



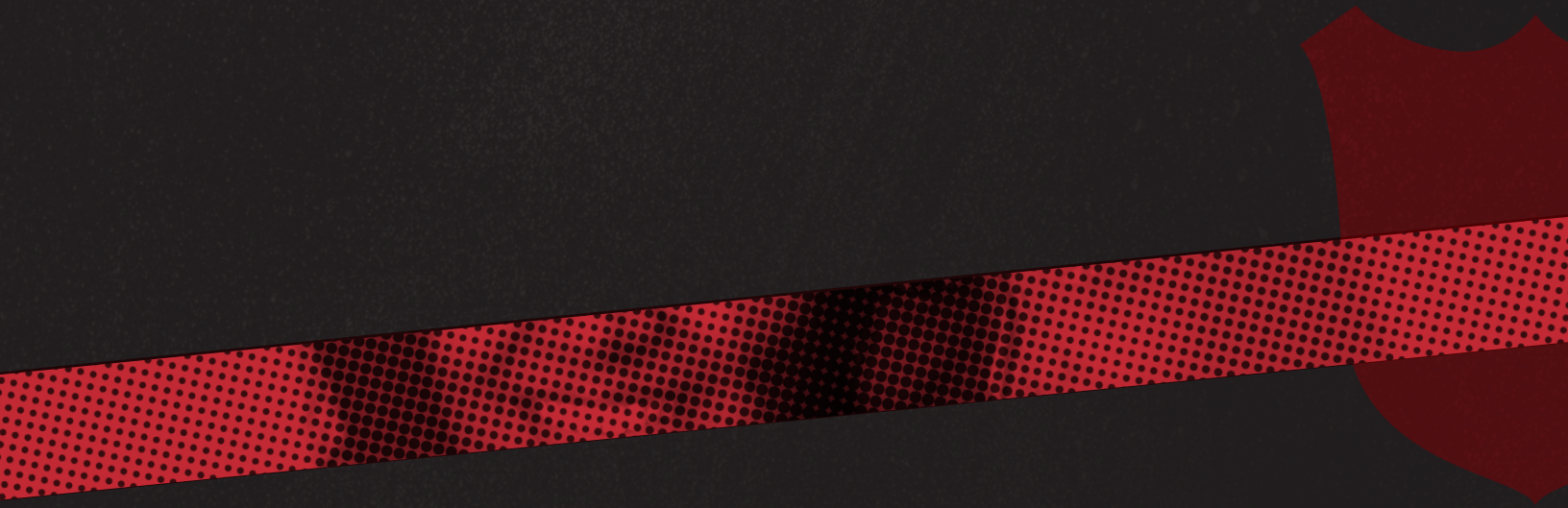
TRANSFORMING  
LIVES THROUGH  
JUSTICE

...ore. I  
it was really  
experience fo  
ng them, belie  
big deal  
me m  
s  
a lot of inform  
o me. The offic  
laughing. **ONE**  
like male office  
repeat things th  
experience. As  
it on myself fo  
icer to speak w

...tion but  
**LACK OF RESOUR**  
as like reliving the sa  
some of the officers  
me feel and, like  
**NOT EVEN WANT TO**  
for sexual assa  
case for me. It  
was being thrown at me and  
here they assumed a lot of thi  
**THE MALE POLICE OFFICERS WAS ON**  
didn't feel comfortable and I  
made me feel really uncomfort  
the end, I felt like overall, ju  
s happening. I also felt like e  
ne, I just felt like **THE OFFICERS**

# IN THEIR OWN WORDS:

## In Their Own Words: Domestic Violence Survivors on Seeking Safety & Police Responses





## *About Partners*

Partners passionately advocates for low-income survivors of domestic and sexual violence, helping them rebuild lives free from harm and fear. This year Partners is celebrating 20 years of service.

Our direct legal services, including legal representation, counsel, and advice focus on family court proceedings involving domestic violence restraining orders, sexual violence protection orders, child and spousal support, safe visitation and custody. Partners serves clients statewide and provides free legal representation in Essex, Hudson, Passaic, Union, and Middlesex Counties. To extend our impact, Partners also engages in advocacy, seeking systemic changes in the court system with a focus on achieving justice and safety for marginalized survivors.

## *About the Authors*

### **Trish Perlmutter, Esq.**

As Policy Counsel, Trish works to advance equity by highlighting the systemic problems victims of domestic violence face within the legal system and advocating for reform. Trish leads advocacy initiatives aimed at enhancing victims' safety, expanding access to justice, and advocating for children of domestic violence victims. Trish collaborates with county and state domestic violence working groups, domestic violence agencies, and the judiciary to advance practices and procedures that make the courts more accessible to litigants who lack resources and cannot afford counsel.

### **Shana Kleiner, LSW**

Shana, Policy Analyst, brings a trauma-informed lens to her work with survivors and allies, prioritizing listening to the concerns and experiences of survivors and letting survivor voices guide Partners' policy priorities.



TRANSFORMING  
LIVES THROUGH  
JUSTICE

September 2022



# In Their Own Words:

## Domestic Violence Survivors on Seeking Safety & Police Responses

---

### Contents

[READ NOW](#)

About Partners and the Authors

[READ NOW](#)

Part 1: The Purpose and Process of This Study

[READ NOW](#)

Part 2: What New Jersey Law Requires of Police in Domestic Violence Cases

[READ NOW](#)

Part 3: Survivors Describe Their Experiences with Law Enforcement

[READ NOW](#)

Part 4: Implications and Recommendations

[READ NOW](#)

Acknowledgments

**“If the situation at home is so intolerable that the victim goes to the police to disclose, then things are very serious.”**

## Introduction

Police play an important role in responding to acts of domestic violence.<sup>1</sup> Many survivors of domestic violence<sup>2</sup> contact law enforcement only after other coping strategies have failed, often when they are in imminent danger.<sup>3</sup> **“If the situation at home is so intolerable that the victim goes to the police to disclose, then things are very serious,”** observes Robin Hughes, Crisis Response Team Manager of JBWS in Morris County. After all, the decision to call the police on the parent of your own child, for example, is an agonizing one. Furthermore, a call to law enforcement may coincide with a survivor’s decision to leave the abuser, an especially dangerous time of escalating risk for victims.<sup>4</sup> **Thus, when survivors seek help in desperation, the police response that follows can save lives or leave victims even more vulnerable to abuse.**

“In Their Own Words” is a qualitative study on **how police response can influence victims’ next steps, particularly in terms of obtaining domestic violence services or restraining orders.** Altogether, Partners interviewed 46 survivors about their interactions with law enforcement. This report identifies concerns, insights, and best practices from these interviews with survivors, input from community partners, and an analysis of police policies. It concludes with recommendations to promote an improved and more trauma-informed<sup>5</sup> law enforcement response to domestic violence to enhance safety for victims and avoid revictimization.

Partners has developed expertise on the legal response to domestic violence and sexual assault by providing direct legal assistance to survivors seeking final domestic violence restraining orders (“FRO”) and final sexual assault protective orders, and by engaging in advocacy on systemic issues to expand legal protections for survivors of domestic and sexual violence. Restraining orders are one important tool in securing safety for domestic violence victims.<sup>6</sup> The restraining order process begins when a survivor applies to a court, either directly or with police assistance, for a temporary restraining order (“TRO”), which is an emergency civil order, issued on an ex parte basis, outside the presence of the harm-doer. The survivor then must pursue an FRO at a contested court hearing before a judge. In New Jersey, FROs offer lifetime protection to the victim.<sup>7</sup> Both TROs and FROs prohibit the person causing harm from having any type of contact with the victim and from possessing or purchasing a gun. The purpose of a restraining order is to *prevent future harm*, in contrast to the criminal process, which is designed to *punish past harm*. The victim may seek other essential relief, such as possession of the home or car, emergency monetary support, custody of shared children, and child support.

New Jersey’s Prevention of Domestic Violence Act (“PDVA”)<sup>8</sup> provides robust legal protection for domestic violence survivors through both criminal prosecution of domestic violence crimes and the issuance of civil restraining orders (TROs and FROs). While the PDVA makes criminal remedies and sanctions a priority, the fact remains that most harm-doers are neither arrested nor convicted for their offenses. The arrest rate for police-reported domestic violence offenses in 2019, for instance, was 37%.<sup>9</sup> Of those cases that result in arrest, the overwhelming majority are ultimately downgraded to municipal court and/or dismissed.<sup>10</sup> **Given the low efficacy rate of the criminal system, linking**



**Thus, victims' understandable preference for civil restraining orders over criminal prosecutions makes it critical that law enforcement personnel, who are often the first point of contact in the civil restraining order process, interact with victims in ways that facilitate access and understanding.**

**survivors to domestic violence resources and civil protective orders is crucial to preventing revictimization.**

**Even in the civil system, law enforcement plays a vital role to facilitate access to protection.** The police bear responsibility for notifying victims of their right to obtain a TRO, explaining the effect of a TRO, interviewing the victim, and preparing the application for a TRO at any time on any day.<sup>11</sup> Furthermore, if the harm-doer violates the restraining order, the victim can report to the police, and law enforcement are required to charge the individual with criminal contempt if probable cause exists.<sup>12</sup> Fulfilling this duty is essential to victim safety as many harm-doers violate orders, especially in the first months after issuance of the order.<sup>13</sup> Police and prosecutorial failure to sanction violations is a systemic problem nationwide that can reduce the benefit of restraining orders.<sup>14</sup>

Research indicates that survivors tend to express greater satisfaction with the civil restraining order process than with criminal prosecution because they maintain greater control over civil proceedings than criminal cases.<sup>15</sup> Restraining orders contribute to victims' perception of safety, especially when combined with domestic violence advocates and access to resources and services.<sup>16</sup> Many victims prefer to avoid criminal involvement of their partners, with whom they may share children and/or be financially dependent upon, according to Victoria B. Nicholson, Esq., Partners' Director of Pro Bono Programs. Arrest and incarceration reduce an individual's ability to provide financial resources for the family.<sup>17</sup> Purposeful avoidance of the criminal system may explain why nearly half of the victims who experienced

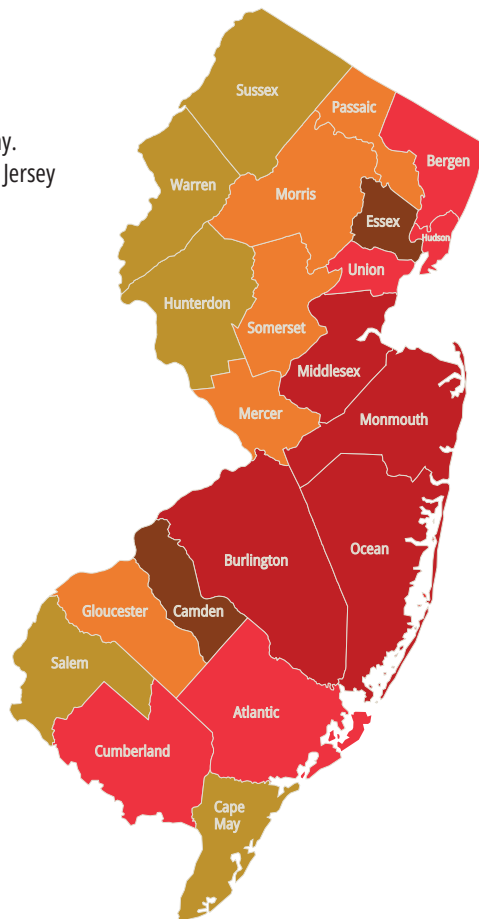
domestic violence in 2019 did not report the crime to law enforcement officials.<sup>18</sup> **Thus, victims' understandable preference for civil restraining orders over criminal prosecutions makes it critical that law enforcement personnel, who are often the first point of contact in the civil restraining order process, interact with victims in ways that facilitate access and understanding.**

Most survivors who contact the police do not seek restraining orders, however, and even fewer survivors obtain them. According to one study, approximately 20% of domestic violence victims seek restraining orders.<sup>19</sup> As required by the PDVA, the New Jersey State Police releases annual domestic violence offense reports. Using data from the 2019 report, we found that statewide only 15% of eligible victims who report an incident to the police obtained a TRO with police assistance.<sup>20</sup> The actual utilization rate of restraining orders is, however, higher, as an indeterminate number of victims obtain a TRO through the Superior Court, rather than through the police, and because of possible errors in data collection. Nevertheless, the vast majority of victims do not pursue a TRO at their first point of contact with the legal system.

Partners further observed substantial variations in the TRO utilization rate among different New Jersey counties and cities, as reported by the State Police. County utilization rates ranged from 9-28%, and municipalities, likewise, reported divergent rates. Jersey City, for instance, reported that in 2019 almost 50% of victims obtained TROs<sup>21</sup> while the previous year the rate was 19%.<sup>22</sup> However, the reasons behind Jersey City's higher utilization rate are unclear.<sup>23</sup> In a conversation with Partners, Deputy Police Chief Nicola Flora attributed Jersey City's 2019

## Police Reported DV Incidents 2019

N.J. 2019 Report Off. of the Attny.  
Gen. Domestic Violence in New Jersey



### DV Incidents (total)

#### 570 to 1,499

Hunterdon County: 570  
Salem County: 773  
Sussex County: 1,265  
Warren County: 1,311  
Cape May County: 1,339

#### 1,500 to 2,499

Morris County: 1,802  
Somerset County: 1,840  
Mercer County: 2,139  
Gloucester County: 2,417  
Passaic County: 2,451

#### 2,500 to 3,499

Cumberland County: 2,510  
Hudson County: 2,656  
Union County: 3,054  
Atlantic County: 3,187  
Bergen County: 3,410

#### 3,500 to 4,499

Monmouth County: 3,514  
Burlington County: 3,747  
Middlesex County: 4,336  
Ocean County: 4,372

#### +4,500

Essex County: 6,420  
Camden County: 6,532

<https://nj.gov/njsp/ucr/domestic-violence-reports-2019.shtml>

TRO data to a police culture that emphasizes the importance of safeguarding domestic violence victims. Newark, by contrast, reported data evidencing a rate of approximately 5%.<sup>24</sup> While the 2019 data indicates that location is a factor in TRO utilization, Partners did not assess the quality of the data or review shifts in TRO utilization over time, both important limitations to this finding.

While there is no optimal utilization rate, very low utilization could suggest that victims are not receiving sufficient information or support to make an informed choice as to whether to pursue a TRO and/or are facing barriers to accessing TROs. TRO utilization rates also depend on factors well beyond police response, especially as many victims may be undecided about whether they wish to have future contact with the harm-doer. In addition, victims' reservations around or rejection of the civil protection system is an important consideration that falls beyond the scope of our research. Marginalized victims, in particular, face greater obstacles in navigating the civil court system and may be less likely to perceive the protections offered as valuable to them.<sup>25</sup>

**Partners wanted to learn if police efficacy in offering, explaining, and processing restraining order applications, the presence of domestic violence advocates, or other factors in the police interaction contributed to victims' decision-making surrounding restraining orders and utilization of services.** We sought answers to these questions by interviewing survivors who had obtained TROs after police contact. Our goal was to discover the ways in which victims benefited from law enforcement guidance and protection as well as to identify barriers to access to these services. **We approached this research with a survivor-as-expert perspective, prioritizing survivors' own experiences with the police, in order to paint a clearer picture as to why the data shows such variations in restraining order utilization.**



This report coincides with a critical moment as the domestic and sexual violence movements are reexamining their alignments with law enforcement and systems historically rooted in white supremacy and racialized harm.<sup>26</sup> For example, Black women have historically been cautious to engage the police and the criminal justice system; now that caution may be extending to the civil protection system as well.<sup>27</sup> From a larger lens, the United States is beginning to contend with the lack of confidence in law enforcement in marginalized communities, which is rooted in racialized police violence. Increased attention to, and nationwide protests against, police killings of Black men and women have served to reinforce the reluctance of many victims of color to turn to law enforcement for help in escaping abuse. Many immigrant victims and LGBTQ+ victims share similar reluctance to report domestic and sexual violence to the police.

Any reform effort to reimagine the role police play in the communities they serve must consider the heavy burden already imposed on the police by the existing legal framework for responding to domestic violence. **One quarter of criminal complaints in New Jersey courts are related to domestic violence,<sup>28</sup> and the total number of domestic violence offenses is even higher.** In 2019, there were 59,645 domestic violence offenses reported to the police, with rates varying by county as seen in the map on page 5, which ultimately resulted in 34,721 criminal complaints across the state.<sup>29</sup>

Financially, over twenty percent of municipal budgets in New Jersey are allocated to police departments, excluding pension and health benefits.<sup>30</sup> Demands on police resources continue to grow as new legislation, Attorney General guidelines, and court operational orders increase the list of police duties with respect to domestic and sexual violence calls. It is also important to note that such calls can be dangerous for first responders, as harm-doers may direct violence at the police.

