
Perspectives of Violence by Attorneys, Police and Women's Shelter Directors: Divisive Differences and Significant Similarities

Sylvia Stalnaker, Ph.D., C.F.L.E., Southwest Texas State University
Patricia Shields, Ph.D. Southwest Texas State University

Social scientists have identified family violence, not only as moral ill, but also a crime which is eroding the foundation of American family life and threatening future generations of adults (Shupe, Stacey, and Hazelwood, 1987). Although few people believe violence is appropriate, there is widespread tolerance for violence and a society that still gives informal sanctions to domestic violence. That a general public opinion supports traditional family relations and male authority is perhaps related to the battering syndrome that is both the cause and effect of stereotyped roles and unequal power relations between men and women (Gilb, 1983). In present day society other factors may also send messages of approval. The media, TV, newspaper, and movies often glorify violence and is portrayed by popular or attractive stars who present an undesirable role model (Rosenberg, Stark, and Zahn, 1986). For some husbands who abuse their wives it is learned behavior. They often were abused themselves as children or may have seen their mother abused. Many wives also grew up in a similar environment. Anger, resentment, and suspicion may be underneath the aggressive behavior of the male who feels insecure and unable to cope. Home is the place where such men can express these feelings without fear of sanctions for himself (Gilb, 1983).

Historically, evidence of family violence has been recorded throughout human history back to Roman times. Under English law, a husband had the right to use force against his wife because she was his property and as a result, wife abuse became a part of American tradition when most of the colonies adopted English law. Instance of wife abuse has been on record in the U.S. since the 1830's (Gilb, 1983). Since the mid-70's public awareness of family violence has increased with the realization of the numbers of children who are abused by parents as well as the number of men and women reporting spousal abuse and requesting social services (Barnett, Pittman, Ragan, and Salus, 1980). Slowly the legal concept of a wife as property was changed. By 1980, most states established laws aimed at combating family violence. The first statutes in Texas established a pilot program for battered women's shelters and created a special protective order for use in instance of family violence. The women's crisis shelter is an intervention program that provides shelter as well as aid in the form of counseling, education, and legal assistance. These programs are very helpful in providing support to victims who are in immediate danger as well as helping them to make decisions about their future (League of Women Voters, 1987). The protective order, a legal document that mandates police intervention, is designed to provide the victim protection from further abuse. Its efficacy depends on the police and the legal justice system following through with legal remedies available to the victim. This paper examines domestic violence policy in Texas through the eyes of three professional groups that shape the policy: Attorneys, Police, and Women's Shelter Directors. For many policies, responsibility for implementation rests with a single agency or at least with a common set of professionals e.g., welfare policy with social workers, education policy with teachers, and crime with police. Family violence intervention, however, is a policy that crosses traditional professional boundaries. Each professional has a different tradition, role, and type of encounter with the victim. Given the pivotal role of the protective order, it is interesting to compare attitudes toward the effectiveness of the instrument and the enforcement process among the three professional groups. Conventional wisdom considers that the police are part of a macho military culture and as such trained to protect the status quo. Their encounter with the victims tends to be short and intense due to the acute nature of the crises. Paterson (1979) reported that police officers dislike responding to domestic violence calls because they carry risk to life and limb. In addition, when police officers make a house call, they generally deal with both victim and abuser. Meier (1987), an attorney who feels that arrest deters further violence, found that police rarely make arrests and are passive in dealing with domestic assaults. Historically, arrests could not be made on a misdemeanor but many states changed the law. Arrests can now be made even if the officer did not see the assault, but the police are still reluctant to arrest (Klein, 1991). Underlying police reluctance to arrest is the feeling that domestic violence is not a crime, and often indicates that the women could leave the relationship and avoid the man (Meier, 1987).

