kansas City analyzed the number of police responses to addresses where homicides had occurred. It showed that in the two-year period prior to the homicide, the police had responded to a disturbance call at the address of either the victim or the suspect in 85% of the cases, and that police had responded five or more times at 50% of the addresses.¹⁸

¹⁶ Washington Post, Domestic Violence Surveyed, February 27, 1979

¹⁷ Marvin E. Wolfgang, Patterns in Criminal Homicide, (University of Pennsylvania Press, Philadelphia, 1958)

¹⁸ Ronald K. Breedlove with others, Domestic Violence and the Police: Kansas City, (Police Foundation, Washington, DC, 1977)

THE PARTICIPANTS

There are any number of popular myths as to what kind of people resort to violence in family disputes. Probably the most widespread of these is the belief that those in our lower socio-economic strata are most prone to violence. There have been a number of studies in an effort to determine the relative frequency of violence in families with differing incomes and social status, with conflicting results at times. Gelles concluded that, "...violence is more likely to occur in families located on the lower rungs of the social ladder."¹⁹ Langley and Levy cite a recent study, however, that indicated there were roughly the same number of wife-abuse complaints in Norwalk, Connecticut, a city with a population of 85,000, and a similar-sized precinct in Harlem.²⁰ In Montgomery County, Maryland, the wealthiest county in the nation, police responded to 4,225 cases of "family trouble", including 285 verified assaults by husbands on wives.²¹ The one indisputable fact that arises from these studies, however, is that violence does occur among all classes of families. One thesis that merits further research is that those enjoying higher economic and/or social status may have greater resources at their disposal for the resolution of conflict; or that, due to social pressures to avoid public attention to their problems, they simply refrain from calling the police.

Obviously the emphasis herein to this point has been on the abused wife. Certainly there is ample evidence that husband beating is far from unheard of, but the overwhelming number of cases that come to the attention of law enforcement involve the battered woman. There are a number of reasons for this; two are predominant. Men are usually physically stronger than women, and therefore more likely to inflict serious damage in a violent situation. And, as stated by Gelles, "The social position of women in the family and society makes them much more vulnerable to the torment of violence".²²

¹⁹ Gelles, The Violent Home, p. 192

²⁰ Roger Langley and Richard C. Levy, Wife Beating: The Silent Crisis, (Simon and Schuster: New York, 1977)

²¹ Ibid.

²² Gelles, The Truth About Battered Husbands, Ms Magazine, October, 1978

There is strong evidence that the tendency toward violent behavior is not solely a masculine characteristic, and Gelles' study indicates that extreme forms of violence, involving the use of a dangerous weapon such as a gun or a knife, is practiced by both sexes, and even to a slightly higher degree by women.²³ However, the important factor is not the number of such attacks, but the severity of the damage. An angry wife who slaps her husband seldom does more than sting him; a similar blow by the husband might break her jaw. Husbands and wives tend to kill one another with about equal frequency. The difference is that wives are seven times more likely to kill in self-defense than are husbands.²⁴

A great deal has been written about the role of alcohol as a causal agent in interpersonal violence, and the high association between alcohol and violence is unquestioned. Gelles feels that there are serious problems in labeling alcohol as a cause, although he does not dispute the high correlation. He quotes MacAndrew and Edgerton's well-documented claim that drunken behavior is situationally variable, and their description of numerous cultures where drunkenness is not followed by violence.²⁵ Drunkenness is often used as an excuse for or an explanation of irrational behavior. Since alcoholism has generally become regarded as a disease, deviant behavior, such as spouse or child abuse, while admitted to by the participants, can be blamed on the uncontrollable response to the use of alcohol. Society labels intra-family violence as deviant; and in order to preserve the appearances or normality, the blame is focused on alcohol as the causal agent.

Regardless of whether or not the use of alcohol causes violence, there is no question that the use of alcohol is a present factor in a large number of cases of family violence. One study concluded that, "Alcohol is always present in at least 60% of the assaults..."²⁶ The Ann Arbor, Michigan Wife Abuse Task Force states that alcohol related problems are present in approximately 90% of calls received. Other studies tend to place the incidence of alcohol use within the range of twenty-five per cent and upwards.

23 Gelles, The Violent Home

24 Gelles, The Truth About Battered Husbands

25 C. MacAndrew and R. B. Edgerton, Drunken Comportment: A Social Explanation, (Chicago: Aldine, 1969)

26 Susan Eisenberg and Patricia Micklow, Catch 22 Revisited: A Preliminary Overview of Wife-Beating in Michigan, April, 1975

When discussing the participants in wife-abuse cases, a natural and usually-asked question is, "Why do they stay?" The answers are varied, never simple, and almost always difficult to understand by someone who has never been in the victim's position. The one response which has the least validity is the male-oriented, essentially chauvinistic and unfeeling remark, "She must like it!" Common sense tells us that no normal person enjoys the pain and humiliation of being beaten by anyone. The type of masochistic pleasure derived from such experience occurs so infrequently as to hardly be worthy of notice. The real reasons why the battered spouse remains are more numerous and complex. Not the least motivation for remaining in an otherwise impossible situation is a lack of the financial resources required to make an escape. How can a woman, married early in life, without the skills she needs to make a living on her own, with any assets involved in jointly-held property, burdened with the responsibility of caring for her children, make a decision to walk away from a bad situation, perhaps into a worse one. In many cases of wife-beating, the husband controls the money, and frequently gives the wife far less than necessary for household expenses. One wife managed, after a year, to save \$1.50 from her household money. With that and five dollars her grandmother had sent her for her birthday, she was able to buy bus tickets for herself and her two daughters to go to her mother's home.

Researcher Elizabeth Truninger has listed seven reasons why some women stay with husbands who beat them. They are: (1) poor self-image; (2) belief their husbands will reform; (3) economic hardships; (4) the need of their children for their father's economic support; (5) doubt they can get along alone; (6) belief that divorces are stigmatized; and (7) the fact that it is difficult for women with children to find work.²⁷ Other reasons often mentioned include: fear of retaliation from their husbands; shame of telling others of her situation; total economic dependence on her husband; and lack of a place to go. There are also a surprising number of women who state simply, "I love him."

In spite of the tendency of some observers (not necessarily unbiased) to question the motivation of the battered wife to remain, the fact is that the majority of them do stay, and the decision to take some positive action usually only comes about after there is a total change in the woman's attitude toward her

²⁷ Elizabeth Truninger, "Marital Violence: The Legal Solutions", The Hastings Law Journal, Vol. 23, November, 1971, p. 259

husband and her situation. As one woman who had been beaten for seventeen years put it: "After you live so many years, and you wake up one day, and your body has just about had it, you say, 'My God, I just can't take another punch.' That's what happened to me. I just reached a point where I said, 'No more. Nothing is worth it.' I decided I would rather struggle and see if I couldn't make it, so I just up and left, and that's been it."²⁸ The love turns to fear, and the fear to hate and revulsion. This, then is the point at which a decision for change is made.

²⁸ Langley and Levy, Wife Beating: The Silent Crisis, p. 125

THE POLICE

Response by the police to "family disturbance" calls has historically been reluctant, and usually ineffective. Police training programs usually refer to such problems as "family matters", to be handled internally, within the home. After all, a man's home is his castle....or is it? You will recall that earlier it was mentioned that in a Kansas City study, police had been called to a number of homicide scenes on domestic calls five or more times in the two years prior to the murder. Does anyone have the right to kill, so long as he does it within the walls of his "castle"? Far too many "family fights" escalate into aggravated assaults and murder. The time to re-assess the traditional ways of handling domestic disturbances has long since arrived.