The substantial burdens and challenges faced by the police were heightened during the initial acute phase of the COVID-19 pandemic. This report grew out of an earlier study conducted by Partners with the Seton Hall Law School Center for Social Justice on the impact of COVID on survivors in New Jersey.<sup>31</sup> Concerns about limiting virus contagion led police departments to restrict who could enter the police station and fractured partnerships with many domestic violence advocate programs, known as Crisis Response Teams (“CRT”) or Domestic Violence Response Teams (“DVRT”). COVID created new, life threatening, life changing health and safety risks for everyone, including police, which in turn led to additional obstacles for survivors in many municipalities who were trying to seek assistance in the form of restraining orders or other services. Partners recognizes the immense challenges to the health, safety, and staffing for police departments because of COVID.

Ultimately, our research shows that survivors have distinct objectives in contacting law enforcement and experience a diversity of police interventions. We endeavor in this report to link the themes from our interviews with survivors to public policy recommendations, informed by Partners’ expertise in obtaining restraining orders along with our policy work examining the intersections between the civil and criminal systems. **Listening to what survivors want and need from law enforcement and the obstacles they encounter can help inform state and community responses to domestic violence and improve police interactions with survivors.**

“In Their Own Words” consists of four sections. Part 1 outlines the process for conducting survivor interviews and summarizes past research to contextualize our study. Part 2 analyses the duties of the police in responding to domestic violence. Part 3 describes the concerns of survivors with regard to their law enforcement experiences and identifies factors in those interactions that build or diminish trust, safety, and assistance. Finally, Part 4

## Listening to what survivors want and need from law enforcement and the obstacles they encounter can help inform state and community responses to domestic violence and improve police interactions with survivors.

examines the implications for victims when the law enforcement response does not meet the needs of survivors and concludes with recommendations to better protect and serve survivors.

### The Process

“In Their Own Words” derives from semi-structured interviews as well as one focus group with survivors, most of whom were Partners’ prior clients. The information in this report reflects the experiences of largely low-income, marginalized survivors, primarily in northern New Jersey.

Partners provides services in Essex, Hudson, Middlesex, Passaic and Union Counties. In the last year, 48% of clients were Hispanic/Latino, 23% Black, and 16% Caucasian.<sup>32</sup> From 2019-2021, Partners’ intake process for callers seeking legal assistance included a question about whether the victim had contacted law enforcement for the most recent act of domestic violence.<sup>33</sup> If the caller reported law enforcement contact, the staff member then asked a short series of yes/no questions about the interaction, such as if the police offered a restraining order or a domestic violence advocate.<sup>34</sup> Using this intake information to identify survivors with law enforcement contact, Partners emailed and telephoned survivors to ask if they would be willing to participate in the study.

The research conducted for “In Their Own Words” consisted of 46 interviews with survivors, as well as discussions with community partners. We began every interview by obtaining the participant’s informed consent. Participants were informed that they could end the interview at any time and need not answer any question.

Most interviews were conducted over the phone, though a small number proceeded on Zoom. The interviewer paid attention to tone, demeanor, and presence, trying to be warm rather than interrogating, asking open-ended questions, and offering validation and sympathy when appropriate.<sup>35</sup> All participants gave their consent to the inclusion of their responses in the report, including quotations, as long as their identities remained anonymous. To protect survivors’ privacy, identifying information is not included in the report, and pseudonyms have been assigned to all individuals. Partners gave each participant a \$20 Amazon gift card to thank them for their time (approximately 45 minutes) and provided information about applying for benefits for victims of crime and referrals for services sought.

The interviewer asked survivors questions on the following topics:

- Police response;
- Perceived attitude of police towards victim and defendant;
- Restraining order process;
- Access to resources and advocates;
- Identity & influence of gender, race, language, etc. on police response.

To supplement the interviews, Partners also met with community partners to share information about the study, understand their clients’ concerns and insights, and expand the pool of participants.<sup>36</sup> In an effort to include more marginalized groups in the pool, Partners’ contacted culturally-specific organizations serving South Asian, Arab, and Latinx immigrants, as well as the LGBTQ+ community to recruit more participants. Interpreters



assisted with outreach to Spanish- and Arabic-speaking survivors. Ultimately, these efforts netted a small number of additional study participants.

### Coding the Data

The format of semi-structured questions elicited responses across the metrics of greatest interest, while allowing survivors the opportunity to describe and elaborate on their own experiences and concerns. Note takers prepared transcripts to record direct quotations from the participants. Partners took a multi-pronged approach to coding the interview transcripts. First, the research team reviewed the transcripts collectively and identified themes across the interviews. The team then calculated the percentage of interviewees highlighting recurring themes to determine patterns in responses. To ensure data validity, the research team applied a peer review system in which multiple researchers discussed individual approaches to analyzing and coding themes. The team reached a consensus on a general codebook and selection of themes for inclusion in the report.

Part 3 of the report analyzes this data to qualify the strength of recurring themes. Simultaneously, longer narratives are included because they offer valuable insights, rather than because they typify the experiences within the pool.

A limitation of our sampling was that most of our interviewees were previous Partners clients, and thus almost all had received at least temporary restraining orders.<sup>37</sup> This means that nearly all of the participants believed a restraining order would be helpful to them, persisted in seeking help, and located counsel. This subset of survivors is not representative of the larger pool who never seek restraining orders or who either dismiss the temporary order or fail to appear for trial. **The survivors we spoke to had exceptional success in securing court-ordered protection through**

**The survivors we spoke to had exceptional success in securing court-ordered protection through their persistence, even against barriers.**

### Responding Police Departments



#### Bergen

Cliffside Park P.D.  
Ridgewood P.D.



#### Morris

Lincoln Park P.D.  
Mount Olive P.D.



#### Essex

Bloomfield P.D.  
East Orange P.D.  
Irvington P.D.  
Montclair P.D.  
Newark P.D.  
Nutley P.D.  
Orange P.D.  
West Orange P.D.



#### Passaic

Passaic P.D.  
Patterson P.D.



#### Union

Elizabeth P.D.  
Hillside P.D.  
Union P.D.



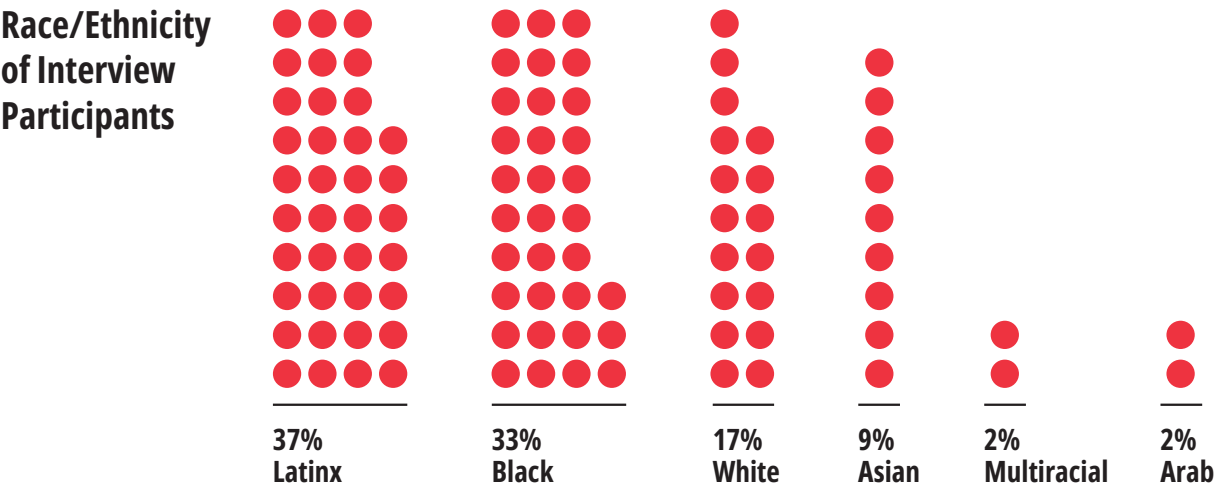
#### Mercer

Princeton P.D.



#### Middlesex

Edison P.D.  
Milltown P.D.  
New Brunswick P.D.  
South Amboy P.D.  
Woodbridge P.D.



**their persistence, even against barriers. We theorize that a wider pool of survivors might report more challenges in getting assistance through law enforcement contact.**

Demographic information on the sample pool is presented in the chart above.

Partners’ focus in this report is on law enforcement from a systems perspective and not on the conduct of individual police departments or officers. To provide geographical context, however, we list the responding police departments identified by interviewees:<sup>38</sup>

**Prior Research on Reluctance to Report Intimate Partner Violence**

Less than half of domestic violence incidents are reported to the police.<sup>39</sup> In one study of individuals who did report their abuse or assault, about one-quarter indicated that they would be unlikely to report future incidents to the police,<sup>40</sup> with some survivors feeling less safe after law enforcement contact.<sup>41</sup> Victims identified negative consequences of law enforcement involvement,<sup>42</sup> concern about inadequate police action<sup>43</sup> and police bias,<sup>44</sup> and anxiety about being arrested<sup>45</sup> as reasons for

their reluctance to engage with law enforcement. Cultural and community norms can discourage reporting as well.<sup>46</sup> Moreover, the decision to report an abuser to law enforcement may have various other important safety implications, such as access to food, housing, immigration status, and financial instability. Survivors may also face other unknown consequences regarding the safety and custody of their children and access to healthcare services.<sup>47</sup> In the case of police misidentification of the victim, survivors may face improper arrest and family separation through child protective services.<sup>48</sup> **Survivors thus find themselves in a difficult dilemma because seeking safety from an abuser, through law enforcement involvement, can actually lead to increased harm and vulnerability.**

**Hesitancy to Report Among Black Survivors**

Fear of police violence against the Black community, compounded by perceptions of the justice system’s inefficacy in responding to domestic and sexual violence, deters many Black survivors from reporting incidents of interpersonal violence.<sup>49</sup> Racialized patterns of mass imprisonment reinforce this fear.<sup>50</sup> The “Black superwoman” stereotype,<sup>51</sup> the idea that Black women are emotionally impervious, independent, and highly resilient, may serve as



an additional barrier to reporting.<sup>52</sup> Many victims are keenly aware of these disparities.<sup>53</sup> Thus, despite high levels of domestic and sexual violence against people of color,<sup>54</sup> Black survivors are less likely to seek aid from law enforcement and the legal system and, when they do seek assistance, less likely to obtain protection.<sup>55</sup>

## The Reporting Dilemma for Immigrant Survivors

A barrier that prevents immigrant survivors from reporting is fear of deportation, not only for themselves, but also for their partners.<sup>56</sup> Women lacking permanent legal status are significantly less likely to utilize formal resources such as the police as compared to citizen and green card holders.<sup>57</sup> While benefits, including immigration relief, are theoretically available for all victims of domestic violence, the documentation and administrative requirements operate as a significant barrier for immigrant survivors.<sup>58</sup>

Language barriers also discourage victims from seeking and continuing police intervention. Immigrant victims with limited English proficiency are less likely to contact the police to begin with.<sup>59</sup> When victims do report, language barriers often present a significant challenge to effective communication with police officers. According to one study, 31% of immigrant victims reported that the police officers who arrived at the scene never even spoke directly to them.<sup>60</sup>

## Stigma Based on Gender and Gender Identity

Gender, sexual orientation, and gender identity also heavily influence a survivor's willingness to report domestic violence to the police. Male and LGBTQ+ victims of domestic violence and sexual assault may be reluctant<sup>61</sup> to report because of stigmatization<sup>62</sup> and police mistreatment.<sup>63</sup> The long history of police hostility and violence against the LGBTQ+ community combined with the continued perception of bias further deters survivors from involving law enforcement.<sup>64</sup> Because police may be preconditioned to imagine the "perfect victim"<sup>65</sup> of domestic violence and sexual assault to be a white heterosexual woman, survivors of different gender identities and sexual orientations face challenges to being treated seriously by law enforcement.<sup>66</sup>



## What's next in this series:

Having summarized the background, motivation, and approach to this study, we turn in the next part of the report to discuss the range of responsibilities that the police have when responding to domestic violence calls, as set by state laws and policies as well as local police department procedures.

## Part 2: Law Enforcer, Social Worker, and Protector: What New Jersey Law Requires of Police in Domestic Violence Cases

## Endnotes

- <sup>1</sup> This report uses the terms police and law enforcement interchangeably. The survivors we interviewed primarily described experiences with their local municipal police departments.
- <sup>2</sup> In keeping with the language used by those who participated in this project, we use the terms “survivor” and “victim” to refer to people who have experienced violence and/or other forms of abuse by an intimate partner.
- <sup>3</sup> This report does not address elder abuse or other forms of abuse in the household or family, outside of an intimate partner relationship.
- <sup>4</sup> See Jacquelyn C. Campbell et. al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, 93 AM. J. PUBLIC HEALTH 1089, 1091 (2003); Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 MICH. L. REV. 1, 5-6 (1991).
- <sup>5</sup> See MAXINE HARRIS & ROGER D. FALLOT, NEW DIRECTIONS FOR MENTAL HEALTH SERVICES: USING TRAUMA THEORY TO DESIGN SERVICE SYSTEMS 89 (2001) (describing how trauma-informed services are designed to promote recovery and minimize the chance of revictimization).
- <sup>6</sup> See Peter Finn & Sarah Colson, *Civil Protection Orders: Legislation, Current Court Practice and, Enforcement*, U.S. DEP’T OF JUST., NAT’L INST. OF JUST. (1990); Christopher T. Benitez, et al., *Do Protection Orders Protect?*, 38 J. AM. ACAD. PSYCHIATRY L. 376, 384 (2010); Judith McFarlane et al., *Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic and White Women*, 94 AM. J. PUB. HEALTH 613, 613-18 (2004).
- <sup>7</sup> See *Frequently Asked Questions About Domestic Violence*, N.J. COURTS, [https://www.njcourts.gov/selfhelp/selfhelp\\_domesticviolence.html#faq](https://www.njcourts.gov/selfhelp/selfhelp_domesticviolence.html#faq) (last visited Apr. 30, 2022); *Get Help*, PARTNERS, <https://partnersnj.org/get-help/> (last visited Apr. 30, 2022).
- <sup>8</sup> N.J. STAT. ANN. § 2C:25-17 (West 1991).
- <sup>9</sup> OFF. OF THE ATT’Y GEN., DOMESTIC VIOLENCE IN NEW JERSEY (2019), <https://nj.gov/njsp/ucr/domestic-violence-reports-2019.shtml> [hereinafter N.J. 2019 REPORT].
- <sup>10</sup> New Jersey Courts, 2018-2020 Report on the Prevention of Domestic Violence Act 118 (2021), <https://www.njcourts.gov/courts/assets/family/20182020dvreport.pdf?c=0jl>.
- <sup>11</sup> The duties of law enforcement are discussed in Part 2 of this report. Victims can apply for a TRO through the Superior Court during court hours and bypass law enforcement involvement with the application for the order.
- <sup>12</sup> N.J. Stat. Ann. § 2C:25-21(a)(3) (West 1991). Criminal contempt of a domestic violence order is punishable as a disorderly persons offense and is elevated to a 4<sup>th</sup> degree offense if the underlying contact is itself criminal. N.J. Stat. Ann. § 2C:29-9(b)(1)-(2) (West 2015).
- <sup>13</sup> See Brenda Russell, *Effectiveness, Victim Safety, Characteristics, and Enforcement of Protective Orders Partner Abuse*, 3 PARTNER ABUSE 531, 535 (2012); Jill Theresa Messing et al., *‘Not Bullet Proof’: The Complex Choice Not to Seek a Civil Protection Order for Intimate Partner Violence*, 27 INT’L REV. VICTIMOLOGY 173, 176 (2021).
- <sup>14</sup> See Messing, *supra* note 13, at 176 (2021); Russell, *supra* note 13, at 542-543; see generally, Reinie Cordier et al., *The Effectiveness of Protection Orders in Reducing Recidivism in Domestic Violence: A Systematic Review and Meta-Analysis*, 22 TRAUMA VIOLENCE ABUSE 804, 822-825 (2021) (identifying areas for further research).
- <sup>15</sup> See Messing, *supra* note 13, at 174.
- <sup>16</sup> See Messing, *supra* note 13, at 176; Russell, *supra* note 13, at 545.
- <sup>17</sup> See LEIGH GOODMARK, DECRIMINALIZING DOMESTIC VIOLENCE: A BALANCED POLICY APPROACH TO INTIMATE PARTNER VIOLENCE 27-28 (2018).
- <sup>18</sup> RACHEL E. MORGAN & JENNIFER L. TRUMAN, BUREAU OF JUSTICE STATISTICS, NCJ 255113, CRIMINAL VICTIMIZATION, 2019, tbl.6 (2020), <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>.
- <sup>19</sup> Russell, *supra* note 13, at 532. This figure does not differentiate utilization rates for victims who contact law enforcement.
- <sup>20</sup> This average was calculated by starting with the total number of new TROs and dividing by the difference between the total number of domestic violence incidents and the number of incidents involving victims with prior restraining orders in place. N.J. 2019 REPORT, *supra* note 9. According to the New Jersey State Police, its reports use data derived from a web-based reporting application. Law enforcement agencies statewide are required to enter Domestic Violence Reports for each domestic violence incident that occurred within their jurisdiction into the reporting application. The data collection method utilized by the New Jersey Uniform Crime Reporting Unit is reliant on the consistent contributions from every law enforcement agency in the state and is thereby subject to human and technical error.
- <sup>21</sup> *Id.* While the overall trend in utilization seems generally consistent over the last few years, some municipal data shows great variation, as in the case of Jersey City’s data. OFF. OF THE ATT’Y GEN., DOMESTIC VIOLENCE IN NEW JERSEY (2018), <https://nj.gov/njsp/ucr/domestic-violence-reports-2018.shtml>. Data is extrapolated from the Excel chart. This could suggest inconsistent data keeping or significant shifts in police practice.
- <sup>22</sup> *Id.*
- <sup>23</sup> Jersey City Police Department has a close relationship with Women Rising, the Hudson County domestic violence agency, which provides training to new recruits in the police academy. It lacks, however, a Crisis Response Team. The benefits of a CRT response are discussed in Parts 2 and 3, *infra*.
- <sup>24</sup> N.J. 2019 REPORT, *supra* note 9.