Increasingly, police departments do require training in domestic violence. The mandatory arrest law of the District of Columbia requires twenty hours of training on domestic violence for new recruits (Klein, 1991). The training familiarizes police officers with the contents of the new law and encourages them to confront their own attitudes about using violence. Both Meier (1987) and Klein (1991) found that police officers are as likely to use violence against family members as any one else, and may identify with the abuser, thus resulting in lack of sympathy for the wife. The Omaha Domestic Violence Police Experiment funded by the National Institute of Justice was conceived to determine if the Minnesota experiment of mandatory arrest policy could be replicated elsewhere. Dunford, Huizinga, and Elliott (1990) found that in Omaha arrest was not a deterrent to continued domestic conflict. The data suggest that additional strategies for dealing with the problem need to be considered before adopting an arrest policy for cases of misdemeanor domestic assault. Also, if the Attorney General's office fails to prosecute domestic violence cases, the mandatory arrest law will be undermined (Klein, 1991). Traditionally the police have been reluctant to make an arrest if they think the suspect will not be prosecuted, an attitude that reinforces the message that the abuser can act with impunity (Lerman, 1982).

The police have the responsibility to maintain public order, be available 24 hours a day, and to make "house calls," in responding to domestic violence calls. The police are thus the first contact with the domestic dispute and can provide intervention or problem identification which may include referral to a crises intervention program (Stephens, 1977). A major service the police may provide is the initial support to the victim so that she may start the legal action needed to realistically face and correct her situation (Goodman, 1977).

Traditionally, attorneys have not treated domestic violence as a serious crime believing that battered women were unwilling to cooperate with the criminal prosecution of abusive men. This belief communicated to the victim, quickly became a self-fulfilling prophecy (Lerman, 1982). Conversely when victims are given the opportunity and provided with necessary support, they cooperate fully with their prosecutors in spite of complexity of the domestic violence cases (Klein, 1991). However, many victims face threats or pressure from the abusers to drop the case which in turn causes frustration for the attorney.

Although the attorney plays an important role in the intervention process today, when yet faced with many family law cases he/she is inadequately equipped to conceptualize efficiently about families (Walters, 1983). It is clear that training in the dynamics of domestic abuse is essential for prosecutors so they can be better prepared to address victim concerns and provide the necessary support (Klein, 1991).

The victims need representation to obtain the protective order, a divorce, and/or custody of the children, and child support. The protective order has some advantages. The victim may initiate the process for securing the order. The order is flexible to provide for all forms of protection, allowing the court to impose punishment as soon as the batterer has received notice of the violation, appears at a hearing and appears before the judge who signed the order. However, costs may inhibit the women in securing the order if she has to secure the services of an attorney. There may be a delay if no arrest provision is available and if the delay occurs before the hearing date. The time element is crucial since the man can return home and inflict another assault (Micklow, 1988).

A remarkable outcome of the battered women's syndrome has been the emergence of shelters across the country. The shelters trace their roots to the feminist advocacy leaders and social workers who (in the majority) had been in abusive situations. The feminist influence identified many of the problems the women faced and pushed for new options for the victims. At the present time, there is controversy among the advocates within the battered women's movement. Differences concerning the appropriateness of peer counseling by the advocate or a clinician and/or psychotherapist (Cooper-White, 1990). In some cases, peer and clinical counseling may be beneficial to a woman in helping her deal with her problems.

Given these different perspectives, one would expect the lawyer's perspective to be more similar to the shelter administrators because they are providing some overlapping functions with women while the police deal more directly with the batterers.

In summary, the role of public policy in dealing with family violence has been one of intervention to protect the victim from further abuse. As such it is a type of "crises intervention" or "protective service" policy. The professionals who protect and serve the victims generally have as their goal prevention of further violence, or at least prevention of the escalation of the problem.

Methodology

A survey research strategy was chosen for this study. A survey instrument was designed in cooperation with an attorney in family law practice, a university professor in Criminal Justice who was an ex-police officer, and a professor of Family Studies. A list of all police chiefs was obtained from the local police department and all sheriff's departments in the state of Texas from the Sheriff's Association. The State Bar of Texas furnished a list of attorneys who were members of the family law section and a list of all shelters was obtained from the Department of

Human Services. The Chief of Police in all police departments and Sheriffs in all Sheriff's departments in Texas were sent questionnaires. They were asked to forward the questionnaires to appropriate personnel. For larger departments such as Dallas and Houston, the Chief was asked to xerox questionnaires because they have a larger volume of family violence cases. One thousand questionnaires were sent out and 470 were returned.