The procedure for handling domestic calls as detailed in training materials of the Michigan State Police Academy is fairly typical of most areas of the country:

- a. Avoid arrest if possible. Appeal to their vanity.
- b. Explain the procedure of obtaining a warrant.
 - (1) Complainant must sign complaint.
 - (2) Must appear in court.
 - (3) Consider 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) Judge not available.
- f. Don't be too harsh or critical.²⁹

From the viewpoint of reducing the burden on the criminal justice system, at least in the short run, there is nothing particularly wrong with this procedure. By playing on the fears of economic loss and wasting of time, the probability of arrest is greatly reduced. However, it does nothing to ease the plight of the battered wife, and may in fact aggravate the situation by leaving her to face her husband's increased anger at her for "calling the cops", and often results in an even more severe beating. Langley and Levy

²⁹ Quoted in Eisenberg and Micklow, Catch 22 Revisited

describe a detailed case history in which the police used these very guidelines of "arrest avoidance", combined with a textbook application of crisis intervention techniques. The final result was that eventually the wife killed her husband, apparently in self-defense.³⁰

The question now arises as to whether or not the police acted properly in this case. Certainly, they felt that they had done the right thing, and the policies of their department supported that view. But what of the wishes of the victim - the battered woman? Is this the way an aggravated assault on the street between strangers would be handled? Certainly the wishes of the victim would ordinarily be respected if he wished to prosecute his assailant. Why is the situation different when it occurs in the home? The law does not differentiate; why should the police make this distinction? The obvious answer is that since the law makes no such distinction, then the police, the law enforcers, should not do so either.

The police have always jealously guarded their prerogative to use discretion in making arrests, and few would dispute their right to do so, provided that discretion is used wisely, within the legal framework of their mandate to enforce the law and preserve the peace. However, abuses of their discretionary powers have led to ever more restrictive court decisions, such as in the Mapp, Miranda, and Escobedo cases. More to the point, in a recent New York City case, the police were charged by a women's group with failing to respond adequately to complaints of wife abuse.³¹ As a result of this case, the New York Police Department entered into a consent decree which drastically altered their procedures for handling complaints on spouse abuse. New York Police Department Operations Order #89, issued September 22, 1978, states in part that, "Where probable cause exists that a spouse has committed a felony against his/her mate or has violated an Order of Protection, the arrest of such spouse will be made. An officer shall not attempt to reconcile the parties or to mediate the situation."³² (Emphasis added.) Note that the officer is required to make the arrest, regardless of the wishes of the victim, and without regard to any independent judgment as to the appropriateness of arrest, other than the establishment of probable cause.

³⁰ Langley and Levy, Wife Beating: The Silent Crisis, pp. 140-164

³¹ Bruno v. Codd, New York Supreme Court No. 21946/76, August, 1978

³² Appendix B

If the police in other jurisdictions wish to protect their discretionary powers against the erosive force of judicial decrees, they must begin to respond to the problem of spouse abuse in a more effective manner. The dictates of the law, the discretion of the police, and the wishes of the victim must all be given appropriate weight in arriving at a decision.

James Bannon, Executive Deputy Chief of the Detroit Police Department says, "...that police avoid domestic violence situations to the greatest extent possible is because we do not know how to cope with them. And besides, we share society's view that domestic violence is an individual problem and not a public issue."³³ When we consider the high proportion of police injuries that occur when responding to disturbance calls, it is not surprising that police are reluctant to handle such calls. It is also not unreasonable to assume that so many injuries occur because the police do not know how to cope with the situation. Certainly, if the officer is trained and capable of de-escalating the violence, there is a marked decrease in the risk of injury. No policeman worth his badge is going to refuse to use the tools that can make him more effective in accomplishing his mission. In the domestic violence situation, what tool could be more valuable than a technique which will allow the officer to gain control, avoid violence, and possibly prevent recurring calls, and possible escalation into a more serious crime?

³³ James D. Bannon, Law Enforcement Problems with Intra-Family Violence, paper presented at American Bar Association Convention, August, 1975

THE MANAGEMENT OF CONFLICT

As early as 1966 Morton Bard, a former New York City police officer and now professor of psychology at City University of New York, began exploring the viability of training police officers to intervene in the violent family dispute in such a way as to prevent further escalation of the violence, and to prevent injuries to the police. Bard summed up his perceptions of the need for such training this way:

"Despite indications of need for police training in techniques for managing families in crisis, there is little evidence of such content in existing recruit or in-service training programs. As a consequence, the police officer called upon to intervene in a family fight is usually unable to render effective service, and indeed, may be needlessly exposed to personal danger because of deficits in knowledge about this kind of disordered behavior. 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 skills as a law enforcer, may actually behave in ways to induce a tragic outcome."³⁴

Bard's project was implemented through a grant from the federal office of Law Enforcement Assistance (predecessor to the Law Enforcement Assistance Administration) and began operation in mid-1967 with the training of a selected group of 18 officers of the 30th Precinct in Manhattan. The highly intensive training continued on a full-time basis for four weeks, although retrospectively both the students and the project staff determined that two weeks would have sufficed.

Details of the training and operation of the Police Family Crisis Intervention Unit project are not appropriate here, but a summary indicates a number of positive results. Not the least of these results were the facts that, of five "family" homicides in the 30th Precinct during the life of the project, none of the families involved had previously been served by the FCIU; and, there were no injuries to any of the FCIU officers.³⁴

³⁴ Morton Bard, Training Police As Specialists in Family Crisis Intervention, (Washington: National Institute of Law Enforcement and Criminal Justice, 1970)

Prior to the FCIU project, injuries resulting from family disturbance calls rated second only to automobile accidents as a cause of injuries to police in New York. As a result of an ongoing training program in crisis intervention, which has reached virtually 100% of patrol officers, such injuries have moved to a distant third place.

The acceptance of crisis intervention training as a valuable law enforcement tool has resulted in the fact that since 1967, when there were none, 74% of all police departments in the country now offer some form of such training.³⁵ It has come to be axiomatic that a police officer with an understanding of the dynamics of anger, with the skills to channel rage and frustration into constructive, rational discussion, is a more effective officer, and a safer one.

There are other, somewhat less obvious advantages to the use of crisis intervention techniques in the family dispute. The participants, while in their agitated state, are often totally unable to think and act rationally. By the application of the skills learned through conflict management training, the police officer may not only prevent the continuation or escalation of the violent behavior, but he may also bring the family to the point where they can begin to make a rational assessment of their dilemma, and thus to work toward a reasoned solution and the end of the violence. This has important implications for the safety of the officer, the demands on his time for repeat calls, and the welfare of the family and the community generally.

The reader's response to all of this might well be that what works in New York may not work in Punxsutawney. A valid point; the answer is that the New York experience has been adapted in numerous jurisdictions of varying size, with excellent results.³⁶ In Redondo Beach, California, a community of 60,000 with

³⁵ Bard, personal interview, December, 1978

³⁶ G. L. Arthur and others, Domestic Disturbances - A Major Police Dilemma: How One Major City is Handling the Problem, Journal of Police Science and Administration, December, 1977.

J. A. Walsh and P. G. Witte, Police Training in Domestic Crises: A Suburban Approach, Community Mental Health Journal, Vol. 11, 1975.

Thomas Ketterman and Marjorie Kravitz, Police Crisis Intervention, A Selected Bibliography, (National Institute of Law Enforcement and Criminal Justice, May, 1978.)

few black families and a small Hispanic population, a 44-hour training program for eight selected officers was implemented. In spite of the initially negative posture of some of the participating officers, all of the police expressed satisfaction with the results.³⁷

³⁷ Edward M. Glaser and Harvey L. Ross, Program to Train Police Officers to Intervene in Family Disturbances: Final Report, (National Institute of Law Enforcement and Criminal Justice, April, 1970)

BEYOND CRISIS INTERVENTION

Assuming that the responding officer, using the techniques of controlling anger and "de-fusing" that he has learned, has now gotten the situation under control, what does he do now? His primary mission has been accomplished, and the combatants are now looking to him to offer some solution. How far can he go? How far should he go? How far does he want to go? Of at least equal importance, what are the victim's wants and needs?