- <sup>25</sup> See Katherine Hilson, *The Intersectionality of Domestic Abuse: Law Enforcement Barriers Black Women Face* (CrimRXIV, Working Paper, 2020); Messing, *supra* note 13, at 175-6.
- <sup>26</sup> See generally NATIONAL NETWORK TO END DOMESTIC VIOLENCE, <https://nnedv.org/> (last visited Apr. 30, 2022); CENTER FOR SURVIVOR AGENCY & JUSTICE, <https://csaj.org/> (last visited Apr. 30, 2022); WASHINGTON STATE COALITION AGAINST DOMESTIC VIOLENCE, <https://wscadv.org/> (last visited Apr. 30, 2022).
- <sup>27</sup> Anecdotal evidence, including interviews with survivors, illustrates this reluctance; however, the lack of police and court data about the race of domestic violence victims and harm-doers makes it difficult to quantify it. Barriers to obtaining civil restraining orders differentially affect marginalized survivors.
- <sup>28</sup> See N.J. COURTS, CRIMINAL JUSTICE REFORM ANNUAL REPORT 1, 31 (2019), <https://www.njcourts.gov/courts/assets/criminal/cjrannualreport2019.pdf?c=XFS>.
- <sup>29</sup> N.J. 2019 REPORT, *supra* note 9, at 8; *id.* at 31.
- <sup>30</sup> See Marleina Ubel, *To Protect and Serve: Investing in Public Safety Beyond Policing*, ECON. JUST. TAX BUDGET (2021), <https://www.njpp.org/publications/report/to-protect-and-serve-investing-in-public-safety-beyond-policing/> (police budgets in selected counties average 20 percent of total municipal budgets); see also *What Policing Costs: A Look at Spending in America's Biggest Cities*, VERA, <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities/newark-nj> (last visited Apr. 30, 2022).
- <sup>31</sup> See Patricia Perlmutter & Jessica Miles, *The Impact of COVID-19 Intensifies the Shadow Pandemic of Domestic Violence*, PARTNERS (2020), <https://partnersnj.org/wp-content/uploads/2021/03/Advocacy-Partners-COVID-White-Paper-Final-1-11-21.pdf>.
- <sup>32</sup> PARTNERS, <https://partnersnj.org/> (last visited Apr. 30, 2022).
- <sup>33</sup> The majority of Partners clients did not have law enforcement contact.
- <sup>34</sup> Partners did not design or administer the intake questions as a survey, and almost one-third of participants did not respond to one or more questions. Information from the questions, where relevant, will be referenced in Part 3 of the report.
- <sup>35</sup> Shana Kleiner, MSW, led the interviews using trauma-informed open-ended questions. Avoiding retraumatizing participants and ensuring that they felt safe were top priorities, as Partners understood that revisiting past victimization would likely trigger strong emotions.
- <sup>36</sup> Partners conducted outreach to the New Jersey Coalition to End Domestic Violence, the Family Justice Centers of Essex, Middlesex, and Union Counties, the Shani Baraka Center, Garden State Equality, Hyacinth Foundation, Make the Road New Jersey, American Friends Service Committee, Manavi, the New Jersey Coalition Against Sexual Assault, Wafa House, Safe House, Edge NJ, Hudson Pride, Project S.A.R.A.H., as well as other groups.
- <sup>37</sup> Partners accepts clients for either full legal representation or a more limited advice and counsel. Partners' success rate is 94%, meaning that clients obtained a positive outcome, defined broadly as obtaining the relief that the client wanted, such as a FRO or private settlement agreement. *Service Impact and Results*, PARTNERS, <https://partnersnj.org/our-impact/service-impact-and-results/> (last visited Apr. 30, 2022).
- <sup>38</sup> In about one-quarter of the sample, the victim did not identify the responding police department.
- <sup>39</sup> Julie Goldscheid et al., *Responses from the Field: Sexual Assault, Domestic Violence, and Policing*, ACLU 1, 8 (2015); *The Criminal Justice System: Statistics*, RAINN, <https://www.rainn.org/statistics/criminal-justice-system> (last visited Oct. 24, 2021); see also RACHEL MORGAN & ALEXANDRA THOMPSON, BUREAU OF JUSTICE STATISTICS, NCJ 301775 CRIMINAL VICTIMIZATION, 2020 (2021) <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cv20.pdf> (noting that 41% of intimate partner violence is reported to law enforcement).
- <sup>40</sup> See TK Logan & Rob Valente, *Who Will Help Me? Domestic Violence Survivors Speak out about Law Enforcement Responses*, NAT'L DOMESTIC VIOLENCE HOTLINE 1, 9 (2015) <https://www.thehotline.org/wp-content/uploads/media/2020/09/NDVH-2015-Law-Enforcement-Survey-Report-2.pdf> (stating that "1 in 4 women (24%) reported that they would not call the police again in the future for partner abuse or sexual assault."); see also Katherine Lorenz et al., *"I Was Worried I Wouldn't Be Believed": Sexual Assault Victims' Perceptions of the Police in the Decision to Not Report*, 36 VIOLENCE & VICTIMS 455, 467 (2021).
- <sup>41</sup> See Logan, *supra* note 40, at 6 (noting that after calling the police, 1/3<sup>rd</sup> of respondents felt less safe).
- <sup>42</sup> See, e.g., Jill Theresa Messing et al., *Protection Order Use Among Latina Survivors of Intimate Partner Violence*, 12 FEMINIST CRIMINOLOGY 199, 209 (2017) ("However, other undocumented women feared their own and their abuser's deportation and, thus, did not reach out for legal assistance.").
- <sup>43</sup> See Messing, *supra* note 13, at 181 (emphasizing that some victims did not pursue a civil protection order because they did not think police would effectively enforce this order).
- <sup>44</sup> See, e.g., Michele R. Decker et al., *"You Do Not Think of Me as a Human Being": Race and Gender Inequities Intersect to Discourage Police Reporting of Violence against Women*, 96 J. URB. HEALTH 772, 780 (2019) (explaining that perception of police bias leads to underreporting).
- <sup>45</sup> See Melissa E. Dichter, *"They Arrested Me—And I Was The Victim": Women's Experiences with Getting Arrested in the Context of Domestic Violence*, 23 WOMEN & CRIM. JUST. 81, 82 (2013) (explaining the causes and consequences of dual arrests).
- <sup>46</sup> See Decker, *supra* note 44, at 772, 778-9; Rachel E. Latta & Lisa A. Goodman, *Considering the Interplay of Cultural Context and Service Provision in Intimate Partner Violence: The Case of Haitian Immigrant Women*, 11 VIOLENCE AGAINST WOMEN 1441, 1447 (2005) (describing how victims were influenced by their understandings of police/victim interactions in Haiti); Courtney E. Ahrens et al., *Talking about Interpersonal Violence: Cultural Influences on Latinas' Identification and Disclosure of Sexual Assault and Intimate Partner Violence*, 2 PSYCHOL. TRAUMA: THEORY, PRAC., & POL'Y 284, 290 (2010) ("Participants also described cultural taboos against talking about sex, rape, and abuse.").

<sup>47</sup> See Goldscheid, *supra* note 39, at 24-29.

<sup>48</sup> See Susan K. Livio, *Racism in N.J.'s child protection system*, NJ ADVANCE MEDIA, (Dec. 19, 2021), <https://www.nj.com/politics/2021/12/racism-in-njs-child-protection-system.html>.

<sup>49</sup> See Decker, *supra* note 44, at 772.

<sup>50</sup> See Tricia B. Bent-Goodley, *Domestic Violence Fatality Reviews and the African American Community*, 17 HOMICIDE STUD. 375, 381 (2013) (describing the case of a Caribbean American woman who was told by her pastor that “there were so many Black men in the criminal justice system and that she should not put another one into that system”).

<sup>51</sup> Casey T. Taft et al., *Intimate Partner Violence Against African American Women: An Examination of the Socio-Cultural Context*, 14 AGGRESSION & VIOLENT BEHAV. 50, 53 (2009).

<sup>52</sup> See C. Shawn McGuffey, *Rape and Racial Appraisals: Culture, Intersectionality, and Black Women's Accounts of Sexual Assault*, 10 DU BOIS REV. SOC. SCI. RES. ON RACE 109, 112 (2013); Carl C. Bell & Jacqueline Mattis, *The Importance of Cultural Competence in Ministering to African American Victims of Domestic Violence*, 6 VIOLENCE AGAINST WOMEN 515, 520 (2000).

<sup>53</sup> See, e.g., Logan, *supra* note 40, at 7 (outlining the concerns of survey respondents about police bias and discrimination).

<sup>54</sup> See Goldscheid, *supra* note 39, at 7.

<sup>55</sup> See Arlene N. Weisz & Maria Schell, *Responding to Intimate Partner Violence: Urban Women's Decisions About Getting Personal Protection Orders When Other Resources Are Scarce*, 26 VIOLENCE AGAINST WOMEN 1242, 1250 (2020).

<sup>56</sup> See Jill Theresa Messing et al., *Latinas' Perceptions of Law Enforcement: Fear of Deportation, Crime Reporting, and Trust in the System*, 30 AFFILIA J. WOMEN SOC. WORK 328, 330 (2015).

<sup>57</sup> Elizabeth Zadnik et al., *Violence Against Latinas: The Effects of Undocumented Status on Rates of Victimization and Help-Seeking*, 31 J. INTERPERSONAL VIOLENCE 1141, 1148 (2016); see also Nawal H. Ammar et al., *Calls to Police and Police Response: A Case Study of Latina Immigrant Women in the USA*, 7 INT'L J. POLICE SCI. MGMT. 230, 236 (2005) (finding undocumented women were half as likely as women with stable immigration status (18.8% vs. 43.1%) to contact police regarding an episode of domestic violence).

<sup>58</sup> See *Domestic Violence Fact Sheet*, HHS (Aug. 22, 2012), <https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/domestic-violence/index.html> (last visited Apr. 30, 2022).

<sup>59</sup> See, e.g., Hoan N. Bui, *Help-Seeking Behavior Among Abused Immigrant Women: A Case of Vietnamese American Women*, 9 VIOLENCE AGAINST WOMEN 207, 210 (2003) at 225 (“Some women did not report abuse because they were unable to communicate with police dispatchers in the first place.”).

<sup>60</sup> Ammar, *supra* note 57, at 241.

<sup>61</sup> See Richard B. Felson & Paul-Philippe Paré, *The Reporting of Domestic Violence and Sexual Assault by Nonstrangers to the Police*, 67 J. MARRIAGE FAM. 597, 597 (2005) (“Male victims are particularly reluctant to report assaults by their intimate partners . . .”).

<sup>62</sup> See Venus Tsui et al., *Help-Seeking Among Male Victims of Partner Abuse: Men's Hard Times*, 38 J. CMTY. PSYCH. 769, 769 (2010) (“Qualitative data found five themes that triggered men's hard times: service target perception, shame and embarrassment, denial, stigmatization, and fear.”).

<sup>63</sup> See Eugene Emeka Dim & Alexandra Lysova, *Male Victims' Experiences with and Perceptions of the Criminal Justice Response to Intimate Partner Abuse*, J. INTERPERSONAL VIOLENCE 1, 1 (2021) (“Those men who called the police for help reported unfriendly and antagonistic police treatment and the police's reluctance to charge abusive female partners.”).

<sup>64</sup> See, e.g., Rhissa Briones-Robinson et al., *Sexual Orientation Bias Crimes: Examination of Reporting, Perception of Police Bias, and Differential Police Response*, 43 CRIM. JUST. & BEHAV. 1688, 1689 (2016) (“Prior evidence finds that police contacts with the LGBT community have been problematic, as reflected in the poor law enforcement response and misconduct directed toward victims following calls for assistance.”); Breea C. Willingham, *Black Women and State-Sanctioned Violence: A History of Victimization and Exclusion*, 48 CANADIAN REV. AM. STUD. 77, 79 (2018) (describing how Black women have been subjected to police violence).

<sup>65</sup> Adele M. Morrison, *Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor*, 39 U.C. DAVIS L. REV. 1061, 1084 (2006).

<sup>66</sup> See Elizabeth L. MacDowell, *Theorizing from Particularity: Perpetrators and Intersectional Theory on Domestic Violence*, 16 J. GENDER, RACE & JUST. 531, 533 (2013).





TRANSFORMING  
LIVES THROUGH  
JUSTICE

ave ne  
ning order. A  
RE AVAILABLE. It wa  
me experience over a  
ghing were shr  
really made  
TO REPORT  
assault v  
se for me. It felt almos  
was being thrown at  
rs there they assumed  
OF THE MALE POLICE OFFIC  
ficers. I didn't feel com  
ings that made me fee  
erience. And at the e  
t on myself for this ha  
ficer to speak with me

ke I ha  
really upsetting  
g experience for m  
ot having them, belie  
ke it's not a big de  
actually deterre  
like something  
ared. They do  
most like bombardment in th  
nd very little was actually be  
of things about me, and the  
VAS ON THE SIDE LAUGHING, and  
table and I felt kind of like t  
lly uncomfortable and over  
felt like overall, just a lot o  
ning. I also felt like even tho  
st felt like THE OFFICERS THEN



## In Their Own Words

Part 2: Law Enforcer, Social Worker, and  
Protector: What New Jersey Law Requires  
of Police in Domestic Violence Cases



In no other place in the entire criminal code is an arrest mandatory, evidencing the legislative intent to prioritize prosecution of the harm-doer in responding to domestic violence.

**The breadth of law enforcement responsibilities with respect to domestic violence offenses is sweeping and far exceeds that required in response to other types of crimes.** As described in Part 1 of this report, the Prevention of Domestic Violence Act<sup>1</sup> (“PDVA”) defines the principal duties of law enforcement in responding to domestic violence. The police response is an opportunity to enhance safety for a victim of domestic violence. Harry Earle, Law Enforcement Risk Control Consultant for J.A. Montgomery Consultant and the former Chief of Police for Gloucester Township explains:

**“An appropriate and effective initial police response to domestic violence not only protects victims, but also may prevent future incidents of violence that can create better outcomes for everyone, including police officers in the long term.”**

Beyond the PDVA, the New Jersey Office of the Attorney General (the “OAG”) has exercised its power to impose statewide standards concerning the handling of domestic violence calls, which apply to every law enforcement agency in New Jersey. The New Jersey Domestic Violence Procedures Manual (“NJDVPM”), and specifically the provisions from the OAG’s Division on Criminal Justice, establishes uniform policy guidance for law enforcement agencies.<sup>2</sup> However, these policies use language that police departments may find difficult to directly operationalize, according to Chief Louis J. Bordi, Voorhees Police Department, on behalf of the New Jersey State Association of Chiefs of Police.