Directors of all Family Violence Shelters in Texas were mailed questionnaires and asked to respond or forward to the appropriate staff. Seventy seven questionnaires were sent out in spring of 1987 and 41 were returned for a response rate of 53%(1). These 41 centers are fairly representative of centers throughout the state in terms of geographic location, degree of urbanicity, size of staff and number of clients served. The centers had relatively small staffs (85% of the centers had staffs of 10 or less). Hence, one would expect directors to have day to day contact with victims. In addition, all the respondents were women and could identify with the problems of their women clients. They are unlike the majority of professionals in the criminal justice and legal systems who are male and who may have trouble viewing family violence as a "criminal activity" and may even find themselves identifying with the abuser ².

Questionnaires were sent to a systematic sample of 300 attorneys who were members of the Family Law Section of the Texas State Bar Association. A total of 127 were returned, making a 42 percent response rate. Seventy five percent of the lawyers were between the ages of 30 and 49. Almost 80 percent were male and over 90 percent were Anglo. In general, the respondents had significant experience, thirty four percent had over 15 years as licensed attorneys and under 10 percent had less than 5 years of experience. They also generally came from larger communities. over one-half came from cities over 500,000.

In order to test for differences in perceptions between the three groups a chi-square analysis was performed. The results of the survey are presented below.

Results

Virtually all (78.2%) of the respondents maintained that the protective order deterred family violence (See Table I). Nevertheless, there was significant disagreement among the three groups of professional in their assessment of the effectiveness of the protective order. Chi-square analyses indicated a significant difference (at the .001 level) in perceptions of the cooperativeness of judges in granting protective orders; the ability of the court to deliver protective orders to police and the effectiveness of the process to enforce protective orders.

Table I
Effectiveness of Current Laws
(Percent Yes)

	Overall	Police	Shelter Directors	Family Law Attorneys
Protective Orders deters Family Violence	78.2	77.0	85.4	80.3
Local judges cooperate in granting Protective Orders	72.9**	71.2	19.5	96.1
Courts have method to deliver copies of Protective Orders to local police (% disagree)	31.0**	21.5	46.3	61.4
Effective process to enforce Protective Orders	65.0**	78.1	48.8	22.0
Sample size	638	470	41	127

**Chi Square significant at the .001 level.

Only a fifth of the shelter directors believed that judges cooperated in granting protective orders. On the other hand, the lawyers perceived judges as extremely cooperative (96.1 percent). In addition, 70 percent of the police viewed judges as cooperative. While the lawyers were pleased with the cooperativeness of the judges they were unhappy with the process once it left the judge. Over 60 percent maintained that the courts have an inadequate method to deliver the protective order to local police. About half of the shelter directors were unhappy while only about a fifth of the police were dissatisfied. Overall, lawyers were unhappy with the effectiveness of the protective order (only 22% finding it effective) while police were pleased (78.1 percent found it effective). The shelter directors were split fifty-fifty in their assessment of the protective order effectiveness.

In Table II, more specific judicial system issues are raised. These include the timeliness of the process, the effectiveness of the referral system and need for a formal evaluation of the current system. Again, there was significant disagreement among the three groups. Of the three, the attorneys were least concerned with time problems. About half maintained that the legal system should simplify procedures, that time frames should be written into the code and that the legal system should monitor family violence cases to ensure a timely resolution. In contrast, the police were unhappy. About 90 percent of the police maintained that time frames should be incorporated as code and three quarters felt that the legal system procedures should be simplified. As anticipated, the shelter directors were most adamant about the need to monitor family violence cases in order to ensure rapid resolution (87.8% agreeing).