From the humanistic viewpoint, it is important that the danger of violence be reduced, the possibility of a re-occurrence be diminished, and that the victim of abuse be protected from further violation by removing her from the dangerous situation. This latter goal can be accomplished either by removing the victim, or by removing the abuser. The more pragmatic approach of the police often speaks only to the possibility of re-occurrence; they are, as individuals, often deeply concerned for the well-being of the victim, but department policy frequently demands that they return to their other duties as quickly as possible. This often results in the officers arriving on the scene, breaking up the fight, and getting out as quickly as possible, with a minimum of paper work, and no injuries to the police. They sometimes encourage, or even coerce one of the participants to leave for a "cooling-off" period. Sometimes it works. Sometimes the mere fact that the police have been called has a chilling effect on the violent tendencies of the abuser. More often than not, the result is a call-back to the same location. Departmental response may be a non-response. Some departments even formalize their lack of response with official policy and/or call-screening. As an example, several years ago the Detroit Police Department determined that it was physically unable to respond to all of the calls for service received. The decision was made not to respond to certain types of calls - those considered "less important". The first calls thus "screened out" were family disturbance calls.³⁸

When viewed in the context of the police mission of maintaining the peace, such procedures can only be counterproductive. Failure to respond to any call for assistance leaves the next step up to the participants. That next step all too frequently is a further escalation of the violence, often resulting in serious injury, or death.

³⁸ James Bannon, Law Enforcement Problems with Intra-Family Violence

At this point we are dealing with situations where the police have responded, whether it be for the first time or the twentieth. The fighting has subsided, and the officer must now balance several rather weighty considerations. His departmental policy, the wishes of his supervisor, his own personal prejudices, the wants and needs of the man and woman before him - all of these will influence the direction he now takes. In addition, he must know what options are available and appropriate.

Arrest

This is often the first option considered, and frequently the last one desired by the police department. It is a natural progression from the breaking of the law (an assault) to the arrest of the perpetrator. One advantage is that it presents the officer with an easy way out, especially if he is near the end of his shift. The trouble maker is in jail, at least temporarily, and the police probably won't be bothered any more tonight. Also, it tends to fulfill the expectations of whoever called the police.

Many departments pursue a policy, official or unofficial, of arrest avoidance. On the other end of the spectrum, many feminist and women's rights groups are urging arrest as the most effective solution. It is doubtful that either extreme can be fully justified, but certainly arrest is often possible and sometimes mandatory, especially where serious injury reaching the level of a felonious assault has been inflicted.

Probably the principal advantage of arrest is that, at least for the time being, the situation is under control. The abuser is behind bars, and the victim is temporarily safe. If the wife follows through with the prosecution (doubtful), there may ultimately be a conviction (occasionally), and even a jail sentence (rarely). Sometimes the abuser is so intimidated by the fact of his arrest that he reforms or even disappears. More often, unfortunately, he is released on bail or recognizance in a matter of hours, and is again free to harass his family - his rage often more dangerous than ever. So it appears that, given the way our system works, arrest, without accompanying positive actions aimed at solving the problem, may often have little beneficial effect.

The single most effective means of preventing further violence is, quite simply, to separate the combatants. Not for a few minutes or hours, but for a sufficient period of time that a process of rational thinking can be encouraged, tempers can cool, and reasoned decisions can be made. In this light, one of the most valuable resources that may be available to the abused, and to the police, is the shelter for abused women. Known by various names, such as Women in Crisis, Hospitality House, etc., these facilities are being developed rapidly throughout the country. They are usually of "grass-roots" origin, largely staffed with volunteers, and almost always located in something less than the community's better neighborhoods. They do, however, provide what the traditional agencies cannot - the understanding and support of women (some of whom may themselves have been battered wives). They also provide an essential safe refuge for the woman, and, if needed, for her children. Also, recognizing the fact that the victim is occasionally male, most shelters have made some provisions for referring the man to temporary housing and more appropriate counseling services.

Every officer should know of any shelters located in or near his jurisdiction, just as he should be aware of all other referral resources, such as hospitals, legal services, mental health services, counseling centers, etc.

In the event that the victim requires medical treatment, the police should, as they will in most cases, transport her to a hospital, and they should carefully document all injuries, witnesses, physical evidence, etc. Visible external injuries should be photographed, in color, for later court use. The examining physician should be informed of the alleged or known cause of the injuries, and he should be requested to enter such information into the hospital records.

Mediation

me-di-a-tion, n., action in mediating between parties, as to effect an agreement or reconciliation.

- American College Dictionary, Random House

There are conflicting opinions as to whether or not the police officer should assume the role of mediator. In this author's opinion, except in the very narrow sense of achieving agreement to end the current violence, such a position is not appropriate to the law enforcement officer's basic function. In addition, unless

the officer has been especially trained in such skills, it is likely that his own personal biases will have an effect on the outcome. There is no legal prohibition against harboring a prejudice, but the policeman must constantly guard against allowing himself to make decisions based on other than objective criteria. It is also doubtful that there can be a good-faith effort made at reconciliation at this point, and the officer is seldom in a position to make a valid judgment as to the sincerity of either party.

None of this is intended to imply that the police officer should not make every effort to resolve the immediate conflict. By maintaining a strictly neutral position, the officer may aid both the man and the woman in reducing the level of their hostilities and fear to a point where they can make a reasoned decision as to the next step. If the decision is made that one or the other should leave the home, it is extremely important that there be an agreement by all parties that that is what is to happen. Equally important, the police officer should be satisfied in his own mind that these arrangements are agreeable to both, and that the abuser is sincere in his statements. He must keep in mind, especially where there has been a history of repeated battering, that the man is probably adept at "conning".

Referral

There is probably no aspect of police work that results in more frustration and dissatisfaction than that of referral of cases to another agency. Police have historically been offered the services of the churches, social agencies, mental health facilities, etc. The police experience with referring clients to these agencies has often been less than satisfactory, with complaints of lack of availability, lack of response, and lack of results. One of the most frequently heard complaints is that when a troublesome case is referred to another agency, the man (or woman) is back on the street in a very short time, often hours, no better than before.

There is no question that some of these complaints are valid, but the sword cuts both ways. For years, even centuries, the law enforcement agencies have been arresting people, trying them, and putting them in jail. The result? In a very short time, often hours, they are back on the street, no better than before. Regardless of where we try to place the blame, the fact remains that our system is less than perfect.

If there is any "secret" to profitable utilization of referral resources, it probably lies in an effective follow-up program. If the police department is convinced that a reduction in family disturbance calls is desirable, both from the standpoint of maintaining order and protecting the police from injury, then it is reasonable to assume that the department has an interest in the effectiveness of the agencies to whom they refer such cases. Like the police, none of these agencies is perfect. If the police have an institutionalized program of systematically checking on the status and progress for each referral, the results can be dramatically improved. The Hayward, California Police Department has gone so far as to hire special counselors to follow up on domestic violence calls, with a resulting decline in call-backs for the patrol force.³⁹ Other departments have followed suit, with similar results.

Part of the problem between the police and the social service agencies is most likely related to "turf protection", and unfortunately, most of this is not perpetrated by the police. It is axiomatic that there is plenty of crime and trouble to go around, and the police are usually receptive to any reasonable measures to reduce their workload, although they, too, are sometimes jealous of their prerogatives. Be that as it may, the fact remains that the police are, in almost all jurisdictions, the only agency with the capability to respond to emergency calls on a twenty-four hour, seven-day basis. Regardless of their varying levels of training, equipment, and capability, they are there. In almost every case of domestic violence, they are the first agency on the scene.

In order to try to lay to rest the fear of the social service or mental health professional that the police may be attempting to usurp their functions, possibly the following statement may serve:

"...Clearly it is not possible to plan for the sudden, unpredictable and arbitrary stressful event. But it is possible to enlist the participation of an existing service delivery system whose domain is crisis, whose mode is immediacy, and whose very essence is authority. These three attributes are all essential for effective crisis intervention. The irony is that they should be absolutely unique to an agency not usually identified as part of the helping system...the police."⁴⁰

³⁹ Lenore E. Walker, The Battered Woman (New York: Harper and Row, 1979) pp 185-186

⁴⁰ I. Janis, Psychological Stress, (New York: John Wiley, 1958)

It would seem, then, that rather than working against one another, the police and the social agencies should be considered as part of the same "helping system", using the resources of each to the fullest possible extent in working toward a common goal.