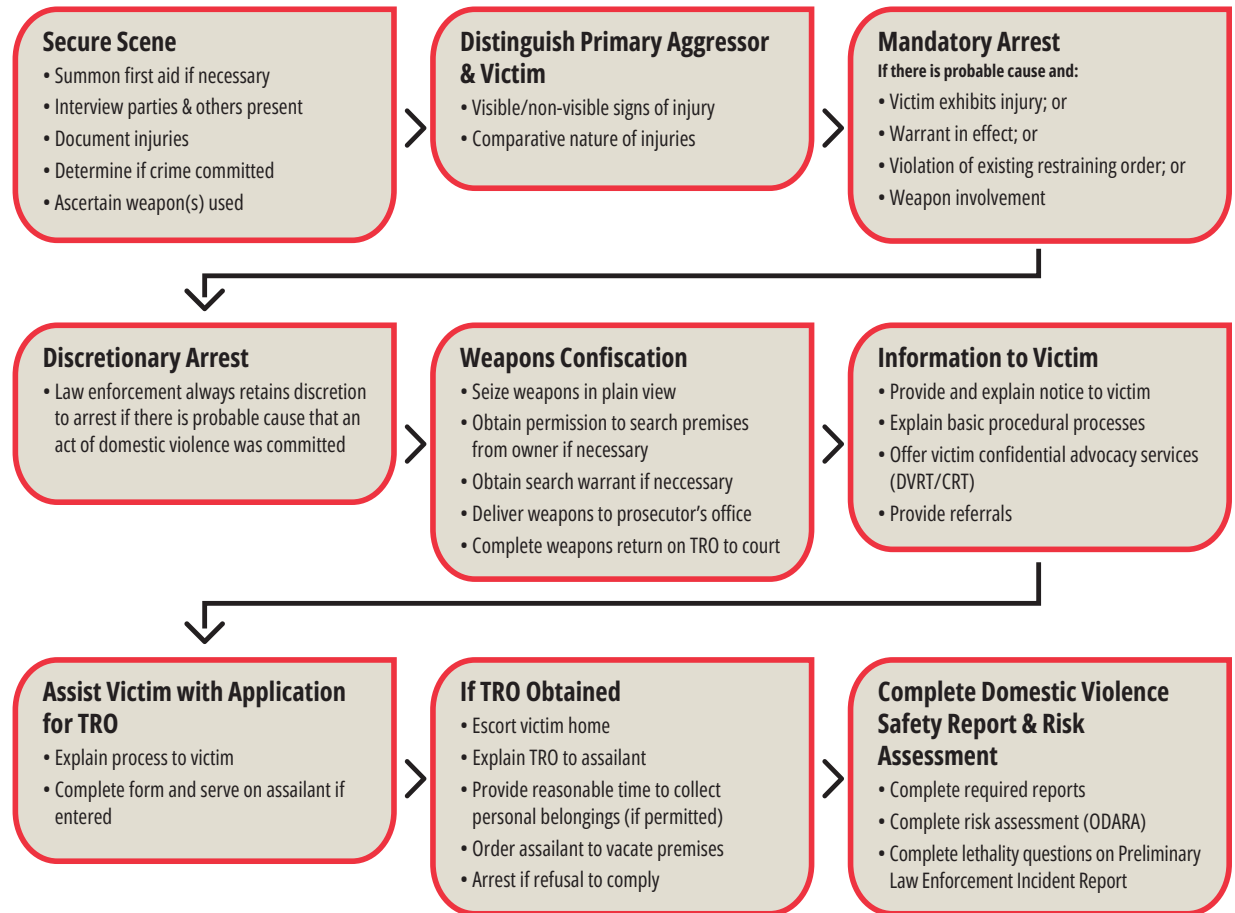
The Division on Criminal Justice, therefore, specifically instructs law enforcement agencies to develop clearly written policies and

procedures for responding to domestic violence offenses.<sup>3</sup> In addition, county prosecutors issue their own guidelines that local police departments within the county must follow. These county guidelines can include additional requirements, beyond those set forth by the OAG, such as limiting officer discretion to make cross-arrests or mandating utilization of domestic violence advocates when victims go to the police station.<sup>4</sup> Partners obtained a sample of municipal police policies to analyze how police departments communicate domestic violence response protocols to their officers. [CLICK HERE](#) for our analysis of these policies.

Despite these efforts at standardization, the articulation and implementation of policies vary considerably from one municipality to another.<sup>5</sup> New Jersey has over 564 municipalities,<sup>6</sup> most of which have their own police departments, budgets, and distinct socio-economic issues and demographics. According to the New Jersey State Association of Chiefs of Police, police departments in New Jersey have an average of 18 officers, with policing varying greatly from one jurisdiction to another in response to the needs of the communities they serve and law enforcement capacity.

As Partners concluded the drafting of this report, New Jersey issued an updated and revised Domestic Violence Procedures Manual, the first revision since 2008. Many of the provisions in the NJDVPM articulate new or revised standards. At the time of issuing this report, how and whether police departments will implement the new procedures remains unclear. In the analysis below, Partners has endeavored to identify significant policy changes included in the 2022 NJDVPM.

## Principal Law Enforcement Duties in Responding to Domestic Violence Incidents



This section discusses the primary responsibilities of law enforcement. Understanding how police are directed to respond to domestic violence crimes provides crucial context for the law enforcement experiences recounted by survivors that will be released in Part 3 of this report.

Above is a flow chart graphically summarizing the primary duties of law enforcement officers in response to incidents of domestic violence.

The PDVA and directives and guidelines from the OAG require the police to serve in four different capacities in responding to domestic violence calls:<sup>7</sup>

- Conduct criminal investigation, including arrest and/or weapons confiscation, as applicable;

- Provide information and referrals to victims and assist with obtaining restraining orders;
- Protect domestic violence victims from further harm, and
- Report data and assess risk.

### Criminal Investigation, Arrest, and Weapons Confiscation

The PDVA delineates some offenses for mandatory arrest<sup>8</sup> and provides additional guidance regarding identification of the parties and weapons confiscation. **In no other place in the entire criminal code is an arrest mandatory, evidencing the legislative intent to prioritize prosecution of the harm-doer in responding to domestic violence.**

An arrest is mandatory if the victim shows<sup>9</sup> signs of injury caused by an act of domestic violence;<sup>10</sup> there is an outstanding warrant;<sup>11</sup> there is probable cause to believe that the harm-doer has violated a served restraining order;<sup>12</sup> or there is probable cause that a weapon<sup>13</sup> was involved in the domestic violence offense.<sup>14</sup>

Where there is no restraining order, no outstanding warrant, and no weapon, New Jersey's mandatory arrest policy is limited to cases involving physical injury, liberally construed. Many domestic violence crimes recognized by the PDVA fall outside of the mandatory arrest provision, as they may not result in visible signs of physical injury.<sup>15</sup> In such circumstances, a police officer retains the discretion to arrest and/or sign a criminal complaint against the alleged perpetrator if there is probable cause.<sup>16</sup>

The PDVA directs law enforcement to identify the primary aggressor in cases where both parties sustain injuries, rather than charging both parties.<sup>17</sup> Critically, a victim should not be charged for acting in self-defense.<sup>18</sup>

An officer responding to an act of domestic violence must investigate to determine if weapons are present, seize them if in plain view, or if not, apply for a search warrant.<sup>19</sup>

When domestic violence victims report sexual violence, law enforcement must also consider the specific additional requirements for responding to sexual violence offenses.<sup>20</sup>

### **Assistance to Victims through Restraining Orders and Referrals**

The PDVA and the NJDVPM require that police assist domestic violence victims by explaining and initiating the restraining order process as well as offering information and referrals to advocates and services. Such responsibilities contrast against the much more limited police obligations with respect to other crime victims.

**Performing these roles appropriately requires a deep and nuanced understanding**

**of the restraining order process and how it differs from the criminal process, knowledge of available services, and an ability to communicate effectively with traumatized individuals in a culturally sensitive and trauma-informed way.** In short, New Jersey asks law enforcement to perform some duties more commonly associated with social work. **In no other area of policing are police officers asked to fulfill so many nontraditional police duties.** To support officers, every law enforcement agency is required to have a specialized domestic violence liaison officer who serves as a subject matter expert.<sup>21</sup>

### **Restraining Orders**

Applications for temporary restraining orders ("TRO") are emergent matters. Victims may obtain a TRO through the Superior Court or through police application to the municipal court on any day or hour of the week. Police must inform the victim of the option to get a restraining order as well as provide written notice about such orders, printed in English and Spanish.<sup>22</sup> In order for the victim to make a meaningful decision, police must also explain to the victim the differences between a restraining order and criminal case.<sup>23</sup>

When the Superior Court is closed, the on-call municipal court judge determines whether to grant the TRO after conducting a telephonic hearing.<sup>24</sup> The OAG, rather than the PDVA itself, assigns law enforcement the tasks of interviewing the victim about the current incident and any history of domestic violence in the relationship, preparing the TRO application, and contacting the municipal judge,<sup>25</sup> a process that from start to finish can take substantial time. Since the onset of the COVID-19 pandemic, the judiciary has increased police responsibility for TRO initiation by requiring law enforcement to assist victims with TRO whenever the victim makes a criminal complaint with the police, regardless of whether the Superior Court is open.<sup>26</sup> Law enforcement may not turn away domestic violence victims who are seeking TROs.<sup>27</sup>



In no other area of policing are police officers asked to fulfill so many nontraditional police duties.

### Referrals to Advocates and Services

New Jersey police departments must maintain a list of referrals for available domestic violence services in the community.<sup>28</sup> **Making sure that victims leave with the numbers for the 24-hour hotline and their county domestic violence agency is essential**, according to Mildred Torres, Director of the Middlesex County Family Justice Center. Law enforcement must provide the telephone number for the Victim Witness Advocacy Office within the county prosecutor's office, which provides critical support and information for crime victims.<sup>29</sup> Furthermore, the PDVA requires law enforcement agencies to establish or participate in Crisis Response Team ("CRT"), also known as Domestic Violence Response Teams ("DVRT"), to respond to domestic violence incidents.<sup>30</sup> A crisis response team is similar to a co-response model utilizing trained domestic violence advocates, who can speak confidentially with the victim and provide safety planning, emotional support, information, and referrals; however, it is limited to making connections to victims who return to the police station.

**Recognizing the importance of the victim-advocate connection, the NJDVPM supports greater utilization of DVRTs, characterizing the connection as "crucial"<sup>31</sup> and recommending automatic call-outs as a "best practice" so that the victim can decide whether to accept advocacy services.<sup>32</sup>**

### Language Access

Fundamental to communication is speaking to victims in a language that they understand. **When law enforcement agencies fail to equip their officers with ready access to language interpretation, police are likely to miss important information from victims with limited English proficiency. As a result, the victims' safety may be compromised.** According to Lauren Bivona, CRT Coordinator at Safe in Hunterdon and former Flemington Borough police officer, **"People's lives depend**

**on the evidence gathered from speaking with the police; the nuances of language are essential to clear communication."**

The NJPDVM includes a new law enforcement requirement that "[t]he agency shall have clear policies and procedures regarding language access and will make best efforts to communicate with victims in the language most comfortable for them."<sup>33</sup> After inquiry to the OAG and conducting research, Partners could not locate any other directive or guidelines from the OAG on policing and language access, with the exception of guidance on the requisite to meet the needs of deaf and hearing impaired individuals.<sup>34</sup>

### Harm Prevention and Protection

Law enforcement provides protection to domestic violence victims by:

- personally serving restraining orders on alleged perpetrators;<sup>35</sup>
- supervising "put out" orders, when a defendant must leave the residence;<sup>36</sup>
- accompanying either party to collect belongings from the family home;<sup>37</sup> and
- acting on violations of restraining orders.

In 2020, New Jersey issued 26,217 TROs,<sup>38</sup> triggering a requirement in each case for law enforcement to locate the defendant and personally serve the order. The purpose of law enforcement service is to protect the victim from further harm, which is especially critical in circumstances when the defendant is required under the TRO to vacate the premises.<sup>39</sup> Generally, in civil litigation, when personal service is required, the parties employ a process server to complete service. The requirement of in-person service by law enforcement of a civil order is exceptional and often extremely time consuming.

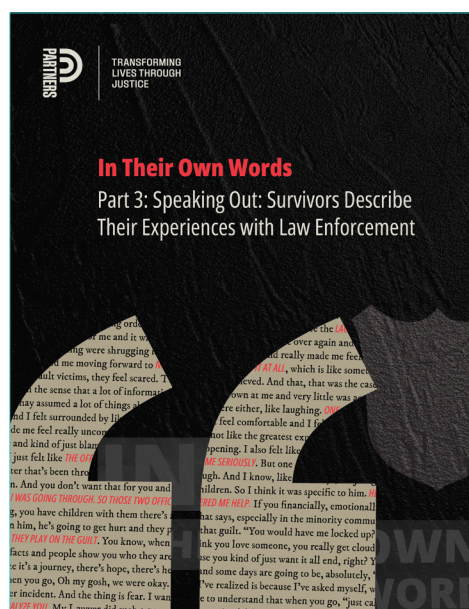
Equally exceptional is the treatment of a violation of a civil order as a crime, which is the essence of the protection that restraining orders provide.

**Equally exceptional is the treatment of a violation of a civil order as a crime, which is the essence of the protection that restraining orders provide.** When a law enforcement officer finds probable cause to believe that a person has violated the keep away or no-contact provisions of a served restraining order, the defendant must be arrested.<sup>40</sup> The OAG, however, does not provide guidance to the officer on how to determine probable cause or when to confer with a supervisory officer or on-call prosecutor.<sup>41</sup>

Separate from the civil system, a defendant who has been charged criminally with an act of domestic violence is generally prohibited from contacting the victim until the resolution of the criminal case.<sup>42</sup> Violations of those criminal no-contact orders can lead to a new charge of contempt, but such charges are rare.<sup>43</sup>

## Data Collection and Risk Assessment

The PDVA includes a requirement to collect data, which officers report through the Supplementary Domestic Violence Offense Report.<sup>44</sup> After New Jersey implemented the Criminal Justice Reform Act in 2017, the Attorney General issued guidelines requiring police officers to complete a risk assessment tool, the Ontario Domestic Assault Risk Assessment (ODARA), in every domestic violence incident involving physical contact.<sup>45</sup> **ODARA is a tool that provides statistical information on the likelihood that the harm-doer will commit another act of domestic violence. New Jersey law enforcement and prosecutors use the ODARA to inform pretrial charging decisions.**<sup>46</sup> **Prosecutors cannot share the actuarial data with the criminal court.**<sup>47</sup> Another form, the Preliminary Law Enforcement Investigatory Report, includes supplemental risk assessment information.<sup>48</sup>



## What's next in this series:

Part 3 reports findings from survivor interviews identifying obstacles to understanding and accessing restraining orders, perceptions of lack of protection, police bias, and dismissiveness, as well as appreciation for empathetic and informative police guidance.

### Part 3: Speaking Out: Survivors Describe Their Experiences with Law Enforcement

## Endnotes

<sup>1</sup> Prevention of Domestic Violence Act of 1991, N.J. Stat. Ann. § 2C:25-17 (West 1991).

<sup>2</sup> N.J. COURTS, NEW JERSEY DOMESTIC VIOLENCE PROCEDURES MANUAL (“NJDVPM”) (2022), <https://www.njcourts.gov/courts/assets/family/dvprcman.pdf>.

<sup>3</sup> See *id.* at 91-96 (“Written Policies & Procedures Overview”).

<sup>4</sup> Partners obtained county prosecutor domestic violence policies from three counties: Middlesex, Union, and Essex. County prosecutor policies are another opportunity to set uniform county-specific procedures and may go beyond the OAG Guidelines.

<sup>5</sup> The critical issue of training of law enforcement officers to respond to domestic violence offenses was beyond the scope of this research.

<sup>6</sup> *About Us*, N.J. ST. LEAGUE OF MUNICIPALITIES, <https://www.njlm.org/27/About-Us> (last visited May 22, 2022).

<sup>7</sup> This section provides highlights of the distinct aspects of law enforcement responses to domestic violence calls/incidents and is not intended as an exhaustive description or analysis. The New Jersey State Police created a domestic violence checklist, last updated in 2003, available at New Jersey Division of Criminal Justice, *Domestic Violence: Checklist for Law Enforcement Officers* (May 2003), <https://www.state.nj.us/lps/dcj/njpdresources/dom-violence/dv-checklist4.pdf>.

<sup>8</sup> The New Jersey Supreme Court has dubbed N.J. STAT. ANN. § 2C:14-18(a) the “mandatory arrest provision,” read in the context of the New Jersey constitution. *State v. Bryant*, 148 A.3d 398, 406 (N.J. 2016).

<sup>9</sup> See N.J. STAT. ANN. § 2C:25-21(c)(1) (West 2004) (“[T]he word ‘exhibits’ is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition.”)

<sup>10</sup> *Id.* § 2C:25-21(a)(1).

<sup>11</sup> *Id.* § 2C:25-21(a)(2).

<sup>12</sup> *Id.* § 2C:25-21(a)(3).

<sup>13</sup> See generally N.J. STAT. ANN. §2C:39-1(r) (West 2020), for a comprehensive list of what constitutes a “weapon” for purposes of this provision.

<sup>14</sup> See § 2C:25-21(a)(4).

<sup>15</sup> The offenses include Assault; Terroristic threats; Kidnapping; Criminal restraint; False imprisonment; Sexual assault; Criminal sexual contact; Lewdness; Criminal mischief; Burglary; Criminal trespass; Harassment; Stalking; Criminal coercion; Robbery; and Cyber-harassment. N.J. STAT. ANN. § 2C:25-19.

<sup>16</sup> See § 2C:25-21(b) (West 2004).

<sup>17</sup> *Id.* § 2C:25-21(c)(2).

<sup>18</sup> *Id.* § 2C:25-21(c)(3). The NJDVPM contains critical guidance on this issue. NJDVPM, *supra* note 2, at 97.

<sup>19</sup> See § 2C:25-21(d)(1)(b); *State v. Hemenway*, 216 A.3d 118 (N.J. 2019) (requiring a court to find probable case before issuing a search warrant for weapons under the Domestic Violence Act).

<sup>20</sup> NJ Department of Law & Public Safety, *Attorney General Standards for Providing Services to Victims of Sexual Assault* (2018), <https://www.nj.gov/oag/newsreleases18/AG-SART-Standards.pdf>.

<sup>21</sup> NJDVPM, *supra* note 2, at 118.

