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TESTIMONY OF FREDERICK D. ENGLE,
LEGISLATIVE ASSISTANT, PENNSYLVANIA
STATE LODGE, FRATERNAL ORDER OF POLICE

BEFORE THE HOUSE JUDICIARY COMMITTEE
RE: HOUSE BILLS 192, 194 & 195

CHAIRMAN CALTIGIRONE AND OTHER HONORED MEMBERS OF THIS COMMITTEE, MY NAME IS FREDERICK D. ENGLE AND I AM HERE AS A MEMBER OF THE LEGISLATIVE COMMITTEE OF THE PENNSYLVANIA STATE LODGE OF THE FRATERNAL ORDER OF POLICE, REPRESENTING MORE THAN 30,000 PROFESSIONAL LAW ENFORCEMENT OFFICERS THROUGHOUT THE COMMONWEALTH.

I AM HERE TODAY TO ADDRESS HOUSE BILLS 192, 194 & 195 AS THEY AFFECT THE CRIMINAL JUSTICE SYSTEM AND THE POLICE OFFICERS WHO ARE CHARGED WITH THE DUTY OF ENFORCING THE LAW.

AS WE ALL KNOW, THE PROBLEM OF DOMESTIC VIOLENCE HAS BEEN WITH US FOR A LONG TIME, ALTHOUGH ONLY RECENTLY HAS PUBLIC ATTENTION BEEN FOCUSED UPON IT. ADDITIONALLY, THE PROBLEM CONTINUES FROM GENERATION TO GENERATION, AS ABUSED CHILDREN GROW TO BECOME ABUSIVE MATES OR PARENTS OR THE VICTIMS OF SUCH PEOPLE.

LEGISLATION TO PREVENT DOMESTIC VIOLENCE, SUCH AS THE PROTECTION FROM ABUSE ACT, HAS PROVIDED NEW TOOLS TO COMBAT THE PROBLEM, BUT EXPERIENCE HAS SADLY SHOWN THAT MOST OF THE AVAILABLE REMEDIES ARE SYMPTOMATIC, AND DO NOT ADDRESS THE CORE OF THE PROBLEM.

ADDITIONAL TRAINING SUCH AS CONTEMPLATED BY HB 194, AND PROMPT SERVICE OF PROTECTION ORDERS TO POLICE DEPARTMENTS AS PROVIDED IN HB 195, WILL ALSO HELP TO COMBAT THE SYMPTOMS OF

DOMESTIC VIOLENCE. BUT IN HARRISBURG LAST YEAR, THE OVERWHELMING MAJORITY OF ALL DOMESTIC VIOLENCE CASES WERE DISMISSED, MOST OFTEN BECAUSE OF THE VICTIM'S REFUSAL TO TESTIFY OR EVEN TO APPEAR. AS A RESULT, POLICE TIME IS INEFFECTIVELY UTILIZED AND SOME REPEAT VICTIMS GAIN REPUTATIONS FOR "CRYING WOLF" AND FAILING TO FOLLOW THROUGH.

IN DEALING WITH ANOTHER SOCIETAL PROBLEM, ALCOHOL ABUSE, THE LEGISLATURE HAS COMBINED ENFORCEMENT, PUNISHMENT AND TREATMENT MEASURES TO GET THE DRUNK OFF THE ROAD AND KEEP HIM OFF. A SIMILAR STRATEGY MAY BE WORTH CONSIDERING IN DOMESTIC VIOLENCE CASES. WHILE COUNSELING CAN ONLY BE MADE AVAILABLE FOR VICTIMS OF ABUSE, IT COULD BE MANDATED FOR THE PERPETRATORS OF THE ABUSE, EITHER AS A CONDITION OF BAIL OR AS PART OF A SENTENCE ON CONVICTION. EVERY COUNTY HAS A MENTAL HEALTH OFFICE WHICH COULD PROVIDE TREATMENT AND PROVIDE THE COURTS WITH ASSURANCE OF THE ABUSER'S COMPLIANCE WITH THE TERMS OF THE COURT'S ORDER.