It is essential that every officer maintain a personal referral resource file. Appendix C presents a guide for the development of such a file, taken from The Function of the Police in Crisis Intervention and Conflict Management, a training guide published by the National Institute of Law Enforcement and Criminal Justice. In developing this file, the following list of possible referrals may be helpful, although by no means complete.

- County Bar Association
- Community Legal Services
- Public Defender
- Probation and Parole Offices
- Hospitals
- Schools
- Churches and Religious Organizations
- MH/MR Offices
- Children's Programs
- Family Services
- Public Assistance Offices
- Drug and Alcohol Programs
- YM/YWCA
- YM/YWHA
- Local Women's Support Groups

Once the available resources are known, the officer must be able to determine the proper place to refer the battered victim and spouse. Once again, the importance of restraining one's prejudices cannot be overemphasized. The need is to determine what will best serve the people involved, and what they may be comfortable with. The officer may have strong negative feelings toward a local alcohol program, but if that appears to fill the need, he should not hesitate to make the referral. He should also not hesitate to make the necessary follow-up to be sure that his efforts are not wasted. If available, his first call should probably be to a women's support organization, such as a hot-line or crisis shelter.

Protection

Some departments are reluctant to provide protection to the abused wife after the initial call. Specifically, in cases where the wife has obtained temporary shelter, they frequently refuse to return with her to the family home so that she may gather up the necessities for her and her children to survive. Again, this policy is counterproductive, and may result in a renewal of the violence the officer has just worked so hard to alleviate. If one of the missions of the police is the protection of the public, then it is logical that if his presence can deter further violence, it makes sense to provide that protection. The argument that this is a "private matter" is no longer valid, nor is the statement that this is a job for a constable or other fee-paid official. The police are the primary protectors. Many jurisdictions in every state accept this role - there is no valid reason for any department to decline to do so.

Protection From Abuse Act

In 1976 the Pennsylvania General Assembly passed, and the Governor signed Act 218, the Pennsylvania Protection From Abuse Act. This act provides for the issuance of a court order to prohibit any member of the family or household from abusing, threatening, or harassing any other member. The specific provisions of the Act are contained in Appendix A, along with a fairly detailed explanation of the procedures to be followed by a spouse in seeking such an order.⁴¹ Although this material was written expressly as a guide for the use of crisis shelter personnel, it can also be of considerable value to the police officer. Though not intended as a substitute for legal guidance, it can be helpful in understanding the purpose and utility of the law.

A protective order can vary considerably in its effectiveness. In many cases, it serves to intimidate the abuser, since he knows that a violation of the order can result in more serious consequences. In others, especially where the target of the order has had numerous contacts with the law, it may be treated

⁴¹ Linda Marie T. Quiring, Advocacy Skills Manual (PCADV, 1979)

as nothing more than a piece of paper. However, one study indicates that as many as 80% of batterers have had no other type of contact with the law, and that in those cases the women victims were overwhelmingly of the opinion that the order was effective in deterring their attackers.⁴²

From the police point of view, Act 218 gives the officer another, and often effective tool in dealing with the problem of domestic violence. Although any policeman knows that it is impossible to offer absolute protection from a determined and often irrational abuser, at least with the order he is now empowered to enforce the restrictions defined in the order. Any violation may be enforced by arrest for indirect criminal contempt, without a warrant and upon probable cause, whether or not the violation was committed in the presence of the police officer.

Specific procedures for obtaining a protective order will vary from one jurisdiction to another, and details should be obtained from the local district attorney. However, in advising the abused spouse of the availability of such relief, it is important that she be informed that the services of an attorney are nearly essential. If she is not able to afford an attorney, she should be referred to the local Community Legal Services or the Bar Association's lawyer referral service.

⁴² Lenore Walker, The Battered Woman, pp. 187-189

CONCLUSIONS

Contrary to past perceptions, domestic violence can no longer be viewed as a "private problem". The police and the entire criminal justice system must begin to view domestic violence as a public concern, whose cost is measured in injuries, death, and the traumatic effects on the family members. A recent study revealed that, of all of the inmates in the maximum security section of a Massachusetts prison, one hundred per cent had come from homes with a history of spouse abuse. We can no longer sweep the problem under the rug, but must begin to react positively to the calls for help we receive daily.

The techniques of crisis intervention and conflict management, properly used, can reduce the risk of injury. A comprehensive network of referral resources, properly utilized and aggressively monitored can provide the services needed to bring relief to the victims of domestic violence. Women have responded, through establishment of rape crisis centers, shelters, hotlines, counseling services, to the needs of their peers. Men, who have traditionally looked upon themselves as the protectors of women (an arguable position) should do no less. Finally, the police have an obligation to enforce the laws, equally and without prejudice, using all of the means at their disposal, and all of the help they can get. They must respond, positively and professionally.

APPENDIX A

"PROTECTION FROM ABUSE ACT" - SPOUSES-CHILDREN
Act of 1976, P.L. 1090, No. 218

AN ACT

Relating to abuse of adults and children by a person who resides with them; and providing for remedies and procedures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.--This act shall be known and may be cited as the "Protection From Abuse Act."

Section 2. Definitions.--As used in this act:

"Abuse" means the occurrence of one or more of the following acts between family or household members who reside together; or who formerly resided together and both parties continue to have legal access to the residence:

(i) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon.

(ii) Placing by physical menace another in fear of imminent serious bodily injury.

(iii) Sexually abusing minor children as defined pursuant to the act of November 26, 1975 (P.L. 438, No. 124), known as the "Child Protective Services Law."

(Def. amended June 23, 1978, P.L. 513, No. 81)

"Adult" means any person 18 years of age or older.

"Court" shall mean the court of common pleas.

"Family or household members" means spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity.

Terms not otherwise defined by this act shall have the meaning given to them by the Crimes Code.

Section 3. Jurisdiction.--The court shall have jurisdiction over all proceedings under this act. The plaintiff's right to relief under this act shall not be affected by his or her leaving the residence or household to avoid further abuse.

Section 4. Commencement of Proceeding.--(a) A person may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court alleging abuse by the defendant.

(b) If the plaintiff files an affidavit stating that he or she does not have funds available to pay the costs of filing and service, the petition shall be filed and service shall be made without payment of costs and leave of court to proceed in forma pauperis shall not be required. When the petition is filed without payment of costs, the court shall determine at the hearing on the petition if the plaintiff is indigent. If the court finds that the plaintiff is not indigent the court may order the plaintiff to pay the court costs.

(4 amended June 23, 1978, P.L. 513, No. 81)

Section 5. Hearings.--(a) Within ten days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall advise the defendant of his right to be represented by counsel.

(b) The court may enter such temporary orders as it deems necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

Section 6. Relief.--(a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties or is owned or leased by the entireties or is owned or leased solely by the plaintiff.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and/or establishing temporary visitation rights with regard to minor children.

(5) After a hearing in accordance with section 5 (a), directing the defendant to pay financial support to such persons as defendant has a duty to support. Such a support order is temporary and any beneficiary of the order must petition for support under the provisions of the Civil Procedural Support Act within two weeks of the date of the issuance of the protection order. If such a petition is not filed that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a petition for support under the Civil Procedural Support Act the portion of the protection order requiring the defendant to pay support becomes void.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property.

(6 amended June 23, 1978, P.L. 513, No. 81)

Section 7. Notification.--A copy of any order under this act shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement, in accordance with the provisions of this act or as ordered by the court.

