

18 pages

TESTIMONY OF  
**THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE**

HOUSE JUDICIARY COMMITTEE

HEARING ON HOUSE BILLS 192, 194, 195

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Good Morning members of the Committee and Representative Bishop. Thank you for the opportunity to provide testimony on important legislation relating to one of the most critical issues facing this country and this Commonwealth today -- domestic violence.

I am Judith Yupcavage, public education specialist with the Pennsylvania Coalition Against Domestic Violence and together with Jane Stuehling, law enforcement trainer with the Coalition, we are here today to support and commend Representative Bishop for her legislative initiatives on behalf of victims of domestic violence. We also are here to speak with you about the severity and lethality of domestic violence in this state, about the work that is being done to protect victims and enhance the criminal justice system's response to victims and about what more needs to be done to strengthen this coordinated response to end violence, save lives and make Pennsylvania safer for all our families. Our remarks will chiefly focus on H.B. 194.

The Pennsylvania Coalition Against Domestic Violence (PCADV) is a statewide network of domestic violence programs dedicated to providing protection, advocacy and counseling to victims of domestic violence in all of Pennsylvania's 67 counties. PCADV was founded in 1976 as the first state coalition of its kind in the US. During the past fifteen years this coalition has grown from nine to fifty-seven programs which last year provided wide-ranging services to over 74,000 domestic violence victims and their children.

For the past ten years the PCADV has served as the statewide administrator of federal and state funds for domestic violence services through a contract with the PA Department of Public Welfare. The PCADV also advocates for

domestic violence victims at both the state and national level and is recognized throughout the county as a leader in the movement to end violence against women and children.

We'd like to begin by first defining just what we mean when we talk about domestic violence. Domestic violence is forceful, controlling behavior that coerces a woman to do what the abuser wants without regard to her rights, her body or her health. Battering is a pattern of behavior that includes the use or threat of violence for the purpose of gaining power and control over the victim. This violence can be physical, sexual or psychological and, left unchecked, usually escalates in both frequency and severity. Domestic violence creates homes that are unsafe, threatens lives and destroys families.

And whose lives and families are being destroyed? Contrary to common myths, domestic violence is not confined to any one group or class. Battering occurs regardless of race, age, socioeconomic status, sexual orientation, mental or physical ability or religious background. Victims as well as batterers come from a wide spectrum of life experiences and backgrounds and cannot be identified by particular demographics. The only two consistent risk markers for women being battered are gender and witnessing the abuse of their mothers by their fathers. Men who batter seem more likely to have witnessed their fathers beating their mothers and to have been severely abused during childhood.

While anyone can be a victim of domestic violence, research shows that the overwhelming majority (95 percent) of adult victims of this violence are women. The U.S. Surgeon General's Office has determined that battering is

the single major cause of injury to women. The FBI estimates that a woman is beaten every 15 seconds in this country. According to the National Center on Disease Control Violence Epidemiology Unit, women are in nine times more danger in their own homes than they are on the street. What a particular agony these women suffer and what an essential loss they experience as the result of being abused by someone they love in the one place on earth where they should feel safe and secure - in their own home. It is understandable how woman battering also is associated with being a major risk factor for homelessness, child abuse, rape, female drug and alcohol abuse and women's suicide attempts. Regrettably, domestic violence is a major national health problem that has reached alarming epidemic proportions.

But beyond being a major national health problem, domestic violence also is a crime - a very serious, violent and often lethal crime. Yet it's only in the last decade that domestic violence has been recognized and labeled as a crime. The persistent efforts of the work of battered women's advocates and dedicated and responsible lawmakers have succeeded in bringing domestic violence out from behind closed doors by initiating comprehensive legislation to provide protections for victims and consequences for perpetrators.