Table 11
Judicial System Issues
(Percent Yes)

	Overall	Police	Shelter Directors	Family Law Attorneys
Time Issues				
Legal and judicial system should expedite and simplify procedures	69.7*	75.1	NA	46.9
Time frames need to be written into code for Protective Orders	76.2**	87.1	58.5	41.7
Legal system should monitor family violence cases to ensure rapid resolution	68.3*	70.4	87.8	55.1
Referral Mechanisms				
Mandatory family counseling	62.3*	73.1	51.2	27.6
Refer to county attorney for possible criminal charges	30.4**	28.7	61.0	26.8
Evaluation				
Judicial system or state bar should conduct evaluation of judiciary's family violence decisions and their enforcement	85.7**	94.8	95.1	48.8
Sample size	638	470	41	127

*Chi Square significant at the .01 level. **Chi Square significant at the .001 level. NA Not Available

Family counseling is a mechanism to deal with the underlying problems of abuse in the family. The three groups were split on its value. While the police expressed strong support (73.1%), the shelter directors were evenly divided and the lawyers were not supportive (27.6%). While the police expressed support for family counseling as an intervention they, like the attorneys, were against referring the abuser to the county attorney for possible criminal charges (28.7% police and 26.8% attorneys). Shelter directors, on the other hand, were more than twice as likely to view criminal charges as an appropriate intervention. Interestingly, this is the first instance where one group (shelter directors) stand in such striking contrast to the other groups. They clearly view the abuser more harshly than the police or attorneys.

Both the police and the shelter directors strongly supported an evaluation of the judiciary's family violence decisions and their enforcement (94.8% police and 95.1% directors). On the other hand, less than half the lawyers felt that an evaluation should be conducted.

In Table III, issues about education and training are addressed. All three groups strongly supported the use of public announcements about family violence laws in the local media. Among shelter directors, this support was unanimous.

Table III
Education or Training
(Percent Yes)

	Overall	Police	Shelter Directors	Family Law Attorneys
General Public				
Public service announcements in local media about family violence laws	90.8	90.2	100.0	89.8
Students				
Family violence laws part of elementary curriculum	77.9**	87.8	68.3	44.1
Family violence laws part of junior high and high school curriculum	76.8*	78.8	95.1	63.8
Professionals				
Faculty and staff of local schools receive training in family violence law.	66.0**	59.0	97.6	81.9
Law enforcement personnel should receive training in family violence law	76.8*	70.3	90.0	97.6
Sample size	638	470	41	127

*Chi Square significant at the .01 level.

**Chi Square significant at the .001 level.

There were, however, significant differences (.001 level) among the three groups on the need to introduce family violence law to elementary, junior, and senior high school students. The lawyers were the least likely to feel that it should be discussed in grade school (44.1%). In contrast, almost 90 percent of the police supported elementary education. Almost 70 percent of the directors want family violence law as part of the elementary

curriculum. Support for family violence law education among junior and senior high school students is more uniform among the three groups. Over sixty percent of each group supports its use. Nevertheless, significant differences remain. The group most strongly supportive of family violence law as part of the high school curriculum were the shelter administrators. Over 95 percent supported the idea. Interestingly, although still strongly in favor, the police were more interested in the information reaching elementary students (87.8%) than high and junior high students (78.8%). Shelter directors were more concerned with the curriculum in the upper grades as were the lawyers.

All three groups supported and acknowledged the need for training among professionals in law enforcement and education (59% or more in each category). Nevertheless, significant differences in their perceptions remain. For example, almost 98 percent of the attorneys supported training among police. Police, on the other hand, were less concerned with their own training (76.8% indicated the need).

Discussion

The results indicate that all three groups are concerned with the problem of family violence in our society and the mechanism used to contain and control it. Specifically, they all agreed that the protective order is the best mechanism to deter family violence. Nevertheless, the specifics and the intensity of their own concern varies. The researchers speculate that differences may be attributed to the fact that shelter directors work with female victims and abuse full time. They identify with their problem. In contrast, the police and the attorneys deal with family violence on an intermittent basis. It is part of a much larger case load. The police deal with the immediate crisis and are often aware of the perspective of both abused and the abusers.

The traditional/historical roots of the three groups also vary sharply. The most obvious difference is among police and shelter directors. Shelter directors trace their roots to feminism and social work. Both are associated with pacifist movements. The police, on the other hand, are part of a macho/military tradition. It should be noted that feminism is a philosophy with a bias toward changing the status quo. On the other hand, the police/military tradition is one of protecting the status quo.