(7 amended June 23, 1978, P.L. 513, No. 81)

Section 8. Emergency Relief.--(a) When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week a petition may be filed before a district justice or Philadelphia Municipal Court Judge who may grant relief in accordance with section 6(a), (2) or (3) if the district justice or Philadelphia Municipal Court Judge deems it necessary to protect the

plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) Any order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.

(c) Any order issued under this section and any documentation in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under section 4 and invoking the other provisions of this act.

(8 amended June 23, 1978, P.L. 513, No. 81)

Section 9. Procedure.--Unless otherwise indicated in this act, any proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

(9 amended June 23, 1978, P.L. 513, No. 81)

Section 10. Contempt.--(a) Upon violation of a protection order or a court approved consent agreement the court may hold the defendant in indirect criminal contempt and punish him in accordance with law.

(b) Notwithstanding any provision of the law to the contrary any sentence for this contempt may include imprisonment up to six months or a fine not to exceed \$1,000 or both and the defendant shall not have a right to a jury trial on such a charge.

(c) An arrest for violation of an order issued pursuant to this act may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department.

(d) Subsequent to an arrest the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable the defendant shall be arraigned before a district justice, or in cities of the first class the municipal court, in accordance with the Rules of Criminal Procedure. This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this act.

(10 amended June 23, 1978, P.L. 513, No. 81)

Section 11. Effective Date.--This act shall take effect in 60 days.

PROTECTION FROM ABUSE ACT

The purpose of this section of the manual is to give basic information to staff and volunteers (advocates) regarding the Protection From Abuse Act, its provisions and procedures. The discussion should present a clear picture of who is protected by the Act, what kinds of abuse are covered by the Act, what relief is provided under the Act, and how the court orders obtained under the Act are enforced.

This section is not to take the place of consultation with an attorney, nor is it exhaustive of all situations covered by the Act.

The Act became effective December 6, 1976, and was subsequently amended, effective August, 1978. The Act is presented here in its entire amended form. The Act is a civil, not a criminal action. There are no criminal ramifications, unless the respondent violates a court order obtained under the Act. The respondent then becomes subject to arrest and can be imprisoned and/or fined for "indirect criminal contempt".

Generally, the Act covers only physical abuse and/or threats of physical abuse, including "menacing gestures". There are no provisions for what is commonly termed as "emotional" and/or "mental" abuse.

The relief provided under the Act is temporary and was designed to be so.

A copy of each section of the Act is presented as it appears in Purdon's and is followed by a short discussion and analyses. (Purdon's is the name given to the volumes of books that contain all the laws and statutes in Pennsylvania.) The Act can be found in (vol.) 35 Purdon's, Sections (§) 10181, et seq.

PROTECTION FROM ABUSE ACT

§ 10181. Short Title

This act shall be known and may be cited as the "Protection from Abuse Act".

1976, Oct. 7, P.L. 1090, No. 218 § 1, effective in 60 days

Many of you probably refer to this law as "Act 218". Others of you may be familiar with such terms as "Abuse Act" or "Spouse Abuse Act". The technical title of this law is "The Protection From Abuse Act" as stated in Section 1 of the Act.

§ 10182. Definitions

As used in this act:

"Abuse" means the occurrence of one or more of the following acts between family or household members who reside together; or who formerly resided together and both parties continue to have legal access to the residence:

(i) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon.

(ii) Placing by physical menace another in fear of imminent serious bodily injury.

(iii) Sexually abusing minor children as defined pursuant to the act of November 26, 1975 (P.L. 428, No. 124), known as the "Child Protective Services Law."

"Adult" means any person 18 years of age or older.

"Court" shall mean the court of common pleas.

"Family or household members" means spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity.

Terms not otherwise defined by this act shall have the meaning given to them by the Crimes Code.

1976 Oct. 7, P.L. 1019, No. 218 § 2, effective in 60 days.

This section gives the definitions of the terms which appear in the text of the Act and explains how the terms are to be understood for the purposes of this law. For more clarity, however, we will take each word and define it in lay terms.

"Abuse"

- (1) trying to inflict injury or harm on another; and/or purposely and with full knowledge inflict injury or serious injury or harm on another without regard for the other's well being, with or without a gun, knife, or any other object that could be called a weapon (i.e., baseball bat, etc.). This includes pushing, shoving, punching, slapping, kicking, choking/strangling, shooting, stabbing, etc.
- (2) raising a fist, hand, object, or weapon to inflict injury or harm to another and not following through with the action with the purpose of frightening another into believing that they were in fact about to be harmed or injured; to include threats to commit such actions on another.

- (3) "Sexually abusing minor children". This particular phrase was not specifically spelled out. It is taken to mean, however, any such act as would be included under the Child Protective Services Law regarding the minor child to be "dependent", deprived, or neglected either physically or emotionally. This definition includes sexual overtures to children, statements alluding to sexual relations with minor children, coercion, or actual sexual acts with minor children. It would also include such acts as described as offenses in the crimes code; i.e., rape, involuntary deviate sexual intercourse, indecent assault, indecent exposure, statutory rape, and voluntary deviate sexual intercourse. If you wish further clarification, it would be best to consult with an attorney.

The definitions also address who is protected by the Act through the phrase "Family or household members...". This means that the following categories of persons can ask for protection from abuse under this Act:

1. Persons "lawfully" married and living together.
2. Persons living together as spouses, to include persons of the same sex.
3. Persons who are related by blood (consanguinity), i.e., immediate family - brothers, sisters, parents, children, or by relationship by marriage "affinity", i.e., "in-laws".
4. Persons who used to live together and both persons are still legally responsible for rent or mortgage (written or oral leases).
5. Persons who live together or no longer live together and the property is only in the abuser's name and there is a duty to support the "abused".

The remaining terms "Adult" and "Court" are self-explanatory.

NOTE: When referring to abuse, be aware that some people may not consider a slap or shove as abuse. For all legal purposes, it is abuse. However, be sure to ascertain whether this form of abuse is a single occurrence, initial occurrence, or is in conjunction with other forms of physical abuse. You will probably have to probe for this specific information during an interview. Being attuned for such fine differences will save you and the battered woman time, energy, and

aggravation. Knowing all the facts as well as the scope of the legal alternatives available is the key in assisting the battered woman.

§ 10183. Jurisdiction

The court shall have jurisdiction over all proceedings under this act. The plaintiff's right to relief under this act shall not be affected by his or her leaving the residence or household to avoid further abuse.

1976, Oct. 7, P.L. 1019, No. 218 § 3, effective in 60 days

The "Court" means the Court of Common Pleas, to include District Justices. Further, the second part of this section pertains to situations where a battered woman may have to flee her home to avoid further abuse. If she must leave the home for her own protection, her right to relief under this law shall not be jeopardized. This provision of the Act is particularly important for women who fear that leaving their home will effect their chances for protection, support, and/or custody. Any decisions to award relief, of course, will be determined by the courts based on the merits of the case.

§ 10184. Commencement of Proceeding

(a) A person may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court alleging abuse by the defendant.

(b) If the plaintiff files an affidavit stating that he or she does not have funds available to pay the costs of filing and service, the petition shall be filed and service shall be made without payment of costs and leave of court to proceed in forma pauperis shall not be required. When the petition is filed without payment of costs, the court shall determine at the hearing on the petition if the plaintiff is indigent. If the court finds that the plaintiff is not indigent the court may order the plaintiff to pay the court costs.

This section states that any person may file a petition or any adult/parent may file a petition on behalf of minor children in the household.

Part (b) says that if the person seeking protection files a sworn statement saying that she does not have the money to pay the court costs to file the necessary papers, the court will waive the fees until the hearing. At the hearing, the Judge will decide if in fact the plaintiff does not have the money to cover costs. If the plaintiff does, the court will order that payment be made by the plaintiff.

In most legal actions, there is an initial fee required to process the papers. This fee may vary from county to county. Check with the clerk of courts or the prothonotary in your county for the exact amount required.