We are proud to note that Pennsylvania has been in forefront in this country in its legislative response to domestic violence. In 1976 the General Assembly provided specific civil relief to victims with the enactment of the Protection From Abuse Act. It has twice been amended to expand relief available to victims and their children and is now one of the most comprehensive laws in the country. Pennsylvania also has focused attention on the criminal

justice system and its potential for safeguarding those terrorized and jeopardized by domestic violence. Law enforcement and prosecutorial guidelines have been adopted to expedite appropriate, firm responses to domestic violence crimes. In 1986 the legislature passed the Probable Cause Arrest statute in order to authorize law enforcement to arrest batterers who commit specific violence misdemeanors.

However, it's important to keep in mind that although Pennsylvania has strong, effective domestic violence legislation, the effectiveness of those laws can only be measured in the context in which they are utilized. These laws will not work if they are not implemented and enforced consistently and appropriately. It is apparent to those of us working within the domestic violence movement that while we have made significant advances within the criminal justice system, particularly the law enforcement community, there is still much more that needs to be accomplished. Clearly, the message has not been heard in all corners that domestic violence is a serious, brutal crime and unless and until it is treated as such, and unless and until the justice system coordinates, clarifies and upgrades its efforts, we will continue to see women and children being injured and killed at an alarming rate.

Even with the best of laws in our own state, the grim fact is that every three days in Pennsylvania one woman or child dies as a consequence of domestic violence. And regrettably what is happening in Pennsylvania is also happening across the country; national data collected by the FBI indicate that more than four thousand women lose their lives each year as a result of battering. Recent research reveals that women are most likely to be murdered when attempting to leave or after they have left an abusive relationship.

Battered women are not safe once they separate from their batterer and, in fact, batterers may escalate the violence in order to coerce a battered woman into reconciliation or to retaliate for the perceived rejection. According to the U. S. Department of Justice, up to 75 percent of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples. In one study in Philadelphia and Chicago, almost one quarter of the women killed by their male partners were separated or divorced from the men who killed them.

And yet, according to experts in the law enforcement training field, these victims need not have died; these homicides might have been prevented. In fact, domestic violence homicides are considered to be the most preventable of all homicides. What other homicide leaves so many clues, gives off so many signals prior to the killing? Time and again, studies show that police had been to the home as often as five to eight times prior to a homicide. In one study, police had been to the home at least once prior to the homicide in 90 percent of the family homicide cases and five or more times in 50 percent of these cases. Police lifesaving doesn't have to be limited to fire rescues and CPR. Family violence calls need to be viewed as a life threat and a lifesaving opportunity by each and every police officer responding. With appropriate protocols in place and adequate training completed, this can be accomplished.

We acknowledge that this is no small task. Indeed, PCADV knows first hand what a monumental undertaking it is to provide training to all of Pennsylvania's police departments which number more than 1200 - the highest in the country. Our Coalition has attempted through the years to fill in the gaps on domestic violence training for police by coordinating training

projects and developing resource materials specifically for police in Pennsylvania. Unfortunately, we have been and still are constrained by financial resources and can provide trainings only as our funding permits. Frankly, this funding is unpredictable and erratic at best. For example, several years ago we sent out more than 100 proposals or letters of interests to foundations in search of police training monies; we received less than \$5,000 in response. As you can guess, our training limitations were quite severe. This past year we were more fortunate to receive grants from the Department of Justice and Pennsylvania Commission on Crime and Delinquency; consequently, we now have a full-time police trainer on staff - at least until September when our funding runs out. Then the quest will continue and we'll begin again with another 100 letters and proposals. We persist because we fervently believe this specialized training saves lives - lives of victims and police officers as well.