<sup>22</sup> N.J. STAT. ANN. § 2C:25-23 (West 2004). Police must collect contact information to enable the police and prosecutor to contact the victim and provide the number for the county victim witness advocate to the victim. NJDVPM, *supra* note 2, at 104.

<sup>23</sup> NJDVPM, *supra* note 2, at 104.

<sup>24</sup> N.J. STAT. ANN. § 2C:25-28 (West 2004).

<sup>25</sup> NJDVPM, *supra* note 2, at 109.

<sup>26</sup> *Id.* at 35. While historically approximately 40% of TROs originated with police applications to municipal courts on behalf of victims, that number grew during COVID to over 70% in 2020. New Jersey Courts, 2018-2020 Report on the Prevention of Domestic Violence Act at 14, <https://www.njcourts.gov/courts/assets/family/20182020dvreport.pdf?c=j1H>.

<sup>27</sup> NJDVPM, *supra* note 2, at 35.

<sup>28</sup> *Id.* at 93; see also N.J. STAT. ANN. §2C:25-28(e) (West 2004) (requiring that victims and harm-doers receive referrals for programs and services).

<sup>29</sup> NJDVPM, *supra* note 2, at 108.

<sup>30</sup> § 2C:25-20(c).

<sup>31</sup> NJDVPM, *supra* note 2, at 117.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 99. The judiciary has a comprehensive language access plan and addresses language access in multiple sections in the NJDVPM.

<sup>34</sup> Letter of the Director of the New Jersey Division of Civil Rights to Law Enforcement Executives (Sept. 3, 2020) (on file with author).



<sup>35</sup> § 2C:25-28(l).

<sup>36</sup> NJDVPM, *supra* note 2, at 109.

<sup>37</sup> *Id.* at 110; N.J. Stat. Ann. § 2C:25-29(b)(12) (West 2004).

<sup>38</sup> New Jersey Courts, *2018-2020 Report on the Prevention of Domestic Violence Act* at 90, <https://www.njcourts.gov/courts/assets/family/20182020dvreport.pdf?c=vYj>.

<sup>39</sup> NJDVPM, *supra* note 2, at 109-111.

<sup>40</sup> N.J. Stat. Ann. § 2C:25-31 (West 2004).

<sup>41</sup> NJDVPM, *supra* note 2, at 111.

<sup>42</sup> See Criminal Justice Reform Act, N.J. STAT. ANN. § 2A:162-26 (West 2014).

<sup>43</sup> Historically, enforcement of violations of pretrial “no-contact” orders has been rare because victims do not receive a copy of the order, and police departments generally lack procedures to treat pretrial no-contact orders as restraining orders. However, the 2022 NJDVPM seeks to correct this omission by directing that “victims should be advised and provided a copy of the order and how to report a violation of the order.” NJDVPM, *supra* note 2, at 98. Violations can also lead to enhanced supervision of the defendant or, in exceptional circumstances, incarcerating the defendant.

<sup>44</sup> See *Supplementary Domestic Violence Offense Report*, STATE OF NEW JERSEY DEP’T OF LAW & PUBLIC SAFETY (2019), [https://www.nj.gov/lps/njsp/ucr/pdf/forms/ucr-dv1\\_2019b.pdf](https://www.nj.gov/lps/njsp/ucr/pdf/forms/ucr-dv1_2019b.pdf).

<sup>45</sup> See *Ontario Domestic Risk Assessment*, WAYPOINT CTR. FOR MENTAL HEALTH CARE (Oct. 2017), <https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>.

<sup>46</sup> See NJDVPM, *supra* note 2, at 25. A significant limitation to ODARA is that it has only been validated for when the harm-doer is male and the victim is female. *Modification of Directive Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform Pursuant to P.L. 2015, c. 31*, Directive 2016-6 v3.0, STATE OF NEW JERSEY OFFICE OF THE ATTORNEY GENERAL (Sept. 2017), 46, [https://www.nj.gov/lps/dcj/agguide/directives/ag-directive-2016-6\\_v3-0.pdf](https://www.nj.gov/lps/dcj/agguide/directives/ag-directive-2016-6_v3-0.pdf).

<sup>47</sup> *Id.*

<sup>48</sup> See New Jersey Courts, “Law Enforcement Applications: eCDR,” (Nov. 2020), 27, <https://www.njcourts.gov/attorneys/assets/ecourts/eCDRPowerPoint.pdf>.



TRANSFORMING  
LIVES THROUGH  
JUSTICE

## In Their Own Words

### Part 3: Speaking Out: Survivors Describe Their Experiences with Law Enforcement

...ing orde... the **LAC**...  
...or me and it wa... over again and...  
...ing were shrugging... and really made me feel...  
...ed me moving forward to **M**... **IT AT ALL**, which is like somet...  
...ault victims, they feel scared. T... eved. And that, that was the case...  
... the sense that a lot of informati... own at me and very little was ac...  
... may assumed a lot of things ab... ere either, like laughing. **ONE**...  
... and I felt surrounded by lik... feel comfortable and I fel...  
... de me feel really uncomfort... not like the greatest exp...  
... and kind of just blam... ppening. I also felt like...  
... just felt like **THE OFF**... **ME SERIOUSLY**. But one...  
... ter that's been thro... ough. And I know, like...  
... n. And you don't want that for you and... children. So I think it was specific to him. **HA**...  
... **I WAS GOING THROUGH. SO THOSE TWO OFFIC**... **ERED ME HELP**. If you financially, emotionall...  
... g, you have children with them there's a... that says, especially in the minority commu...  
... n him, he's going to get hurt and they p... that guilt. "You would have me locked up?...  
... **THEY PLAY ON THE GUILT**. You know, when... ink you love someone, you really get cloud...  
... facts and people show you who they are... use you kind of just want it all end, right? Y...  
... ce it's a journey, there's hope, there's he... and some days are going to be, absolutely, '...  
... en you go, Oh my gosh, we were okay. I've realized is because I've asked myself, w...  
... er incident. And the thing is fear. I wan... e to understand that when you go, "just cal...  
... **ANALYZE YOU**. My Lawyer did such a great... amazing job because they didn't stop follow...



DOWN  
WORD

This dual fear—fear of the abuser and fear of law enforcement—leaves survivors, particularly Black survivors, at a harmful crossroads. Safety planning takes on an additional dimension of protecting the harm-doer from law enforcement.



Click on the play button to listen to survivors speak about their experiences

## Introduction

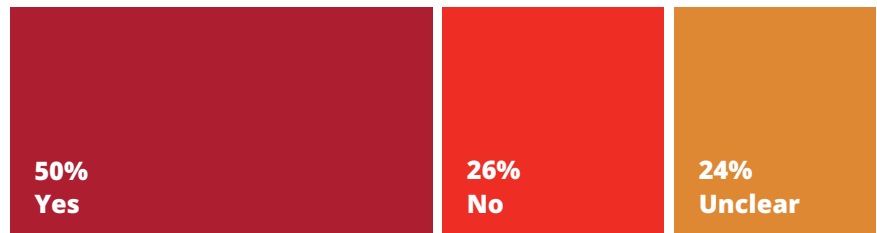
Victims' initial experience with the police often shapes their perceptions of the criminal system and can influence their future actions.<sup>1</sup> For some survivors, turning towards the police accomplishes their goal of achieving safety from their abusers. For others, police interactions, particularly those perceived as dismissive or interrogating, can discourage the victim from turning to legal and social service systems for help.<sup>2</sup> In the sections that follow, we share findings from the survivor interviews organized around five primary themes:

- **hopes and fears in contacting law enforcement;**
- **confusion about access to services and restraining orders;**
- **perceived lack of adequate protection;**
- **perceived bias from the police; and**
- **informed and helpful police responses.**

Information about the methodology of the study is available in Part 1 of this report.



## Did victim want arrest?



## Survivors' Hopes and Fears in Contacting Law Enforcement

Partners asked survivors open-ended questions about what assistance they sought in contacting the police in the first place. Survivors most commonly responded that they contacted the police because they were seeking protection from their abusers. At the same time, some also described the fears that made them reluctant to involve the police.



Listen to Survivors

### Safety and Arrest

Most participants voiced that in calling the police, **they were seeking safety**.<sup>3</sup>

Victims turn to the police because they do not know where else to seek assistance, even though contacting law enforcement when in an abusive relationship is inherently frightening and intimidating. Indeed, multiple survivors said that the police were a last resort for them. One survivor, Kate, explained that going to the police was less of a conscious decision and more of a coping response:

*"I didn't know why I was going. I just knew I was in trouble. That was really my only option...doing nothing just felt like I was unsafe. My life was threatened at this point. I was like, I will not stay alive if something doesn't happen...I just knew that something was really really wrong, and I really needed help. . . You really are in survival mode—you're not even thinking, you're just like 'go to the police.'"*

**When asked if they wanted their abuser arrested, half of the interviewees responded affirmatively**, while the other half either did not

want an arrest (26%) or did not clearly answer the question (24%). Survivors had a variety of responses to the prospect of their partner being criminally prosecuted.<sup>4</sup> One survivor, for example, stated that she did not want an arrest since the harm-doer had children of his own.

Another survivor, Lisa, endured extreme violence from her abuser. She reported barely sleeping for years. When Lisa went to the police in March of 2019, the last of multiple contacts with law enforcement, she knew exactly what she needed and asked the police to escort her and her children to a shelter. She said:

***"I just wanted to get out alive and be safe, that was it. I didn't care what they did with him. I didn't even necessarily wanna see him in jail. The type of person that he is...making him go to work would be punishment enough, making him accountable financially to take care of his children...that holds more water and sends more of a message than putting him in a jail."***

When the police listened to her and brought her to the shelter, the abuse finally stopped. She felt safe. She could finally sleep.

On the other hand, multiple survivors felt that in refusing to make an arrest, the police failed to listen and respond to their needs. One survivor expressed her frustration with the fact that her abuser continued to appear in her neighborhood without ever being arrested. Some survivors notably described the difficulties they experienced in grappling with the decision of whether to file a criminal complaint against their partner.

**"I was scared at first because I was scared to go home and then get in trouble . . . and then he would get me."**

### Racialized Fear

Survivors of color often described factoring in racialized fears of police when deciding whether to call law enforcement. For marginalized survivors, particularly Black survivors, police involvement carries a heightened risk. Black survivors often think not only about the domestic violence incident, but also about the possibility of violence in the police response. As one Black survivor summarized, "Being with everything that's going on in the world, we're trying to be mindful of how much involvement we have with the cops." Another Black survivor agreed with this sentiment, stating, "Unfortunately, if you have to call the cops its two-fold: you want to get away from an unsafe situation, but you're worried that the force they react with could hurt this person." **This dual fear—fear of the abuser and fear of law enforcement—leaves survivors, particularly Black survivors, at a harmful crossroads. Safety planning takes on an additional dimension of protecting the harm-doer from law enforcement.**



### Fear of Retaliation or Intimidation

**The fear of retaliation or intimidation from the abuser also complicates the decision to call law enforcement.** Survivors often weigh the desire for increased safety and protection against the risk of further angering the harm-doer. For example, Lisa, the aforementioned survivor who ultimately went into a shelter, had previously endured beatings from her abusive partner every time he was arrested. Another survivor without prior experience going to the police recounted: **"I was scared at first because I was scared to go home and then get in trouble . . . and then he would get me."** Furthermore, one survivor discussed the fact that fighting for a restraining order in court, where the abuser is present, can be a dangerous

situation. "If you go to court for a RO [restraining order] and you don't get it, you're screwed . . . The reason I didn't put up such a tough fight was because it wasn't worth the risk." A Newark special crimes law enforcement officer who works with domestic violence victims concurred that a victim who feels in extreme danger may decide that a restraining order is not going to lead to safety.

Some abusers also used intimidation to prevent the victim from seeking assistance to begin with. For example, one survivor described how her partner weaponized the fact that as an immigrant, she had no clue how the police or criminal system worked:

**"My husband used to tell me different stories about the police because he didn't want me to reach out. He said: 'They [the police] are crazy. They just shoot people,' but that day I just had to run to save my life. The whole experience was really different than what my husband had portrayed in my mind."**

The survivor went on to express her appreciation for the police assistance she received.

The following sections further discuss how interactions with the police either met survivors' hopes of securing safety or realized their fears of mistreatment.

## Access to Services and Restraining Orders

The Prevention of Domestic Violence Act ("PDVA") tasks law enforcement with the duty to communicate information about restraining orders and domestic violence services to victims. But law enforcement officers are neither subject matter experts nor social workers, as discussed in Part 2.

In the interviews, survivors reported the benefits of receiving information from the

police about domestic violence services. As Lisa Nichole Roskos, Partners' Senior Staff Attorney, points out, **"The police are often our client's first resource when it comes to domestic violence help"**—assisting victims in applying for Temporary Restraining Orders ("TRO"), providing access to advocates, documenting incidents, and collecting evidence of incidents of domestic violence." When the police treat an incident of domestic violence seriously and offer the appropriate resources, they play a critical role in helping the victim access organizations that can lead to pathways of safety and healing.

Still other survivors, as discussed below, found the information relayed to them inadequate and confusing. Survivors frequently reported receiving incomplete information about the criminal and civil legal processes and left not knowing where to turn for help. **The lack of information is not so much a failure of individual police officers, but instead, a systems failure. The PDVA has delegated a myriad of responsibilities to law enforcement officers, many of which they are poorly equipped to fulfill.**

### Lack of Information about Domestic Violence Services

The police encounter is an opportunity to connect the victim to services and supports that can help them leave the cycle of domestic violence and reach safety. However, the majority of survivors we interviewed (62%) did not receive referrals to domestic violence services from the police. While police officers are required to share information about services, the feedback from survivors indicates that either some police do not do so or that some victims are not able to meaningfully absorb and formulate action steps with the information presented.

### Restraining Orders

#### Police Discouraging Victims from Seeking Restraining Orders

Police officers are required to offer victims restraining orders. Given that the pool of survivors we interviewed all sought help from law enforcement and received at least a TRO, we anticipated that most survivors

obtained their restraining orders with police assistance. However, 44% of the survivors received their TRO from the Superior Court without assistance from the police.<sup>5</sup> Due to the structure of qualitative interviewing, we are unable to definitively ascertain how many survivors freely elected to go to the courthouse in lieu of the police. Moreover, changes in court directives during the last two years may have led to some instances of police confusion about responsibility for processing TROs.

With that said, a recurring theme amongst survivors was that the police discouraged them from getting a restraining order. For instance, one survivor noted that the police officer asked her, "Are you sure about this, because many women end up going back anyway." Similarly, another survivor said that the police "kept telling me that I can keep going through with the charges, but they kept making it seem like it would be so difficult on me." She recalled officers saying things like, "There's no point," and "How are you going to afford it?" In our pool of survivors, who largely did receive restraining orders, the dismissiveness they identified from the police did not necessarily lead to abandonment of the restraining order but further complicated and delayed an already challenging process.

#### "It was just a phone call that they did not make"

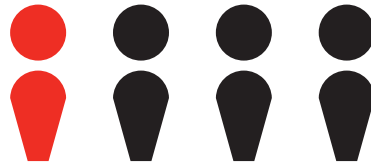
Another survivor, Spencer, described how the police actively discouraged her from getting a restraining order. At first, the police told her that she would need to come back later because the judge was not there that day. An officer continued to advise her that filing for a restraining order would be too time consuming and instead, she should simply stop talking to her abuser. Spencer explains:

**"At that time I felt like my life was in danger, and they weren't taking it seriously whatsoever. When I went back, [the police] just had to call the judge, and she allowed the TRO over the phone. It was just a phone call that they did not make. If my life had been in immediate danger at that point, I would not have had a RO...They were victim shaming the entire time, I almost didn't want to file a report."**



Listen to  
Survivors

**1 out of every 4 survivors  
was offered an advocate**



Because of the reluctance by police to follow law enforcement procedures, Spencer almost walked away from the restraining order process unheard and unprotected. In this case and others, shared by community partners, police officers sometimes misuse their discretion to make judgments that should be left to judges or prosecutors.

This finding echoes prior research conducted through Partners' intake screening<sup>6</sup> indicating that almost a quarter of Partners' clients stated that law enforcement did not offer them a TRO. Once again, the disparity between survivor responses and police responsibilities suggests that some officers either do not fulfill their duty or fail to communicate effectively with victims.

#### **Inaccessibility of the Restraining Order Process**

Many survivors expressed concern with the inaccessible process of receiving TROs from the police. Oftentimes, the process of applying for a TRO simply takes too long, and multiple survivors recalled waiting at the police station for several hours, even in the middle of the night. As one survivor stated, **"The process would have deterred anyone that wasn't feeling like they were in immediate danger. I sat there for hours just to make a report."** Another survivor highlighted the inaccessibility of the TRO process as a caregiver: "I had my kids with me, and all they give us was water, and my baby needs to eat...we were not eating for four hours. My kids were uncomfortable—they were so hungry." Survivors should not have to choose between a protective order and feeding their children.