The abuser/respondent in these actions must be personally served with a copy of the papers. A fee for serving the papers to the abuser/respondent may be involved. If the sheriff serves the papers, there will probably be a fee. If the petitioner (abused) is "indigent" then the fee will be waived. This fee may vary from county to county; and the fee may be greater if service must be made in a county other than the one where the papers were filed. Check with your county sheriff or prothonotary for a schedule of fees.

Service of the papers can be made by any adult representative of the plaintiff/petitioner. This method of service is used to keep the costs of legal action to a minimum but can be used only when the court approves or accepts this method as "proper" or "good" service of the papers. Regardless of who serves the papers upon the respondent, a sworn affidavit or proof of service must be filed with the court and preferably before the hearing. This affidavit should state who was served; when the papers were served, time, date, and place; and how service was effected. The affidavit also must be notarized, signed by the person making service, and filed with the court.

§ 10185. Hearings

(a) Within ten days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by the preponderance of the evidence. The court shall advise the defendant of his right to be represented by counsel.

(b) The court may enter such temporary orders as it deems necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

1976, Oct. 7, P.L. 1019, No. 218 § 5, effective in 60 days

After a petition is filed in Court, the Court must schedule a hearing within 10 days. The Court also has the power to issue a temporary order or protection until the hearing is held, even if the hearing is continued. A temporary order for protection may also be extended if the court feels it is necessary, such as in the event of a continuance.

§ 10186 Relief.

(a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties or is owned or leased by the entities or is owned or leased solely by the plaintiff.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and/or establishing temporary visitation rights with regard to minor children.

(5) After a hearing in accordance with section 5(a), directing the defendant to pay financial support to such persons as defendant has a duty to support. Such a support order is temporary and any beneficiary of the order must petition for support under the provisions of the Civil Procedural Support Act 6b within two weeks of the date of the issuance of the protection order. If such a petition is not filed that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a petition for support under the Civil Procedural Support Act the portion of the protection order requiring the defendant to pay support becomes void.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property.

"Relief" pertains to what the court can order after hearing all testimony. If the parties wish, they and their respective attorneys can present an agreement (consent agreement) as to the terms of relief to the court for approval in lieu of a full hearing. However, the court has the power to order or approve that:

- a. The respondent stop abusing the petitioner and/or any minor children;
- b. Evict the respondent, exclude the respondent, or restore possession to the petitioner;
- c. When the property is only in the respondent's name and there is a duty to support the petitioner and/or any minor children, the court may evict or exclude the respondent and restore possession to the petitioner; or by agreement, the respondent can be directed to provide suitable alternative housing;
- d. Award TEMPORARY (meaning for the duration of the order) custody and/or establish visitation for the children.
- e. The respondent may be ordered to pay support. If so, the petitioner must file a formal petition for support within two weeks of the order (for support). If she fails to do so, the order (for support) will be voided.
- f. The order or agreement can be for any specific amount of time, but not longer than one year. The order or agreement can also be changed at any time upon request of either party (assuming there is good cause to do so).
- g. There can be no transfer of title of any real property either in the form of an order or agreement. Also, there may be a transfer of title of personal property, i.e., automobiles, furniture, etc.
- h. By agreement, other remedies such as counseling, referral to drug and alcohol programs, and the relinquishment of legally or illegally held guns to the storage facilities of the sheriff's office may be ordered.

§ 10187. Notification.

A copy of any order under this act shall be issued to the plaintiff, the defendant, and the police department with appropriate jurisdiction to enforce the order or agreement, in accordance with the provisions of this act or as ordered by the court.

Notification is to inform all of the concerned parties of any order of the court. It also directs the police to enforce the order (or agreement).

Usually, the plaintiff's attorney will assume the responsibility of giving certified copies of the order (or agreement) to the plaintiff/petitioner, the respondent, and the police. In some cases, several copies of the order may have to be sent to the various township police departments to insure enforcement of the order throughout the county. It may also be necessary to inform the various police departments of the nature of the order being sent to them, and to include a description of the respondent, where he lives, and works.

§ 10188. Emergency Relief

(a) When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week a petition may be filed before a district justice or Philadelphia Municipal Court Judge who may grant relief in accordance with section 6(a), (2) or (3) if the district justice or Philadelphia Municipal Court Judge deems it necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) Any order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.

(c) Any order issued under this section and any documentation in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under section 4 and invoking the other provisions of this act.

This section gives explicit power to District Justices and Municipal Court Judges to issue emergency orders for protection only, when the court of Common Pleas is not in session at the end of the week to the beginning of the following

week, to include legal holidays and weekends. The District Justice or Judge can order anything included in Section 6 to include eviction provided there is good cause. One minor, but important, aspect is that the emergency order will expire automatically on the following Monday, or when the Court of Common Pleas resumes regular business.

There is no system set up yet by which a person can go into court when the order expires and have the order extended without having to file a formal Petition for a Protection Order.

§ 10189. Procedure.

Unless otherwise indicated in this act, any proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

Procedures tell an individual the "how to" of filing an action under this Act. Usually the procedures will state what kind of information must be included in the pleadings and how the pleadings are to be set up (format). These procedures may vary slightly from county to county. Further, Section 9 states that one could use this Act as a remedy to get relief they need or any other civil or criminal remedy available.

§ 10190. Contempt.

(a) Upon violation of a protection order or a court approved consent agreement the court may hold the defendant in indirect criminal contempt and punish him in accordance with law.

(b) Notwithstanding any provision of the law to the contrary any sentence for this contempt may include imprisonment up to six months or a fine not to exceed \$1,000 or both and the defendant shall not have a right to a jury trial on such a charge.

(c) An arrest for violation of an order issued pursuant to this act may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department.

(d) Subsequent to an arrest the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable the defendant shall be arraigned before a district justice, or in cities of the first class the municipal court, in accordance with the Rules of Criminal procedure. This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this act.

When an individual does not obey a court order, it is called "contempt". Section 10 specifically states that the respondent who violates a court order shall be held in "indirect criminal contempt".

Part (c) of this section instructs police to arrest based upon "probable cause". For the purposes of this Act, if there is evidence that a violation of an order/agreement has occurred, the police should arrest. They do not need to obtain a warrant to do so, either. Further, police may verify the existence of an Order by radio or by telephone. After an Order is issued, a copy is sent to the police to have on file for this express purpose.

If a violator is arrested for a violation of a court order under this Act, he/she should be taken before the court that issued the order for the purpose of arraignment, the setting of bail, and instruction as to his/her rights. If that particular court is not available, the violator should be taken before a District Justice.

PETITION FOR EMERGENCY
RELIEF FROM ABUSE

JUSTICE OF THE PEACE
MAGISTERIAL DISTRICT NO. 12-1-10
00 Mulberry Street
Harrisburg, Pa. 17113
Tel. (717) 258-0000

Petition for Emergency Relief
Number 20.
Date Filed June 4, 1977

PLAINTIFF:

NAME Felicia N. Battersea
AND 000 Strife Street
ADDRESS Harrisburg, Pa.

DEFENDANT: VS.

NAME Alexis Q. Battersea
AND 000 Strife Street
ADDRESS Harrisburg, Pa.

I, Felicia N. Battersea hereby petition for emergency relief from abuse

name of plaintiff

- on behalf of myself
 on behalf of the following minor (child) (children) with respect to whom I am a (parent) (adult household member)

John R. Battersea

000 Strife St., Harrisburg 17

Donald P. Battersea

000 Strife St., Harrisburg 17

name	address	age
<u>John R. Battersea</u>	<u>000 Strife St., Harrisburg 17</u>	
<u>Donald P. Battersea</u>	<u>000 Strife St., Harrisburg 17</u>	

Emergency relief from abuse is required because there is immediate and present danger of abuse by the defendant to (me) (and) (the aforementioned (child) (children)).

Felicia N. Battersea
Signature of plaintiff

FINDINGS OF JUSTICE OF THE PEACE

At an ex parte hearing on June 4, 1977, I have
date have not found upon good cause shown that it is necessary to protect the
(plaintiff) (and) (aforementioned minor (child) (children)) from abuse.