Some of you may question why there should be specialized training for law enforcement on this particular issue. In "Domestic Violence, The Criminal Justice Response," authors Eve and Carl Buzawa, provide this compelling rationale:

*First, if police, as in most jurisdictions, are to retain the discretion to decide appropriate action and the determination of an arrest, they need a working knowledge of the causes of domestic violence; intervention strategies; legal requirements for their actions; and the policies adopted by their own particular departments. Without such training, police will continue to be*

*plagued with the nonuniform and substandard response characteristic of the past.*

*Second, even if statutory goals of more police intervention in domestic violence cases are not shared by a particular department's leadership, training in conformity with enacted domestic violence legislation reduces the possibility of lawsuits and limits departmental liability for particularly negligent conduct by individual officers.*

*Third, if the department is in a jurisdiction that has adopted new procedural or substantive grounds for making arrests, training is essential to communicate the existence and rationale of such requirements. Both elements are essential given the capability of rank and file officers to subvert legislative intent if so motivated.*

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*Many states now statutorily mandate or "encourage" the development and implementation of police domestic violence training programs for all recruits and often for administrators (Hendricks, 1988.) (Buzawa and Buzawa p. 106).*

Further support for specialized training on domestic violence has been cited by Edmund Stubbing of the Victim Services Agency, in testimony to the Pennsylvania House Select Committee on Domestic Violence and Rape Crisis Services. Stubbing, a former police officer, pointed out that more and more law enforcement officers and departments are being found liable for failure to protect, denial of equal protection, and lack of specialized training in domestic violence cases. For example,



*"One of the first cases was in 1984, when Tracy Thurman sued the city of Torrington, CT on the grounds that because she was married to the person who assaulted her the police did not arrest him when they should have and because of this she was denied equal protection of the 14th amendment. She won her case and a judgment against the city in the amount of 2.1 million dollars. Two years ago, Ms. Thurman's attorney advised Victim Services Agency that he was co-counsel in 30 other such cases around the country.*

*Within the last year, several family violence lawsuits have been won by plaintiffs based on inadequate police training on a family violence call, one of the most frequent calls for police officers. In my opinion, unless changes are made and quickly, civil suits will be the driving force for change.*

Mr. Stubbing goes on to suggest that a bill to mandate training on domestic violence for law enforcement will help to reduce liability.

Frank Carrington, Esq. in a film entitled *Damned if You Don't*, produced by the National Victim Center, says:

*"These cases show the absolute need for training and supervision. In each case liability might have been avoided had the officers involved been trained in the area of failure to protect or prevent crime. In none of the cases did the officers themselves injure the victims; indeed, there is no evidence whatever that they even desired that the victims be hurt.*

*Nonetheless, liability was found because victims were placed in positions of danger that the officers should have anticipated. Training will be of major importance in helping officers to understand and anticipate such situations."*

Two years ago, in an effort to assist police in responding appropriately and adequately to domestic violence calls in Pennsylvania, former Pennsylvania Attorney General Leroy Zimmerman's Family Violence Task Force developed a model protocol for police response to domestic violence. PCADV's executive director had the honor of serving as vice chair of this Task Force. Although the protocol is now being used as a model across the country, surprisingly, it is not yet mandated for adoption by all police departments here in our own state. Pennsylvania Attorney General Ernest Preate, Jr. has hailed this protocol and acknowledged the need for uniform policies and training, stating:

*"Since its release in January 1989, the protocol has been recognized both in Pennsylvania and the nation as one of the best policies developed to date. The primary value of the model protocol, however, is adoption and implementation by each of the over 1200 police departments in PA. Effective training is essential to achieving this goal."*

This Legislature now has before it an opportunity to act on several pieces of legislation, both from Rep. Bishop and the House Select Committee on Domestic Violence and Rape Crisis Services, which would mandate all police departments in Pennsylvania to adopt domestic violence protocols based on the Attorney General's model; provide written reports each time police

respond to domestic violence calls; and require mandatory training on domestic violence for law enforcement.

We believe that police in Pennsylvania would welcome this legislation. Our experience has shown that there are many dedicated police officers in this state who are eager for upgraded information, guidelines, and training to better handle the vast numbers of domestic violence calls which flood their emergency lines and require their response each and every day.

We would like to share with you a little of what we've learned in our most recent training experience with the law enforcement community in Pennsylvania.