The inaccessibility of the restraining order process extends beyond getting the initial TRO to securing a FRO. Survivors pointed to money, resources, and time as the biggest barriers to following through with the legal proceedings required for a permanent protective order. Multiple survivors felt compelled to drop their FRO cases because they did not have the financial means to hire a lawyer or because the court appearances conflicted with their jobs.

Thus, **when law enforcement and legal systems erect barriers to resources rather than facilitating access, they unfairly put the burden on victims to advocate for themselves.** As one survivor put it:

**"If I ever go through this again, I'm going to stand my ground and not leave until they actually can help me. You gotta be persistent... it's very hard because when you make it to the police, it's the last resort, you may not be that persistent because you're so used to abuse."**

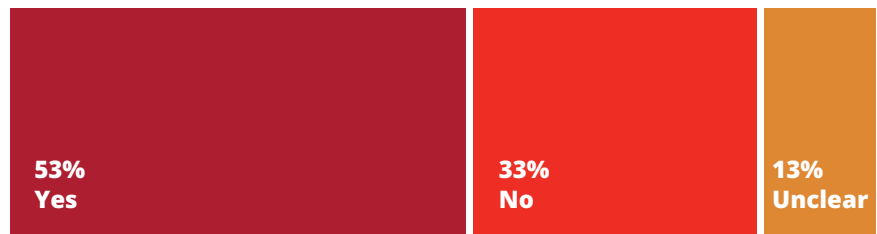
Significant costs in terms of time, money, and mental energy all contribute to the inaccessibility of the restraining order process, further compounded by a lack of clear information and guidance from law enforcement.

#### **Inadequate Information about Restraining Orders**

When offered a restraining order by the police, survivors did not always understand the process and identified a need for more information about the potential benefits of a TRO. **Understanding the relief available through the TRO is necessary for the victim to make an informed decision whether to obtain one.** As one survivor said, "They actually



### Did victim identify feeling unprotected by the police?



\*Percentage values are rounded to the nearest whole number, resulting in the sum of the rounded percentage values equaling 99%.

got me the TRO. But I had no idea what that was, I didn't know what I was doing, they didn't share information with me." Other survivors agreed with this sentiment, stating that they either did not understand the scope of a restraining order and the protection it offered, or did not understand what their next steps were regarding the court process. Multiple survivors discussed having to "do their own research" and turn towards their available networks, such as Google, family, and friends, in order to navigate the restraining order process.

### Domestic Violence Advocates

Police are encouraged to activate a Crisis Response Team ("CRT"), also known as Domestic Violence Response Team ("DVRT"), to allow survivors to speak to a domestic violence advocate with more subject matter expertise and trauma-informed training.<sup>7</sup> Advocates are generally volunteers who work under the supervision of a domestic violence county program after undergoing a 40-hour training program. They create a confidential relationship with victims, explain civil and criminal court processes, help with safety planning, answer questions, and make referrals to services such as agencies and shelters.

Overall, 60% of survivors we interviewed said they were not offered an advocate, with only 25% affirmatively stating that they received information from the police about CRT.<sup>8</sup> Even if police technically offered an advocate, many interviewees did not understand what a domestic violence advocate truly does or even the independence of the advocate from law enforcement. For instance, in one survivor's

experience, the police translated the offer to an advocate into the following inquiry: "Do you want a bunch of people in the room?" The survivor declined the offer, not understanding how an advocate could help.

One woman described her positive experience with the advocate:

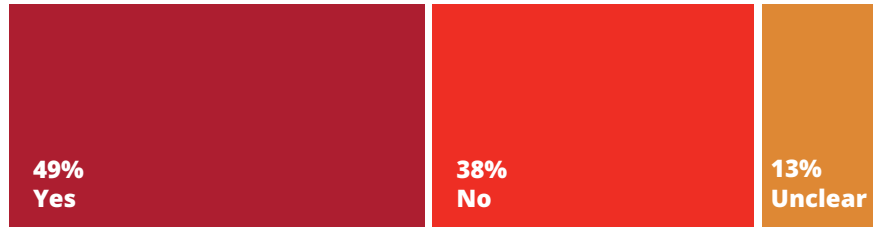
*"When you go into the station, it's very hard in there...it's cold, it's cops with guns. You need somebody that's gonna come and be your hug, your blanket...She was very sweet and very informative and very compassionate...I needed to hear that, I felt very lost."*

The small sample of survivors who did connect with an advocate found them extremely helpful in providing both information and emotional support.<sup>9</sup>

### Feeling Unprotected

**Over half of the survivors we interviewed identified feeling unprotected by the police, defined as the police declining to initiate criminal charges, not serving a restraining order, or not responding to a report of contempt.<sup>10</sup>** Some survivors cited fears over the seemingly amicable interactions between police and abusers, and others expressed concerns over the police failing to conduct a search of the abuser, even when the victim confirmed the presence of weapons. **When survivors feel unprotected by police, they are more likely to lose trust in institutional support altogether, which only further complicates their road to safety.<sup>11</sup>**

**Did victim describe feeling dismissed or discouraged by the police?**



### Prioritization of Physical Abuse over Other Offenses

Multiple survivors reported that the police often turn a blind eye towards nonphysical forms of abuse that do not yield visible evidence. On the one hand, law enforcement's emphasis on physical abuse aligns with the PDVA's prioritization of cases involving physical injury. On the other hand, a focus on physical abuse to the exclusion of other forms of abuse leaves many victims feeling unprotected. As one survivor puts it, "When it comes to these DV cases, the emotional action cases are not considered...they are pushed aside because there is not enough sufficient evidence." A few survivors articulated that without physical evidence, they anticipated that law enforcement would not believe them. One survivor calls attention to the fact that **"domestic violence is not always physical. I don't have to have a black eye for it to be violence..."** Had I had some type of physical injury then it would have been very different." In agreement, another survivor described how the police ignored her psychological trauma: "You don't see an actual physical wound, but you see me having a panic attack and I'm telling you things he said and did. That should be enough to be taken seriously." **Within the interviews, victims with visible proof of physical abuse experienced more direct action from the police, as well as more concern for their safety.**

### Dismissiveness as a Barrier to Obtaining Police Assistance

As a corollary principle, the absence of clear physical injury can increase the likelihood that victims feel the police minimized or dismissed the seriousness of the offense. **About half (49%) of interview participants identified discouragement or dismissiveness within police interactions**, as seen in the chart above.

In coding interview responses for dismissiveness, the research team looked for specific phrases such as "dismissive," "discouraging," and "ignored," as well as general discussions around not feeling believed or taken seriously by the police. Some survivors perceived a general attitude of dismissiveness from police officers, while others pointed to specific examples of discouragement in the initial response or the restraining order process, as previously discussed. When recounting her sexual assault to the police, one survivor recalls, "They were brushing it off and laughing like it didn't happen and that caused me to be more traumatized." The perception of being ignored was underscored by survivors who complained of prolonged wait times for police to respond to the scene. **In many instances, police dismissiveness, often coupled with inaction, may feel like abuse on an institutional level—mirroring the way harm-doers systematically minimize and deny responsibility for their abusive conduct.**



**The definition of justice is unique for each survivor. Many survivors do seek resolution through the criminal system, but others may wish to resolve problems through civil processes or try to avoid systems involvement altogether.**

In our research, we found that **victims who feel dismissed by law enforcement are more likely to identify a lack of protection from police.<sup>12</sup> Additionally, they are also more likely to report a lack of information regarding services.<sup>13</sup>** These two statistical findings indicate that dismissiveness from police is a large barrier to survivors seeking safety, limiting their access to both legal protection and community services.

### **No Justice Served: Failure to Prosecute**

Many victims expressed doubt about the efficacy of the criminal process.<sup>14</sup> Even when survivors reported serious crimes such as rape and stalking, very few saw their case result in a successful criminal conviction. It is important to note, however, that **the definition of justice is unique for each survivor. Many survivors do seek resolution through the criminal system, but others may wish to resolve problems through civil processes or try to avoid systems involvement altogether.**

While survivors share a common desire for safety and protection, police interactions can sometimes have the opposite effect, leaving survivors feeling re-traumatized and fearful. As described below, Pena and Camila were domestic violence victims of sexual assault,<sup>15</sup> a traumatic event that often triggers a crisis mindset and forces the body into fight or flight mode.<sup>16</sup> In a traumatized state, they went to the police as a desperate cry for help, only to be questioned, re-victimized, and dismissed. Pena

and Camila both experienced an unwillingness from law enforcement to prosecute their abusers. For Camila in particular, her case goes beyond police inaction and is an example of a worst-case scenario for victims reporting domestic violence: a wrongful arrest.

#### **“Do I have to die to get some help?”**

Pena, one interviewee, felt as though the police not only dismissed her concerns, but also actively discouraged her from bringing charges. Pena had just experienced a traumatizing sexual assault in the course of domestic violence. Instead of treating this case with sensitivity, the police stated, “It’s not like he dragged you to the woods, raped you, and then left you for dead.” At one point, Pena found herself asking, “Do I have to die to get some help?”

Pena also discussed the fact that although she experienced violent sexual assault from her abuser, he did not leave physical bruises, and as a result, the police did not believe her. At one point, one officer said, “I can call him and tell him to leave you alone and you don’t have to press criminal charges.” Ultimately, the police never offered to charge the abuser. Pena left the interaction discouraged and dismayed: **“I felt like I was more traumatized than anything. I feel like he’s happy living his life and I’m dealing with the consequences of his behavior.”** Law enforcement decided Pena’s case was not worthy of prosecution, and that decision contributed to her dismissing her restraining order case: “I am trying to drop it.

**“It hangs over your head, so if I move, or do anything, the court has to be notified...it’s a part of my life that I’d rather move on from, but without it being finalized, we never let our guards down.”**

I don’t have the money or resources to find a lawyer... .. and I’m not getting support from the police.” Pena’s experience highlights how misinformed and antiquated notions of sexual and domestic violence impede survivors’ efforts to obtain help and cause secondary trauma.

**“I will never ever call them again”**

The failure to properly distinguish between the primary aggressor and victim can lead to a wrongful arrest. Camila, a Spanish-speaking survivor, initially called the police after a particularly abusive incident:

**“I was experiencing emotional abuse by my partner, and I didn’t have any proof. So the day that he hit me, I felt free...it was painful but I ran to the freedom... I was just saying thank god that he hit me. Because I was hoping that if I called the police they would protect me... I was very anxious...very concerned, and I was really afraid.”**

Her abuser exploited the legal system to retaliate against her, saying that Camila was abusing *him*. Camila was then arrested. The parties had cross restraining orders. The harm-doer used the restraining order to force a reconciliation by threatening to tell the police that she had violated the TRO if she left him again. In her words:

**“Everything collapsed because I knew what was going to happen when I was released from jail... I was with him for five months—worse than being in jail; I was raped, verbally abused. He had a restraining order against me, and he used that as a tool to keep me on his side. ... I will never ever call them again.”**

The police response resulted in the criminalization of Camila, the true victim. A small subset of interviewed survivors had a

similar experience, where they were wrongfully arrested and prosecuted when they should have received police assistance.

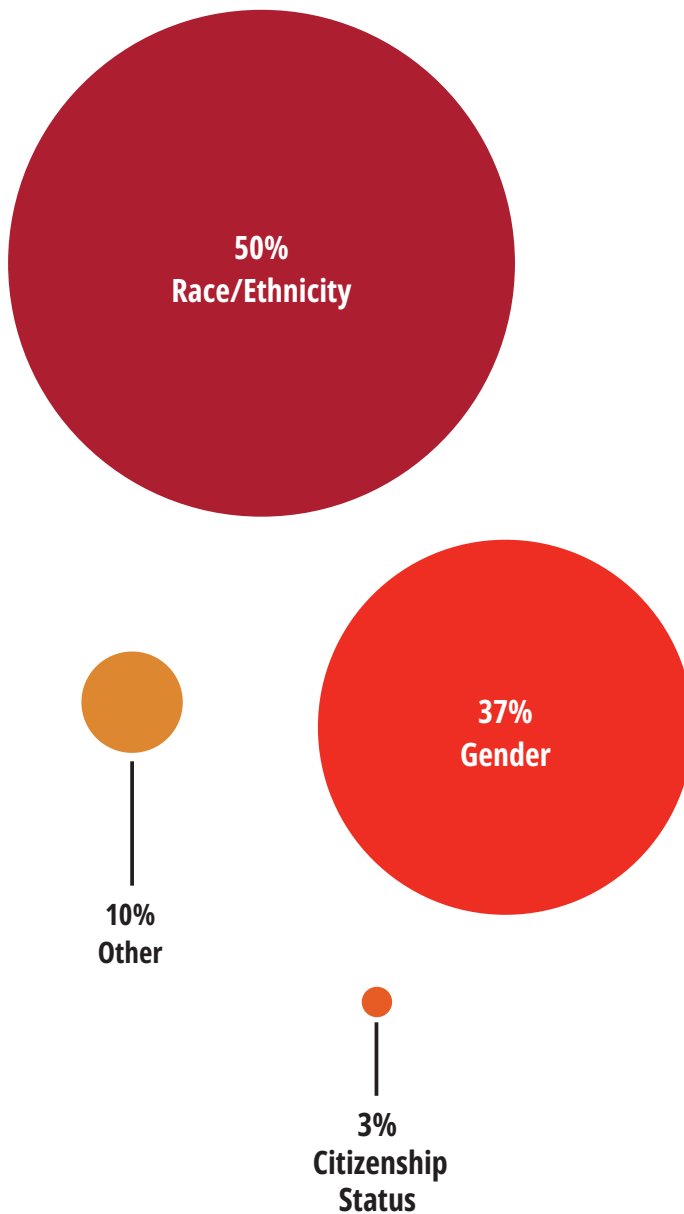
**Challenges with Service and Enforcement of Restraining Orders**

Restraining orders cannot offer protection to survivors if they are not served and enforced. According to New Jersey court data from 2018, there were almost 4,000 unserved restraining orders.<sup>17</sup> Absent service, a TRO has little weight because the police will not act on a violation of an unserved order. A few of the survivors we interviewed reported that although the courts granted them a TRO, law enforcement was not successful in serving the defendant. One survivor linked the police failure to serve the TRO to her sense of continued vulnerability, eighteen months later: **“It hangs over your head, so if I move, or do anything, the court has to be notified...it’s a part of my life that I’d rather move on from, but without it being finalized, we never let our guards down.”**

Survivors also reported negative experiences with police inaction in response to their reporting violations of restraining orders. Although we did not ask a direct question about contempt in the interviews, contempt naturally came up in 14 interviews. Out of those 14 interviews, 6 survivors said that the police either did not take action or did not write a report of the contempt. The voices of these victims mirror what attorneys for survivors hear from their clients who report violations to the police. Calls to prosecutors are sometimes necessary in order to get police to take action. Advocates also identified a lack of uniformity in what constitutes a violation. Lack of enforcement of restraining orders erodes confidence in restraining orders



## What type of bias did victim identify in police response?



and teaches the defendant that violations do not have consequences. In some instances, victims may stop reporting contempt, which further emboldens the defendant.

Multiple survivors had the experience of calling the police to report contempt, only to discover that no investigation occurred. For instance, one survivor's abuser set up a tent outside of her house, clearly in contempt of the restraining order. She recounted how the police officer tried to justify not taking the criminal complaint in response to the stalking behavior.

*"He [the officer] was telling me how my abuser can walk past me...it scared me, thinking what is this restraining order really gonna do for me? He said: 'it only comes into play the second time he comes near you.'"*

When police fail to act on reports of contempt, survivors inevitably lose faith in the protective nature of the restraining order.

## Perceptions of Law Enforcement Bias

Survivors with marginalized identities, such as survivors of color, immigrant survivors, and LGBTQ+ survivors, discussed how access to safety is even more fraught because of their identities. They not only have to navigate the complexities of reporting a domestic violence crime to the police, but they also have to contend with perceptions of bias. **Nearly half (46%) of all interview respondents perceived discrimination from law enforcement.<sup>18</sup> Notably, the majority of survivors who reported bias within the police interaction also reported feeling dismissed, and in some instances, the survivor pointed to dismissiveness as evidence of police bias.<sup>19</sup>**

In order to assess the role of bias in interactions with police, Partners intentionally asked open-ended questions so that survivors could disclose the amount of information they felt comfortable with and share their experiences organically. Prior to broaching the subject of bias, interviewees were asked how they

identify. Subsequently, the interviewer asked respondents if they felt their identity affected their interactions with the police. Significant findings highlighted bias based on race and ethnicity, gender, and citizenship status.<sup>20</sup>

### Race and Ethnicity

As seen in the chart on page 11, half of all survivors who reported bias in their interactions with law enforcement identified racial bias. Black survivors often reported differential treatment on the basis of race.<sup>21</sup> One survivor stated, “If I were a white woman coming in crying, I probably wouldn’t have sat there for that long,” referring to the wait for a formal interview with police at the station. Similarly, another survivor was so dissatisfied with her police interaction that she concluded, **“I was better off running away or doing things impulsively. I honestly think that it may have taken place because I am an African-American woman.”** Another Black survivor described the repeated refusal of police to intervene: “Scary things have been happening to me. I’ve called the police so many times you would not believe. I don’t know if it’s because I’m Black and the statistic that we’re not believed... Not even just the police, the entire system is fucked up.” Of the Black survivors interviewed, 62% reported perceiving police bias, which reinforces the earlier discussion of victims’ fears of racialized mistreatment when deciding whether to call the police.