Albert F. Justice
Signature of Justice of the Peace

ACTION OF JUSTICE OF THE PEACE

Having found upon good cause shown that it is necessary to protect the (plaintiff) (and) (aforementioned minor (child) (children)) from abuse, I have taken the following action on this petition:

- Ordered the eviction of the defendant from the (residence) (household) at 000 Strife St., Harrisburg (and)
address
 Ordered restoration of possession to the plaintiff of the (residence) (household) at 000 Strife St., Harrisburg
address
 Allowed the defendant to provide suitable, alternate housing by consent agreement.

Albert F. Justice
Justice of the Peace

ORDER(S) OF EVICTION (and)
 RESTORATION OF POSSESSION

TO: Harrisburg (~~police officer~~) (police department) (~~sheriff~~) (constable)

In compliance with the order(s) appearing above, you are hereby directed to evict Alexis Q. Battersea from the
000 Strife St.
name of defendant
premises at Harrisburg, Pa. (and) to restore possession of the premises at Harrisburg, Pa. to
address
Felicia N. Battersea
name of plaintiff

Albert F. Justice
Justice of the Peace

NOTICE TO DEFENDANT

Your attention is invited to the orders of the Justice of the Peace appearing on the "Action of Justice of Peace" portion of this form. These orders were issued under the authority of the Protection From Abuse Act, Act No. 218 (1976), and you must obey them. These orders will expire as of the resumption of business of the Court of Common Pleas in this County at the beginning of the week or within 72 hours, whichever occurs sooner. These orders will be immediately certified to the Court of Common Pleas, WHICH CERTIFICATION WILL HAVE THE EFFECT OF COMMENCING PROCEEDINGS AGAINST YOU UNDER THE ABOVE-MENTIONED ACT IN THE COURT OF COMMON PLEAS.

APPENDIX B



OPERATIONS ORDER

NUMBER

89

DATE

9-22-78

TO ALL COMMANDS

Subject: HUSBAND AND WIFE DISPUTES

1. In dealing with husband and wife disputes, members of the service shall observe the following:

- a. A member of the service will respond to every request for assistance sought by persons alleging that a violation or crime, or a violation of an Order of Protection, has been committed against such person by a spouse.
- b. Where probable cause exists for a police officer to believe that a spouse has committed a misdemeanor against his/her mate; or where a spouse has committed a violation against his/her mate in the officer's presence, the officer shall not refrain from making an arrest solely because:
 - (1) The parties are married
 - (2) The aggrieved spouse has not sought or obtained an Order of Protection
 - (3) The aggrieved spouse has instituted prior pending legal proceedings
 - (4) The officer prefers to reconcile the parties despite the aggrieved spouse's determined insistence that an arrest be made; OR
 - (5) The aggrieved spouse intends to institute a proceeding in Family Court based on the current incident.
- c. Where probable cause exists that a spouse has committed a felony against his/her mate or has violated an Order of Protection, the arrest of such spouse will be made. An officer shall not attempt to reconcile the parties or to mediate the situation.
- d. Where probable cause exists that a spouse has committed a crime or violation against his/her mate, but such spouse is not present at the scene, normal procedures should be followed by members of the service.
- e. Assistance in obtaining medical aid will be given, if requested, or if need is apparent.
- f. A member of the service shall temporarily remain at the scene until reasonably satisfied that the danger of recurrence of the incident has subsided.

2. Section 812, Family Court Act (as amended 7/24/78), provides complainants with the option of choosing either Family Court or Criminal Court for processing their respective cases. When an arrest is made for a family offense (disorderly conduct, harassment, menacing, reckless endangerment, an assault or attempted assault between spouses), the officer concerned will inform the complainant that:

- a. There is concurrent jurisdiction with respect to family offenses in both Family Court and Criminal Court;
- b. A Family Court proceeding is a civil proceeding and is for the purpose of attempting to keep the family unit intact. Referrals for counseling or counseling services, are available through probation for this purpose;
- c. A proceeding in the criminal courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;
- d. A proceeding or action subject to the provisions of this section is initiated at the time of the signing and verification of an accusatory instrument or filing of a family court petition, not at the time of arrest, or request for arrest, if any;
- e. The signing and verification of such accusatory instrument or filing of Family Court petition constitutes a final choice of forum after seventy-two hours have elapsed from signing and verification or filing and bars any subsequent proceeding in the alternative court based on the same offense. However, in the event that a finding by the court on the merits of such complaint or petition occurs before seventy-two hours have elapsed, such finding shall be deemed to constitute a final choice of forum and shall bar any subsequent proceeding in an alternative court based on the same offense;
- f. An arrest may be the basis of a Family Court or a Criminal Court proceeding, but an arrest is not a requirement for commencing either proceeding.

NOTE: A COMPLAINANT/PETITIONER SHALL NOT BE DISCOURAGED OR PREVENTED FROM FILING A PETITION OR COMPLAINT.

3. Whenever a complaint is received against an officer for conduct alleged to be in violation of this order, a supervising officer shall investigate the complaint as soon as possible and determine whether it is valid. If the complaint is determined to be valid, the supervising officer shall cause the relevant provisions of this order to be compiled with immediately.

4. Commanding officers will ensure that all members of their command are instructed in and comply with, this order.

5. Any provision of the Department Manual or other department directive in conflict with this order is suspended.

6. Operations Order 78, c.s., is REVOKED.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION:
All commands

APPENDIX C

(This material is taken from The Function of the Police in Crisis Intervention and Conflict Management: A Training Guide, Morton Bard, Project Director; National Institute of Law Enforcement and Criminal Justice, 1975.)

SECTION 8

THE REFERRAL NETWORK

1. Organization of the Referral Network (Administrative)

1.1 Introduction

1.11 Importance of the Intervener. This entire document is geared to what may be the most important part of any effort made to implement conflict and crisis intervention capability within a police department: the development of skillful, competent interveners. However, while effective intervention is clearly the most valuable asset in such an effort, those responsible for making it happen can encourage and support these skilled practitioners by providing tools which officers can use creatively to help people in need. One of those tools can be the system that is set up to provide that help: the social and community service network.

Police officers serve as catalysts and provide early warning signals for people in trouble as well as those agencies designed to help them. The agencies can serve as alternative resources in support of the police officer as he responds to an emergency call for help. This section is designed to assist the department in maximizing its use of resources in the community.

There is an established network of helping agencies in every community. Setting up and maintaining a functional relationship among the agencies and the police is a task whose importance cannot be emphasized too strongly.

1.12 Relationship Between Law Enforcement and the Helping Network.

In most cities, a collaborative relationship between the police and social and community agencies does not exist; rather strained cooperation has been more the rule. In fact, with some exceptions,

the relationship between the two has been characterized by mutually negative stereotyping and poor communication, often resulting in conflict, hostility and distorted perceptions. In a situation in which these groups need each other, initial distortions are totally dysfunctional, to say the least. Effective collaboration necessitates a mutuality of interest, realistic goal setting mechanisms, and ongoing interaction for co-accountability to exist and be meaningful.

1.13 Basis for Collaboration. The goal sharing by both the police department and the helping network is effective intervention and subsequent resolution of conflicts and crises. For this, the police officer needs at his disposal the kinds of resources that are ready, willing and able to follow through on problems he identifies and analyzes. By the same token, the helping network needs the police as an early case-finding mechanism so that troubled persons can be contacted when they are most open to change and help. Periods of crisis and conflict offer the maximum opportunity for such contacts.

1.14 Maintenance of Professional Identity. While mutuality of interest is a prerequisite for collaboration, so is maintenance of individual professional identity. Public security is the primary mission of any police agency. The prime mission of the helping network, on the other hand, is to provide a variety of direct services to those in need. While competent crisis intervention may prevent commission of a crime (homicide, assault, child abuse, etc.) in the immediate situation, quality long range help for disturbed families could cut down on the future likelihood of violent means for dealing with problems, as well as creation of conditions contributing to delinquency. In no way should the functions of the two be seen as the same; rather they are complementary. The police agency and the helping agencies retain their identities as integral parts of the process of collaboration.