This year, under the current police training grant, PCADV is conducting trainings for police throughout Pennsylvania on the Attorney General's Domestic Violence Model Protocol for Law Enforcement. The last training monies for any law enforcement training on this issue were granted in 1987 through 1988 specifically to teach police about the changes made to the probable cause determination and arrest authority under Pa. C.S. §2711. Since that time there have been significant changes to the Protection From Abuse Act and we expect that legislation will continue to be introduced and amended to better address this crime of violence. In addition there are more and more research efforts underway to study the police role in these cases, in areas as varied as the effect of arrest in domestic violence calls, how to enhance officer safety, and the current trends in law enforcement liability cases. Much of this information is included in PCADV's seven and one half hour training curriculum and the companion 118 page training manual

entitled *Confronting Domestic Violence: Effective Police Response*. Lectures and manual materials address issues including: the Impact of Domestic Violence, Protocol, Investigation, Probable Cause Determination, the Arrest Decision, Officer Safety, Liability Issues, and Victim Safety. (A copy of the manual is included with your materials today.)

Seminars for responding officers will be held in sixteen counties throughout the state and in addition, we will also train trainers from the law enforcement community as well as legal advocates from domestic violence programs to help carry on this training program in local communities.

To date five seminars have been held, training over three hundred participants. The training curriculum contains standard components reflecting the materials in the manual; however, the curriculum is revised to specifically address the interest of the local officers and to also reflect the resources or constraints of a particular county. For example, we have added training components on: the effects of domestic violence on children, elder abuse, and time and resource management strategies for law enforcement supervisors; as well as local protection order and indirect criminal contempt procedures. Local resources might include: various community programs for police referral, larger police departments, consistent county-wide protocol; constraints that may affect intervention like: on-going high demand for police intervention, small part-time departments, vast geographical distances that may increase response time and/or specific regional attitudes.

Evaluations from these trainings have been very positive. Specifically, officers report that the information on liability, officer safety and local services is very helpful to them. The opportunity for a refresher course on

relevant law is a highlight of the training day as is the training manual.

Some of the evaluation comments have been:

*"Training of this kind should be expanded to line officers and offered on a regular basis."*

*"This training made me aware of things that I had forgotten. I feel that any on-going training is a plus for law enforcement."*

*"After leaving this class I feel that I will make some changes in my department."*

*"More training needs to be done to educate all officers."*

We asked a series of questions on the evaluation form; one of the questions was specifically: "Do you see a need for on-going training of law enforcement about effective domestic violence response?" If yes, which issue(s) should be addressed? The majority of responses were a resounding YES. In fact, one hundred percent of the evaluations from Lancaster and Luzerne counties called for on-going training on this issue and in the Berks county and Tioga/Bradford counties training the responses were eighty-three and eighty-nine percent respectively. While officers liked the comprehensive training and many suggested replicating the same training in the future, others ranked the substantive law, investigation and approach information, officer safety and liability as the priority issues.

Like the participants, we too believe that these trainings are a success. Not only because the information shared during the training day is up to date and comprehensive, but because they have created an opportunity to identify problems with local procedure, they have sometimes initiated and more often enhanced relationships between police and local domestic violence

programs, and the trainings have acted as a catalyst to form a domestic violence task force in some communities. We'd like to tell you specifically about the impact of the training in three of the counties.

- I. There were over one hundred participants at the first *Confronting Domestic Violence: Effective Police Response* training in September 1990. Though there were the inevitable glitches of a first run with a new training curriculum, it was exciting to watch a newly formed domestic violence task group take shape. Thanks to the efforts of the Berks County Family Court Judges and an attorney from Central Pennsylvania Legal services, the first follow-up meeting to the police training was held in March 1991. Participants included: local and state law enforcement; all three Family Court Judges; District Justices; staff from the District Attorney's office; the local domestic violence program; and representatives from local social service agencies. The two hour meeting was an opportunity to address some of the specific concerns raised by law enforcement officers at the training seminar; the minutes of the follow-up meeting reflect that:

*"Over thirty persons attended the Police Roundtable follow-up discussion...The participants decided that the Roundtable was a good idea. It allowed the frank and open discussion of views. It also provided a forum to work on problems and allowed all actors within the system to attempt to find solutions which can accommodate all other parties within the system. It was decided that such a roundtable should occur approximately every six months and another gathering will be arranged in the Fall of 1991."*

II. In Lancaster county we presented the training to about forty chiefs of police and law enforcement policy makers. As a result of the Police Executive Forum, the following actions have occurred in Lancaster county:

- The Police Chief's Association has appointed its first representative to the Lancaster County Domestic Violence Task Force.
- A local police department held a follow-up meeting after the training attended by the chief and four line officers, a Lancaster County Assistant District Attorney, and two representatives of the Domestic Violence Legal Clinic, to cooperatively develop a new domestic violence protocol for the department. This protocol creates a procedure for the responding officer at each domestic violence call to put the victim in direct telephone contact with a counselor at the Lancaster Shelter for Abused Women. The group developed an implementation plan that initiated this protocol two weeks after the initial meeting and agreed to meet three months hence for an evaluation meeting.
- A representative of a county police department will address victims of domestic violence once a month at the Legal Information Forum which meets every week at the Lancaster Shelter for Abused Women.

In addition to these events, the domestic violence program staff reports that there seems to be an increase in the number of police referrals for Protection From Abuse court orders since the training took place. We also

believe that this particular training will have an extraordinary impact as the chiefs of departments and policymakers effect protocol, revise supervision practices and conduct future departmental trainings.

III. One of the most recent trainings took place in Indiana county three weeks ago. While there has not been an opportunity to formalize the decisions made at the end of the training day, we can report the training group made several recommendations to the Domestic Violence Task Force:

- 1.) That the task force define and distribute the Indirect Criminal Contempt procedure in Indiana County.
- 2.) That there be an effort made to add several local police officers to the Task Force.
- 3.) That the *Confronting Domestic Violence: Effective Police Response* training materials be given to the county district justices in an effort to strengthen the cooperative working relationship with the police.

To date, we can report that twelve police officers added their names to the Domestic Violence Task Force in Indiana County and that all training materials have been distributed to the district justices. The local domestic violence program feels that the relationship with local law enforcement has been enhanced as a result of this training and the evaluations of the seminar were very positive. In addition we received a thank you note from a chief of police in an adjacent county who said:

*"Jane,*

*I've been meaning to send this to you a lot sooner than this, but I've been very busy. I just wanted to thank you and your staff for such a wonderful day on March 20th at the VFW on the seminar*



*on Domestic Violence; it has been one of the better seminars that I have ever attended for our Department. As a matter of fact, I had a domestic violence situation last week and some of the factors which I got information on at the seminar I put to use on the call which I was on and it was very helpful and it's something I won't forget. Once again THANK YOU AND YOUR STAFF, PLEASE TELL THEM FOR ME.*

*If there are any seminars in the future please send my department a letter, Thank you."*

In conclusion, I believe that this kind of training makes a difference in police response to domestic violence calls and saves lives - victim's lives and police lives. Our experience has been that trainings of this sort make a difference in individual officer behavior, influence departmental attitudes and policy and improve the cooperation of the coordinated justice system in the local community.

While this set of trainings has thus far been well received, it is sometimes difficult for police to participate because of limited resources, lack of departmental support or conflicting training priorities. By adding domestic violence to the mandatory training curriculum, police would have the authority to address this issue as part of their required duties, not as a special interest elective.

It is only logical and fitting that the amount of training that police receive on domestic violence should adequately prepare them for the extraordinary

amount of time, energy and effort that is required of them as they respond on a day to day basis to domestic violence.

Therefore we respectfully urge your support of Representative Bishop's legislation.

Thank you for your attention and consideration of this matter.