Ethnic bias came up in our interviews with Spanish-speaking survivors. One Spanish-speaking woman discussed the discrimination she perceived due to her Hispanic identity: “When they discouraged me, they said my *paisanas* [a Spanish term meaning “women from the same country”] were putting in RO’s and then retracting them.” In other words, the police relied on generalizations about people with the same national origin to discourage her from getting a restraining order.

### Gender and Intersectionality

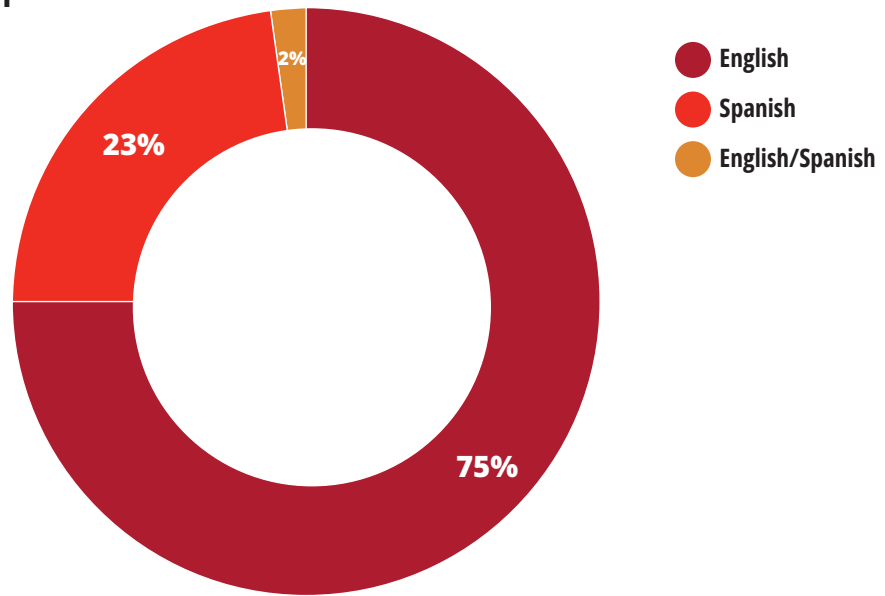
Gender is an important factor in these interactions: we interviewed 3 males, 41 females, and 2 transgender/non-binary participants, about 37% of whom highlighted gender discrimination. Some female respondents reported feeling intimidated and belittled by male officers. One survivor recounted that when she went to the station to report contempt, the police said to her, “Lady, don’t you just want to get this all over with?” She felt as though the police treated her as if she was psychologically unstable while simultaneously laughing and joking around with her abuser. Additionally, some female survivors expressed feeling dismissed or disbelieved due to their gender identity. For instance, as one survivor put it, “I think they [male police officers] lack the sympathy...you just feel like you’re put on the backburner in a type of way...it’s a big reason why the cycle continues, we feel like we’re not taken seriously.”

Several interviews also underscored the issue of misogynoir—an intersection of racism and sexism particularly aimed towards Black women. One survivor discussed the stigma and stereotypes around Black women, stating that she felt perceived as the “angry Black woman” by police. This survivor went on to state, **“Even though they’re more likely to go after a Black man, with DV situations, it’s almost as if the women tend to take the blame.”** Another Black woman described the misogynoir she experienced in her interactions with police—even with Black officers—and the enduring archetype of the “strong Black woman”:

**“What I will say is the demographic of police in [town] are mostly Black. I was interviewed by Black police officers. As a Black woman, you’re almost expected to be strong. I felt like there was no empathy or sympathy shown.”**

Sexist notions, sometimes inextricably tied with harmful racial stereotypes, created barriers for many of the interviewees to gaining law enforcement protection.

## Languages Spoken



### Male Survivor Experience

The three male survivors we spoke to, although too small a pool to draw conclusions from, explicitly pointed to their gender as a barrier to receiving serious treatment and protection from police. They shared the experience of being mistaken for the abuser. Due to the lack of understanding that domestic violence can affect men, there is a strong taboo when men do reach out to the police. Male survivors talked about being laughed at by officers or being expected to simply take abuse from a female abuser.

Gendered stereotypes about men—that men should not report or are strong enough to take abuse—can also intersect with racism. One survivor, Jake, discussed his double-victimization as a man and a Black person dealing with domestic violence:

*“As a Black male, it’s even worse. Because we’re looked at as in police eyes—I know how they conceive us—we’re a menace, we’re aggressive, we’re angry, that’s who we are in their perception. They don’t look at us as victims, they look at us as ‘alright you’re just having a dispute.’”*

Jake attributed his experience of feeling attacked rather than supported by the police to racism and sexism. In one instance, Jake recalled

feeling helpless while he stood outside as his abuser kicked his door down: **“I was trying to flag the police, and they basically got out and tried to arrest me...I was completely helpless, and had to watch her kick in my house with my daughter... There’s something wrong in the system that you feel helpless when your door is being kicked down.”** Due to stereotypes about both Black aggression and female victimhood, the police initially mistook Jake, a Black male victim, for the abuser, preventing him from defending his own property.

In summary, gender stereotypes can affect police responses to domestic violence calls involving male victims and may make male victims reluctant to help from the police.

### Language Access

Communication with the police is always a challenge when reporting domestic violence, but even more so when there is a language barrier. Survivors with limited English proficiency are at risk of being misunderstood and deprived of adequate support. Due to outreach limitations, the pool of respondents with limited English proficiency all spoke Spanish as their primary language, as indicated in the chart above.



When the abusers are able to speak English, the police often speak with them first, thus hearing their side of the story and establishing a relationship with the abuser prior to speaking with the victim.

While we did not look at actual police reports to see how translation or interpretation affected reporting, Spanish-speaking survivors identified issues with wait times for Spanish-speaking officers and miscommunication.

Notably, **when the abusers are able to speak English, the police often speak with them first, thus hearing their side of the story and establishing a relationship with the abuser prior to speaking with the victim.** As a result, multiple Spanish-speaking survivors said that their domestic violence incident was treated simply as a “problem between couples” by the police, rather than a violent crime. One survivor recounted: “When they arrived, the police only spoke English. The father of my son speaks English very well, and he was so nice with the police.” The victim reported that the police took a long time to finally bring an officer that could speak Spanish, and in the meantime, this survivor was not able to understand the conversation happening between the police and her abuser. Multiple Spanish-speaking survivors noted that their abuser was able to communicate with the police with more ease and understanding.

Apart from interviews with Spanish-speaking survivors, we also spoke to organizations like Manavi, Wafa House, and the Deaf Advocacy Project of the New Jersey Coalition to End Domestic Violence to learn about the language access challenges of immigrant and deaf communities.<sup>22</sup> These conversations echoed the issue of English-speaking abusers having more control and appearing more credible in the eyes of law enforcement. The inability of survivors with limited English proficiency to effectively communicate with police officers acts as a point of discrimination and a large barrier to receiving support.

### Citizenship Status

The question of language access often overlaps with the question of immigration and to the specific challenges for the undocumented community in seeking protection.<sup>23</sup> One interviewee dismissed her case against her abuser because she feared that it would interfere with her case for citizenship. In our conversations with those who work with undocumented survivors, such as American Friends Service Committee and Manavi, we learned how some police officers have historically turned away undocumented victims, and others have asked victims for identification, which often discourages victims from proceeding further. Thus, survivors may fear that reaching out to the police or going into court may result in deportation for themselves or family members. Victims who depend financially on an undocumented abuser may not want to risk the abuser being arrested and deported. Indeed, Navneet Bhalla, executive director of Manavi, stated: “The benefits of reporting for immigrant survivors mean nothing if [they] fear deportation.” Increased deportation efforts in recent years, including efforts to detain undocumented immigrants at courthouses, may exacerbate these fears for survivors who are undocumented or have undocumented family members.

## Community and Neighborhood Location

Survivors also reported bias based on which communities and neighborhoods they live in, which can often function as a proxy for both race and class.<sup>24</sup> Survivors spoke about police stigma against certain areas and neighborhoods, particularly those with a high volume of domestic violence calls. As one survivor stated, “I feel like in that area they just feel like it’s just stuff that we go through. **They [the police] get tired of calls**, and I feel like they’re just answering them because they have to.” Furthermore, one sexual violence advocate noted that the police response is drastically different in smaller, wealthier towns compared to larger cities with a lower average socioeconomic status as well as a high percentage of Black and Latinx residents. She explained: **“The smaller the towns and the higher the household median income, the more survivor-centered the police are.** In Maplewood, we have a [confidential] phone where when they ask why you’re here, and it’s private rather than in Newark where it’s public.” In conjunction to discussions of other identities, survivors pointed out the perceived discrimination from police that comes with belonging to certain neighborhoods or areas within New Jersey.

Overall, our research emphasized race, gender, language, citizenship status, and location as key axes of discrimination. Survivors of color, male survivors, and survivors with limited English proficiency consistently reported a sense of dismissiveness on the part of police due to bias and stereotypes.

## Positive Police Experiences

While our interviews revealed many shortcomings in police responses, it is also important to recognize the positive experiences that survivors reported.<sup>25</sup> The last question we asked interview participants was if they would call the police again, and in answering this question, respondents reflected upon their

overall experiences. Although many participants had complaints regarding their interactions with the police, **over 60% of interviewees stated that they would call the police again if they encountered another episode of violence. Survivors outlined how an individualized, empathetic police response can provide crucial assistance at a moment of intense danger and trauma.**

## Trauma-informed Approaches

Survivors we interviewed were extremely thankful when police officers took a trauma-informed approach, rather than adopting an accusatory stance. One immigrant survivor discussed leaving a potentially fatal situation, running for her life, and then interacting with the police, after a stranger called:

**“They were kind, very sympathetic towards me. One officer I remember—I was crying hysterically—he realized like, ok, maybe she needs some extra comforting. He sat in front of me and said, ‘ok, relax, we’re here to help you.’ He was so kind and humble... he wasn’t behaving like a police officer or somebody with power. I really wish I could meet him someday and thank him. It was like a friend or a family member, not like somebody doing their formal work.”**

The survivor’s appreciation for the officer’s downplaying his own authority is important. Since abusers often exploit power, interacting with people in authoritative positions can be particularly intimidating for victims. Thus, when police officers actively take steps to equalize the power imbalance between themselves and community members, victims feel supported and empowered. In this case, the care displayed by the police translated directly to protection, as the responding officers also walked the survivor through the restraining order process. In their trauma-informed response, the officers showed emotional intelligence as well as knowledge of the criminal system, to the benefit of this survivor.



It takes time and special skill on the part of officers who are speaking with victims at the very worst moments in their lives for victims to feel safe to disclose information.

### **“They ask me what I really wanted”**

Another survivor, Regalia, described going to the police to report cyber-harassment. In her words: “I just wanted to make him stop posting stuff. At the beginning I just wanted to do that, I didn’t have the instinct to make any statement about what [else] he had done to me.” The responding officers, however, quickly used their intuition to piece together that something more was wrong. In the middle of their conversation with her, they asked Regalia if her partner hit her. Thus, she was able to disclose that the harm-doer had also physically abused her. Regalia’s description underscores how **often the reported offense is only a piece of what is happening in the home**. Lauren Bivona, CRT Coordinator at Safe in Hunterdon and former Flemington Borough police officer, underscored this point, noting how **it takes time and special skill on the part of officers who are speaking with victims at the very worst moments in their lives for victims to feel safe to disclose information**.

After determining that a domestic violence offense had occurred, the police offered Regalia a restraining order and provided her with further resources such as a DVRT advocate and referrals to shelters. Regalia recalls, “they were nice to me, they were able to hear me out, they ask me questions. **They ask me what I wanted, what I really wanted.**” With the police officers’ active listening skills and guidance, Regalia felt safe to share more intimate details of her victimization and ultimately, make the informed and supported choice to not seek arrest, and instead seek an alternative route to safety.

### **Expertise and Guidance**

Survivors expressed appreciation when the police provided their guidance and expertise about domestic violence. Larger police departments have special victims officers, including detectives, who have a deeper understanding of the dangers and challenges survivors navigate as well as greater substantive training. Multiple survivors benefited from the police speaking with them about the cycle of domestic violence, and the possible benefit of a restraining order to protect not only them, but also their children. Such conversations can be the turning point for survivors in choosing to file a restraining order or remain unprotected.

For example, one survivor described her positive experience with the police offering guidance and encouraging their restraining order: “If it wasn’t for them, I would’ve been in the same situation I was in. They sort of gave me that push and let me know that it would be ok, and it is the best thing for me to do this instead of waiting for something worse to happen. They said, ‘It’s gonna be ok...he can’t hurt you anymore.’” Survivors generally responded positively to professional guidance from police regarding available options and next steps.



### **Comfort with Women Police Officers**

Several survivors poignantly noted a distinct lack of gender diversity in police responses. Thus, while interactions with female police officers were infrequent among our interviewees, **some survivors expressed gratitude for the**



**When police help guide survivors, free of judgement, survivors feel understood, gain the confidence to disclose the details of their situations, and become more likely to achieve their objective of enhanced safety.**

**presence of a female police officer.** When discussing the helpfulness of one female officer, a survivor we spoke to discussed guidance and firmness in the officer's demeanor as helpful and encouraging. "[The female officer]—she was really pushing me. Like, 'if this happens again and again, you know it will never change.' She said, if you will, come with us then, right now... They pushed me—you need someone to push you. I'm out of the house, I have my own apartment now... I wish I could tell her where I am now. **She changed my life, really.**" Another survivor recalled a female police officer's compassion and empathy: "She was sympathetic. She also invited me to her church to receive help... She was worried that if I didn't make the report what might happen. She was very nice, she was good." Additionally, other survivors who were not able to speak with a female officer emphatically called for there to be more female officers responding to domestic violence after perceiving dismissive attitudes from male officers. This reflects previous literature that female officers can be more understanding and can cultivate a more positive experience for survivors.<sup>26</sup>

### **A Concern for Children**

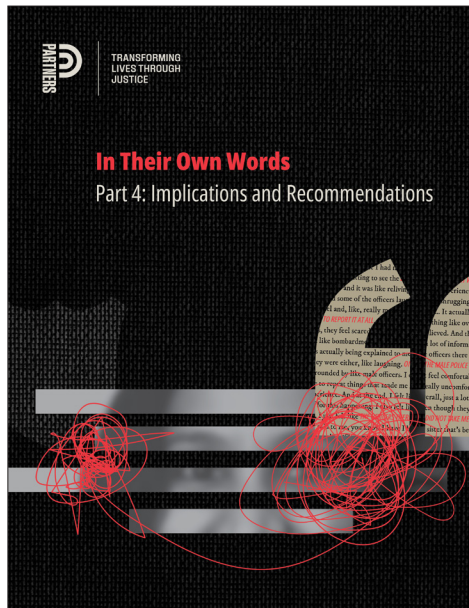
Survivors who have children are worried not only for their own safety, but also for the security of their children. In these sensitive situations, **police who demonstrate a concern for the needs of the children are successful at telegraphing concern for the victim.** One survivor recounted: "The officers were trying to take their [her children's] minds off of what was going on. They were coloring with them and teaching them how to count. That was a relief

for me and it helped me too . . . I got a chance to breathe and start a little bit of processing everything." Multiple survivors echoed a sense of gratitude for police officers who cared for their children's well-being.

**In summary, survivors highlighted police approaches that were empathetic, sensitive, and trauma-informed. When police help guide survivors, free of judgement, survivors feel understood, gain the confidence to disclose the details of their situations, and become more likely to achieve their objective of enhanced safety.** These positive and impactful interactions with law enforcement can change a survivor's life for the better, creating a pathway to safety and protection.

## **Conclusion**

The foundation for Partners' findings were interviews with victims from multiple communities, towns, identities, and social locations. Partners' findings reflect the diversity of victims' experiences with the police in terms of treatment and protection. Overall, the majority of interviewees acknowledged that the police performed their job, though it is important to note that each individual may have different expectations of law enforcement duties. As first responders, law enforcement officers are expected to serve as authoritative sources on civil restraining orders as well as social services, which may be systems they themselves do not fully understand. Our findings join previous literature in re-thinking how we view the role of the police role in responding to domestic violence.



## What's next in this series:

In the next part of the report, we assess the implications of our findings and offer recommendations for improving the police response for victims of domestic violence.

### Part 4: Implications and Recommendations



TRANSFORMING  
LIVES THROUGH  
JUSTICE

# In Their Own Words

## Part 4: Implications and Recommendations



Many interviewees voiced frustration about the trauma they were suffering, while the harm doer seemed to avoid any adverse consequences.

Part 4 of the Report discusses the larger implications of our research findings for victim safety and decision-making when survivors turn to law enforcement for support. As set forth in Part 2, New Jersey law enforcement officers are tasked with unique responsibilities in responding to domestic violence, and successfully carrying out those duties requires significant time, extensive training, and empathy. This section concludes with recommendations to increase protection and access to resources for survivors, based on insights from survivors, community domestic violence agencies, and Partners' expertise in restraining order litigation.