1.2 Planning

Planning for the establishment and maintenance of a productive collaboration involves both "what" and "how". The "what" is the relationship itself and the "how" is the process by which it is attained.

1.21 The relationship. The relationship between your department and the network of agencies established to provide help will depend of course on what exists in the community, its quality and orientation, and the needs of the department.

1.22 An inventory of resources. While community services vary from city to city, generally the helping network exists on three levels, funded from a variety of private, federal, state, and local revenues.

1.221 City-wide services are usually delivered via large government agencies (e.g., the domestic court, housing bureau, welfare department) or by private social service organizations (e.g., Society for the Prevention of Cruelty to Children or Family Service Society). These same city-wide agencies may be decentralized in local offices (e.g., medical centers, state employment offices or mental health clinics).

1.222 Neighborhood services are usually representative of community based or citizen originated self-help organizations. They may or may not have government financial support; indeed they may not even appear in directories of the formal helping systems. However, they can be very important elements in the helping network. They should be sought out and involved.

One of the first tasks those responsible for coordinating the social service contracts should undertake is a precise inventory of what is available. An up-to-date profile of existing services will be needed. It should include:

- a. Stated purpose of the agency
- b. Eligibility criteria, if any
- c. Caseload capacity
- d. Services offered - treatment style

- e. Type of staff
- f. Hours, address, phone, and NAME of the contact person
- g. History of past relations with the department, if any, and a profile of past referrals
- h. Response time

When a police department canvasses its staff to determine some of this information, it is often surprised by the informal ties to the helping system by individuals or units. A department canvass can be a step in the direction of formalizing and taking advantage of the rich potential in these existing relationships. In addition, the impressions of patrol officers can be very useful in assessing the quality of the agencies.

The canvass can also give an idea of the kinds of referrals most frequently sought. Since it will be impossible to work with all agencies at once, some priorities will have to be established before planning meetings can be arranged.

The canvass should serve not only as an information gathering tool, but also as a mechanism for involving patrol officers, from the inception of the program, in planning and resource development. The most important result of the canvass could well be the stimulation in motivation for patrol officers who see their participating and knowledge being actively sought and used. Seen in this light, it will be clear that the canvass cannot be simply a mailed questionnaire. Rather, the canvass should take the form of small group interviews or conferences conducted by those who will be responsible for the community service referral network. Also, this would be a good time to begin solidifying the working relationship between the patrol officers and the administration of the program.

- 1.23 The process. Since continuity is the key to successful collaboration, one person should be designated by the department as responsible for the setting up and maintenance of the referral network. This person should be known not only to the agencies, but also to the front line police officers, and should participate

in the initial intensive and ongoing training of the officers. It should be this person too, who actually becomes involved with the "how", the process of planning an ongoing working relationship. Just having a mutual interest in competent and effective intervention is not enough. Unless the department and agency representatives agree upon some intermediate goals, the process can fall apart before it gets going.

Work process is made easier when goals are explicit. For measuring the effectiveness of those goals, the following criteria may be useful:

- a. Are the goals specific? Do they imply a next step?
- b. Do they describe performance? Can a person say what he will be doing?
- c. Is everyone involved?
- d. Are the goals realistic? Are they attainable?
- e. Can the results be observed?

Commitment of those involved is the natural outcome of goal setting, assessment and achievement. With each agency knowing its own constraints, there should be no surprises further down the "pike". In fact, the personal relationships built in this kind of enterprise ensure a willingness to work out the problems as they come up.

1.3 Training

While problems cannot be eliminated, some can be ironed out through training, both at the intensive session and in ongoing field work. For a network to be useful, those who are to employ it must be convinced of its utility and thoroughly familiar with its operations. As the planning and implementation carried out by the department is collaborative on the staff level, so too should it be on the operational level. Police officers and professional helpers share an interest in effective intervention. They also share the negative stereotyping often found between groups which operate in the same realm without communication. This common phenomenon can preclude a good working relationship.

The training should not only include a presentation of what is available to the officer, but also should mandate general involvement of police officers with staff in agencies who provide the direct services referral will be using. An officer is more likely to refer people to a colleague in an agency and to have a sense of personal tie to the agency if groundwork in collaboration has been laid at that level. For example, when Officer Jones refers a case to Counselor Mary Smith, he is involved in a process that has personal involvement with the referral quite unlike the faceless agency, either directly accountable or given to feedback. This kind of involvement can take place in an introductory fashion at the intensive training session, but should be extended by field visits and a series of ongoing working conferences wherever and whenever cases so require. Part of the field training sessions should be regularly scheduled for this function.

1.4 Care and feeding of the network

The relationship between the police department and the helping network is a healthy one so long as it is used and not abused. Since the relationship should be a collaborative one, it would be well to look at some of the most common abuses that can occur. Police departments most often abuse this kind of relationship by seeing agencies as convenient dumping grounds for problem cases. On the other hand, social agencies can be equally disposed to seeing cases as an opportunity to swell caseload figures in order to insure increased funding. It cannot be emphasized too strongly that the collaborative process in such a network is intended for one purpose only: to serve as a tool for furthering effective intervention. If that is the objective, then the appropriateness of the network's operation must be continually tested. There are many pitfalls that occur and that can be avoided.

1.41 Overuse of the domestic court. In most cities, the court dealing with domestic affairs is the helping resource most used by police officers when referring troubled families. This is one reason among others that the staffs of the court and its ancillary services are usually overburdened. Overuse of any facility results in disappointment both for the client and for the police

officer who makes the referrals, with consequent self-fulfilling disillusionment and cynicism. Remember, knowledge of the specific capabilities of various agencies is important in eliminating a necessary step in the normal helping process, i.e., the screening interview. When an officer performs the screening interview function, he eases the burden on the helping network, the client, and in the long term, the officer himself.

- 1.42 Overuse of the responsible. As an agency establishes its reputation as good, quick, and responsible, that reputation usually spreads by word of mouth and can be a factor in the overuse of that facility. When that happens the agency is compromised and, in effect, finds its initial adequacy becoming responsible for its subsequent inadequacy.
- 1.43 Lack of communication. This factor is so common in inter-agency relationships that it hardly needs emphasis here. However, something can be done about it. A mechanism must be quickly established that addresses this problem from the outset. Misunderstanding can occur. For example, a monthly administrative meeting attended by representatives of all agencies involved, including the police, would do much in supporting and reinforcing the communication among individuals. However, it should be remembered that having a meeting does not guarantee communication. Thought will have to be given to the format, content, and personnel attending these meetings. Not only should staff or administrative personnel be included, but also operational personnel should be rotated through the program on a regular basis.
- 1.44 The rumor mill. Complete reliance on word of mouth evaluations that flow from individual experience can be destructive. Rumors spread quickly and an otherwise excellent referral source can be written off on the basis of an atypical experience. If the network is to function smoothly, this tendency must be assumed to require monitoring.

1.45 The Con. Any element in the network, police or helping resources may promise much and deliver nothing. This is always a danger, particularly in the first flush of enthusiasm. Its long-term consequences, however, can be devastating. Intentions must be kept related to reality.

1.46 Feedback. Some mechanism should be established for tracking individuals in the system with feedback to those professionals who have played a role in the person's movement through the network. Each officer and agency staff person should be routinely informed on outcomes. (Suggestions for appropriate forms are included in section 3 and case conferences with agency people in field training, section 2)

1.5 A cautionary word

Unless great care is exercised in the organization and maintenance of the collaborative helping network, the delivery of crisis and conflict services will be seriously compromised. Previous experience in other settings with family crisis efforts in police departments has attested to the critical significance of an ongoing, smoothly operating network. This cannot happen by itself, no matter how well intentioned everyone is in agreeing to cooperate. It may well be one of the most important elements in the success or failure of any effort to utilize the unique potentials of the police in the helping system.

END