Lawyers are trained to interpret the law and in so doing serve a variety of clients. From their viewpoint, even perpetrators of the most dastardly deed deserves a fair trial and effective counsel. In addition, lawyers, as servants of the court, have a familiarity with the judicial system that the others do not. The attorneys are less familiar with the process used to enforce protective orders. This may account for their lack of support for the effectiveness of the protective order.

Much of the literature on family violence law and process suggests that its protection is inaccessibility to victims. Critics of the courts maintain that the laws were made by and for white, middle class men. Judges often have conservative/traditional views regarding family roles and conduct. Because the court has a vested interest in keeping families together and preserving the status quo, they will often downplay or ignore outright dangerous living arrangements and discourage an abused woman from taking legal action. (Massachusetts Coalition of Battered Women Service Groups, 1981).

Victims of family violence commonly condemn the delay in the judicial system. There are many sources of such delay within the system. In district courts, many judges and clerks consider abuse cases family matters that do not belong in their courts. It is not unusual, for instance, for a married woman to be told that she should file for divorce, and forego the protective order altogether. In some cases, the clerk or judge may accuse the woman of exaggerating or even lying about the violence. Some judges are more concerned with protecting a man's due process rights than with preserving a woman's physical safety (Massachusetts Coalition of Battered Women Service Groups, 1981).

Even when a woman obtains the protective order, she often fails to keep the abuser away³. In this event, the woman must press charges against the abuser on her own in the district court of the place in which the violation occurred (Massachusetts Coalition of Battered Women Service Group, 1981).

The concept of counseling, both family and individual, often thought of as a key mechanism to break the cycle of violence was not supported by the shelter directors. This was surprising because counseling is part of the social work tradition. Shelters provide counseling to the victim as part of the supportive service. They as well as most health and human services programs target the victim rather than her assailant. However, violent men are often willing to seek help or will respond positively in court programs. Counseling with abusive males helps them accept responsibility for their acts, recognize the consequences of these acts, understand that their reactions are unacceptable and develop alternative ways to manage stress and interpersonal conflict (Levy et. al., 1986).

Perhaps the shelter administrators believe that the problem has escalated beyond the reach of psychotherapy as an intervention. They want the abuser referred to the county attorney for criminal charges. The police and the lawyers, on the other hand, support counseling because they still believe the family can be saved or they want to keep the problem out of the courts.

Implications

School systems can be involved in the prevention of family violence by innovative family life education programs. The nature of family life provides for the social and physical conditions which influence all area of human growth. Teaching specific skills, clarifying values and enhancing knowledge about interpersonal and family relationships integrates information into the school curricula which will help to remedy the problem and which can effect change. Teaching methods need to address the dynamics of interpersonal relationships, personal growth, and competence in developing and maintaining satisfying interpersonal relationships (Thomas and Arcus, 1992). Girls need to be aware of the warning signs of a potential batterer, and both boys and girls can benefit from discussions of sexual stereotypes (Hofeller, 1980). Public education can include presentations to professionals, social and civic groups. Television, radio, and newspaper coverage can impact information on violence and services available to victims of violence. Public awareness campaigns can outline the extent, severeness and consequences of violence in the family. Antiviolence strategies can be developed at the community level by establishing a task force from many sections of the community. The major purpose of such groups is to increase community awareness that family violence is, not only a significant social ill, buy also a crime that costs Americans millions of dollars each year (Shupe, et. al., 1987).

Clearly, the results of this study revealed significant differences in the perspectives of the three professional groups. Many of the differences, although significant, were in the same direction. This then is suggestive of a vast common ground. Each professional group, in its own way, struggles with the problems of violence in the home.

Notes

¹The surveys were filled out by directors (82%) and supervisors (10%).

²It should be noted that since 1987 there has been no substantive changes to the procedures used by the courts or police. At present there are 56 shelters contracted with the Texas Department of Human Services.

³The abuser may ignore the orders and continue to harass the woman and the police may not enforce the orders. The police have the power to arrest a man who has violated protective orders as long as they have reasonable cause to believe that he violated them. When the police refuse to enforce the protective orders, the woman may decide to press criminal charges against the abuser for violation of orders.