PLEASE DO NOT ACCEPT MY TESTIMONY AS OPPOSITION TO ANY MEASURES AIMED AT STRENGTHENING ENFORCEMENT IN CASES OF DOMESTIC VIOLENCE OR THE PROTECTION OF ITS VICTIMS. BUT THE POLICE OFFICER IS THE ONE WHO MUST HANDLE THE DAY-TO-DAY PRACTICAL ENFORCEMENT OF THE LAW. THE FRUSTRATION OF ANSWERING REPEATED CALLS TO THE SAME RESIDENCE, BECAUSE THE VICTIM WANTS, AND LEGITIMATELY NEEDS, IMMEDIATE PROTECTION BUT REFUSES TO FOLLOW THROUGH WITH THE PROSECUTION, TAKES A HEAVY TOLL ON THOSE OF US WHO MUST WITNESS THE RESULTS OF DOMESTIC VIOLENCE FIRST-HAND.

SOMETHING DESPERATELY NEEDS TO BE DONE TO BREAK THE VICIOUS CYCLE OF REPEATED OFFENSES, AND IT IS NOT PRACTICAL TO ASSUME

THAT THE VICTIMS OF DOMESTIC VIOLENCE ARE SUDDENLY GOING TO ALTER THEIR PERSONALITIES AND STAND UP AGAINST THEIR ABUSERS. WHETHER WE UNDERSTAND IT OR NOT, VICTIMS FREQUENTLY DO LOVE THEIR ABUSER - I DO NOT SAY THAT THEY LOVE THE ABUSE. LIKEWISE, THE ABUSERS OFTEN LOVE THEIR VICTIMS. IT IS THE CYCLE OF ABERRANT BEHAVIOR WHICH MUST BE BROKEN.

A VICTIM WHO LOVES HIS OR HER ABUSER IS LESS LIKELY TO COOPERATE WITH PUTTING THAT PERSON IN JAIL THAN TO COOPERATE WITH A MANDATORY TREATMENT PROGRAM AIMED AT PREVENTING FURTHER ABUSIVE CONDUCT. ANY LEGISLATION SEEKING TO DETER DOMESTIC VIOLENCE MUST FOCUS UPON SECURING THE COOPERATION OF THE VICTIM, FOR WITHOUT THAT COOPERATION, LAW ENFORCEMENT CANNOT BE EFFECTIVE. WE NEED A TOOL THAT WORKS.

PLACING THE PERPETRATOR IN COUNSELING MAY EVEN ENCOURAGE THE VICTIM TO SEEK THE COUNSELING THAT IS ALREADY AVAILABLE BUT TOO INFREQUENTLY UTILIZED, AND LEAD TO GREATER INDEPENDENCE FOR THE VICTIM AND LESS TOLERANCE FOR REPEATED ABUSIVE BEHAVIOR. THE VICTIM MIGHT THEN BE MORE LIKELY TO PROSECUTE IN THE EVENT OF A RECURRENCE.

AGAIN, I WOULD LIKE TO EMPHASIZE THAT NEITHER I NOR THE FRATERNAL ORDER OF POLICE OPPOSE STRONG MEASURES TO CURB DOMESTIC VIOLENCE. BUT WITHOUT THE COOPERATION OF THE VICTIMS OF ABUSE, THE SYSTEM JUST DOESN'T WORK. MY IDEA MAY NOT BE THE BEST SOLUTION, BUT I DO BELIEVE THAT WHATEVER MEANS WE DEVELOP, WE MUST LOOK TO OBTAINING THE VICTIM'S COOPERATION IF WE HOPE TO CURE THIS DISEASE OF OUR SOCIETY.

THANK YOU FOR YOUR ATTENTION AND CONSIDERATION.