References

- Barnett, E., Puttman, C., Ragan, C., and Salus, M. (1980) *Family Violence Intervention Strategies*. Washington D.C., U.S. Department of Health and Human Services, No. (DHDS) 80-30058.
- Cooper-White, P. (1990). "Peer Vs. Clinical Counseling--Is There a Place for Both in the Battered Women's Movement?" *Response*, Vol. 13, No. 3, Issue 77, pp. 2-6.
- Dunford, F.W., Huizinga, D., Elliot, D.S. (1990). "The Role of Arrest in Domestic Assault: The Omaha Police Experiment." *Criminology*, Vol. 28. No. 2.
- Gilb, L. (1983). "Plain Talk About Wife Abuse." National Institute of Mental Health, U.S. Department of Health and Human Services. DHHS Publication # (ADM) 83-1265.
- Goodman, E.J. (1977). "Legal Solution: Equal Protection Under the Law." In M. Roy (Ed.) *Battered Women: A Psychological Study of Domestic Violence*. New York: Van Nostrand Reinhold Co.
- Klein, C. (1991). "Domestic Violence: D.C.'s New Mandatory Violence." *The Washington Lawyer*. November/December.
- League of Women Voters of Texas Education Fund. (1987). *Family Violence: The Battered Women*. Ed. D. Sheridan: Texas Department of Human Services: Austin, Texas.
- Lerman, L. (1982). "Elements and Standards for Criminal Justice Programs on Domestic Violence." *Response To Family Violence and Sexual Assault*. Nov.-Dec., pp. 9-14.
- Levy, H., Shelton, S. and Conti, J. (1986). "Special Programs for Child Victims of Violence." M. Lystad (Ed.) *Violence In the Home*. Brunner/Mazel, Inc. New York, pp. 170-185.
- Massachusetts Coalition of Battered Women's Service Groups (1981). *For Shelter and Beyond and Educational Manual for Working Women Who are Battered*. Coalition of Battered Women Source Group Massachusetts.
- Micklow, P. (1988). "Domestic Abuse: The Pariah of the Legal System." In V.B. Hasselt, R. L. Morrison, A. Bellack, M. Herser (Eds.) *Handbook of Family Violence*. New York: Plenum Press, pp. 407-433.
- Mier, J. (1987). "Battered Justice." *The Washington Monthly*, Vol. 19, No. 4.
- Paterson, E.J. (1979). "How the Legal System Responds To Battered Women." In D.M. Moore, (Ed.) *Battered Women*. Sage, Beverly Hills, pp. 79-99.
- Rosenberg, M.L., Stark, E. and M.A. Zahn (1986). "Interpersonal Violence: Homicide and Spouse Abuse." In J.M. Last (Ed.), *Public Health and Preventive Medicine*. Conn.: Appleton-Century, Crofts.
- Schechter, S. (1988) *Feminist Perspectives on Wife Abuse*. K. Yllo, and M. Bogard, (Eds.), Sage, California, pp. 999-312.
- Senate Human Resource Committee (1982). *Safe at Home Breaking the Cycle of Violence in Texas Families*. Senate Committee on Human Resources 1982 Report and recommendations, Texas.
- Shupe, A., Stacey, W. and L. Hazelwood. (1987). *Violent Men: Violent Couples*. Mass.: Lexington Books.
- Stephens, D. (1977). "Domestic Assault: The Police Response." In M. Roy (Ed.) *Battered Women: A Psychological Study of Domestic Violence*. New York: Van Nostrand and Reinhold, pp. 164-167.
- Strauss, M., Gelles, R.J., and S.K. Steinmetz. (1980). *Behind Closed Doors: Violence in the American Family*. New York: Anchor Books.
- Texas Department of Human Resources and Southwest Texas State University (1983). *Survey Results: Family Violence and Law Enforcement*. Texas Department of Human Resources and Southwest Texas State University, Texas.
- Thomas, J. and Arcus, M. (1992). "Family Life Educator: An Analysis of the Concept." *Family Relations Journal of Applied Arts Family and Child Studies*. Vol. 41, No. 1.
- Walters, L.H. (1983). "The Role of the Family Specialist and Research in the Law." *Family Relations*. October, pp. 521-526.