## Implications

Partners began this research wanting to investigate how police interactions influence access to restraining orders and domestic violence services. The Prevention of Domestic Violence Act ("PDVA") requires law enforcement to connect survivors to restraining orders and resources in an effort to prevent further violence. As the number of domestic violence offenses reaches epidemic proportions, the Garden State demands more and more of law enforcement without investing in the additional training, resources, and staff necessary to meet all of the requirements of our statute and Office of Attorney General ("OAG") guidelines.

### **For too many survivors, the path to safety is arduous, at times perilous, and often fraught with setbacks and disappointments.**

Survivors struggle to find time to apply for restraining orders, to attend court hearings, to seek benefits, to locate housing, and to secure social, mental health, and legal services, while simultaneously maintaining employment and caring for children. Law enforcement can play a significant role in either helping or hindering victims as they navigate the complex civil and criminal systems to gain protection. On the one hand, when police officers are dismissive or refuse to provide assistance, they can inadvertently deter victims from

taking protective measures or reporting future offenses. On the other hand, when officers take reports of domestic violence seriously and treat victims with empathy, survivors feel empowered to share their experience and look to officers and advocates for guidance.

Our findings highlight the critical role of police as the first point of contact with a large percentage of domestic violence victims. Nevertheless, law enforcement officers face constraints that can make them ill-equipped to be the primary point of contact for survivors to access resources. Due to the investigatory nature of law enforcement and, too often, insufficient training on interviewing domestic violence victims, the police often question victims in ways that are antithetical to a sensitive, trauma-informed approach. Without effective communication and established trust, vital information can be lost during a police interaction, which can, in turn, curtail steps that police and prosecutors are able to take to prevent revictimization. In order to seek safety, victims need to understand their options for next steps. The introduction of trained Crisis Response advocates, also known as Domestic Violence Response Teams ("DVRT"), to complement police responses is a positive development, but significant underfunding and inconsistencies in law enforcement utilization of DVRT limit the reach of this valuable co-response option.



## Partners would like to recognize and honor the individuals who participated in our study.

New Jersey, like many other states, has very low rates of criminal convictions in domestic violence cases. While the police are certainly not the only entity responsible for this lack of efficacy, the criminal process begins with the police investigation. A contributing factor to low rates of conviction is the unwillingness of many victims to cooperate in prosecutions, reflecting an aversion to criminalization as well as a lack of confidence in the criminal process.

The pool of interviewed survivors expressed divergent points of view regarding whether they wanted criminal prosecution of their abuser. **Many interviewees voiced frustration about the trauma they were suffering, while the harm doer seemed to avoid any adverse consequences. Survivors hoped for justice, accountability, or even simply recognition of the harm that they had endured. Survivors did not, however, always see criminalization as the solution.** Instead of pursuing criminal charges to put their abuser behind bars, some survivors preferred to seek safety and healing through restraining orders, shelters, or community services.

A lack of confidence in the criminal process is also a significant deterrent for survivors. Often, survivors' first interaction with law enforcement will influence their perception of government systems at large, including the courts. **Inefficacy, dismissiveness, and bias in the criminal process, beginning with the law enforcement response, impede survivors from seeking and receiving help and may ultimately contribute to domestic violence homicides.** Findings from domestic violence fatality research indicate a strong likelihood of prior calls for law enforcement intervention by the victim and/or prior arrest of the perpetrator in the three years preceding the homicide.<sup>1</sup> These law enforcement interactions are lost opportunities to prevent fatalities.

**When survivors conclude that law enforcement will not keep them from**

**harm, they sometimes seek ways to protect themselves outside of the legal system.**

**Victims in imminent danger may turn to last resorts, such as violence or fleeing, to prevent abuse from becoming fatal.** Survivors we spoke with discussed their struggles to safeguard themselves due to a lack of protection from the police. For example, some women discussed relocating or saving up enough money to flee New Jersey. One survivor even discussed purchasing a weapon for protection. Victims taking matters into their own hands is a direct response to the lack of alternatives, rather than intent to harm, and can ultimately lead to the use of violence by survivors against the abuser. When victims assault or even kill their abuser, their actions often fail to meet the legal standard of self-defense and, instead, lead to criminalization and incarceration.<sup>2</sup>

The specific recommendations below address the issues identified in this study and promote wider adoption of effective practices described by the survivors Partners interviewed. With additional resources, New Jersey can improve outcomes in civil and criminal domestic violence cases and ease the burden on law enforcement. More data and research would usefully support this work.

Finally, having suggested some larger implications of our findings, **Partners would like to recognize and honor the individuals who participated in our study.** It is important to underscore the survivors' ultimate success in navigating a path to safety. Overall, they were able to leave their abusers for good, and most had obtained a final restraining order. Likewise, compliance with orders appeared to improve over time. **While the survivors we interviewed were often battered and even traumatized by the systems they relied on to seek help, they have begun to turn the page to write the next chapter of their lives in their own words.**



While the survivors we interviewed were often battered and even traumatized by the systems they relied on to seek help, they have begun to turn the page to write the next chapter of their lives in their own words.



## Recommendations

### Community Response

---

***Recommendation #1: Provide County and/or municipal funding for social workers from the community to work in conjunction with law enforcement.***

Co-response programs that deploy social workers in conjunction with the police show promise in facilitating referrals to services, reducing trauma, and deescalating violence. A number of community response programs are emerging across New Jersey. Newark, for example, has invested significant funds into community-based public safety initiatives, diverting money from policing to establish the Office of Violence Prevention and Trauma Recovery. Violence prevention initiatives include funding the Shani Baraka Women's Resource Center for domestic violence survivors, utilizing social workers in the police department to provide referrals and crisis intervention services, and supporting the Newark Community Street Team, which responds to community violence through a public health approach.<sup>3</sup> Most recently, the OAG announced the expansion of the ARRIVE Together crisis response initiative, which pairs law enforcement officers with certified mental health screeners.<sup>4</sup> Gloucester Township<sup>5</sup> and Somerset County<sup>6</sup> also deploy social workers to support the police response, and similar pilots are emerging throughout the State.

Survivors hoped for justice, accountability, or even simply recognition of the harm that they had endured. Survivors did not, however, always see criminalization as the solution.

## The Office of the Attorney General and County Prosecutors

### ***Recommendation #1: Address systemic barriers to service and analyze law enforcement data on unserved restraining orders.***

Data and reporting are necessary in order to address existing barriers to the service of restraining orders. The OAG should audit jurisdictions to measure success with service and seek outside technical assistance to identify and overcome systemic barriers to completing service and develop best practices.<sup>7</sup>

### ***Recommendation #2: Develop training protocols for responding to complaints of contempt.***

Law enforcement agencies need more guidance and uniformity as to how to investigate reported restraining order violations, especially those involving electronic communication. Standards should require police to consult with the on-call prosecutor as well as training on communicating with victims regarding their safety.

### ***Recommendation #3: Provide guidance to law enforcement agencies on communicating with persons with limited English proficiency.***

Law enforcement agencies in the diverse state of New Jersey should have the tools they need to communicate effectively with victims who are limited in their ability to speak English. The OAG should provide guidance to police departments on language access, as it has on providing deaf interpreters, and support funding to offset some of the cost of interpretation. Guidelines could include competency testing of officers who are volunteer interpreters, information about

available telephonic interpretation resources, and a best practice of avoiding using family, especially minor children, and community members for interpretation except in a medical emergency.<sup>8</sup>

### ***Recommendation #4: Support timely sharing of data and analysis on domestic violence and use that data to inform policy.***

This research underscores the importance of timely data and analysis of data in order to evaluate the needs of domestic violence victims and the sufficiency of the services provided. We renew the recommendation from Partners' and Seton Hall Law School's earlier report for improved utilization of data<sup>9</sup> and encourage the OAG to collaborate with an academic partner to augment research and information gathering.

### ***Recommendation #5: Update Victim Notification Forms to provide clear information on available resources.***

County Prosecutors should ensure that Victim Notification Forms convey clear and easily readable information on County domestic violence resources, the role and duties of a domestic violence advocate, emergency resources available from the Office of Victims Crime Compensation, and the telephone number for the County Victim Witness Advocate. Translations of such forms should be available in the most commonly spoken languages in the New Jersey.

## Police and County Prosecutors

---

### ***Recommendation #1: Enhance domestic violence and cultural competency training.***

Providing training from domestic violence advocates and experts, as some departments already routinely do, both at the police academy and at roll call, can help officers understand the importance of how they interact with victims and communicate information. Training should include trauma-informed interviewing, the cycle of domestic violence, with an emphasis on the safety of children, restraining order applications, specialized domestic violence liaison officer training, and best practices for utilizing advocates.

### ***Recommendation #2: Create confidential space for victims within police headquarters whenever possible.***

Speaking to police about intimate and sensitive experiences of victimization is inherently intimidating. Victims, who are generally experiencing severe trauma, should not be asked to share these details publicly in full view of strangers. Taking reports on domestic and sexual violence in lobbies, coffee rooms, and crowded areas of the police station should be expressly prohibited.

### ***Recommendation #3: Bolster officers' resources to communicate with persons who have limited English proficiency.***

Utilize available interpretation resources, including bilingual officers and DVRT team members and telephone interpretation resources. Interview the victim first, even if the abuser speaks English and the victim does not.

### ***Recommendation #4: Recruit women of color and provide robust and generous pregnancy and maternity policies.***

Hiring more female officers, especially women of color, can have a positive impact on survivors. Recruiting women and minority officers is already a OAG priority.

### ***Recommendation #5: Transition to mandatory call outs to DVRTs.***

The DVRT model offers victims immediate support and promotes continued utilization of domestic violence services. Its success depends on prioritization by the police chief and requires sustained effort by the domestic violence organization tasked with training and maintaining volunteers. While the COVID-19 pandemic fractured collaboration with DVRT teams in many places, police departments and advocates should ensure that every victim can connect with an advocate.

### ***Recommendation #6: Update county prosecutor and municipal police policies and practices to reflect current OAG guidance.***

County prosecutors and municipal police department should update local police procedures to conform to the requirements contained in the newly issued New Jersey Domestic Violence Procedures Manual and monitor their officers' compliance with domestic violence procedures.<sup>10</sup>

### ***Recommendation #7: Address barriers to accessibility of TROs with data-driven solutions.***

Any solution to improving the accessibility of the restraining order process must begin by collecting information on current wait times and other deterrents for victims. Police departments might consider piloting the use of trauma-informed civilian employees to facilitate access and reduce processing time for jurisdictions with large numbers of domestic violence incidents.





When survivors conclude that law enforcement will not keep them from harm, they sometimes seek ways to protect themselves outside of the legal system.

## Legislative Measures

Partners supports the following legislative measures to enhance protections for domestic violence victims who engage with law enforcement:

### ***Measure #1: Strengthening domestic violence crisis teams (A227)***

This bill would set uniform guidelines and training protocols for DVRT and require mandatory activation whenever a victim goes to the police station, with limited exceptions. Partners supports an appropriation of additional funding for DVRT to ensure successful implementation of a mandatory call out, including compensation of advocates.<sup>11</sup> New Jersey must pay for that which we value, and our State values the safety and well-being of survivors of domestic violence.

### ***Measure #2: Right of access to law enforcement records for victims of domestic violence***

This proposed measure, not yet introduced, would ensure that a victim who reports to the police can obtain copies of the police records on a timely basis to offer them as evidence for their FRO trial. Currently, the process for obtaining records is difficult for victims to navigate in the small window of time to gather evidence for their restraining order case.

### ***Measure #3: Cultural diversity and implicit bias training for law enforcement (S2072/A1720)***

This bill would augment and require diversity training for new officers.

### ***Measure #4: The Values Act (S512/A1986)***

This bill would make permanent the protections of the Immigrant Trust Directive and ensure that survivors with immigrant family members can safely contact law enforcement for assistance without fear of deportation of their family members.

### ***Measure #5: Translations of TROs and FROs (S1000/A1704)***

This bill would require the issuance of TROs and FROs in the primary language of the parties, in addition to English, to ensure that the parties can understand the provisions of the order.

### ***Measure #6: Language access (S2459/A3837)***

This bill would require that every executive branch agency to develop a language access plan, including the provision of translated forms in the 15 most commonly spoken languages. Accordingly, the OAG would be required to issue a language access plan and provide translated forms, which would expand victims' access to resources and services.

## Endnotes

<sup>1</sup> See Vijetha Koppa and Jill Theresa Messing, *Can Justice System Interventions Prevent Intimate Partner Homicide? An Analysis of Rates of Help Seeking Prior to Fatality*, 36 JOURNAL OF INTERPERSONAL VIOLENCE 8792, 8792–8793 (2021) (analyzing Houston domestic violence fatalities and reporting that 91% of victims reported a domestic violence crime in the three years prior to their murder); Phyllis Sharpes et al., *Health Care Providers Missed Opportunities for Preventing Femicides*, 33 PREVENTIVE MEDICINE 373, 380 (2001) (noting 30% of victims sought help from law enforcement in the year prior to their murder, and 44% of perpetrators were arrested in the prior year).

<sup>2</sup> See Rachel Louise Snyder, *When Can a Woman Who Kills Her Abuser Claim Self-Defense?*, THE NEW YORKER (Dec. 20, 2019), <https://www.newyorker.com/news/dispatch/when-can-a-woman-who-kills-her-abuser-claim-self-defense>.

<sup>3</sup> See Tom Wiedmann, *Newark Aims to Strengthen Public Safety With \$19M Commitment Towards Violence Prevention Initiatives*, TAPinto (Nov. 12, 2021), <https://www.tapinto.net/towns/newark/sections/government/articles/newark-aims-to-strengthen-public-safety-with-19m-commitment-towards-violence-prevention-initiatives>.

<sup>4</sup> See Press Release, Office of the Attorney General, *Acting AG Platkin Announces Expansion of “ARRIVE Together” Crisis Response Initiative to Elizabeth and Linden Police Departments* (June 6, 2022), <https://www.njoag.gov/acting-ag-platkin-announces-expansion-of-arrive-together-crisis-response-initiative-to-elizabeth-and-linden-police-departments/>.

<sup>5</sup> Gloucester Township developed Project Home Involved Violence Intervention Strategies (HIVIS), a community policing initiative aimed to reduce domestic violence with specialized officers, risk assessment, and partnerships with local services. See Gloucester Township Police Department, *Project HIVIS News Conference Media Package* (Oct. 8, 2015), <http://gtpolice.com/wp-content/uploads/2015/10/Gloucester-Township-Police-Project-HIVIS-Domestic-Violence-News-Conference-Media-Packet.pdf>.

<sup>6</sup> Somerset County instituted the position of a Community Police Alliance Coordinator to bridge the gap between law enforcement and the community and offer support to individuals referred by the police. See *Community Police Alliance*, SOMERSET COUNTY, <https://www.co.somerset.nj.us/government/human-services/operations-planning/community-police-alliance>

<sup>7</sup> See Battered Women's Justice Project, *Protection Order Service Checklist*, <https://www.bwjp.org/resource-center/resource-results/protection-order-checklist.html>.

<sup>8</sup> See Vera Institute of Justice, *Bridging the Language Divide* (2009) [https://www.vera.org/downloads/publications/vera\\_bridginglang\\_FINAL\\_tagged-v2.pdf](https://www.vera.org/downloads/publications/vera_bridginglang_FINAL_tagged-v2.pdf).

<sup>9</sup> Patricia Perlmutter & Jessica Miles, *The Impact of COVID-19 Intensifies the Shadow Pandemic of Domestic Violence*, PARTNERS 6-7 (2020), <https://partnersnj.org/wp-content/uploads/2021/03/Advocacy-Partners-COVID-White-Paper-Final-1-11-21.pdf>.

<sup>10</sup> For more recommendations to strengthen domestic violence local general orders, [CLICK HERE](#) for our analysis of those procedures.

<sup>11</sup> See LAURA JOHNSON, ELISHEVA DAVIDOFF & ABIGAIL DeSILVA, EXAMINING DOMESTIC VIOLENCE RESPONSE TEAMS (DVRTs) WITHIN THE STATE OF NEW JERSEY (2019).

## Acknowledgments

This project would not have been possible without the trust of survivors who agreed to share their experiences with us. Your voices matter and should be heard in developing better practices to meet the needs of domestic violence victims in New Jersey.

Partners could not have completed this project without the help of **Maggie-Leigh O'Neill and Sandra Chen** for their extreme dedication, research skills, and writing. Partners is also thankful to **Meiyu Lyu** for her essential data analysis.

Partners is extremely thankful to **Chriss Williams, our audio editor**, for his steadfast commitment to the audio component of the policy brief.

Partners would like to thank the following interns & volunteers:

Jack Arteaga	Lauren Mauro
Rebecca Beale	Chloe Nurik
Rebecca Cao	Priya Patel
Patricia Garcia	Dominique Perez
Giovanni Giotta	Rita Portenti
Ben Heller, Esq. (McCarter & English)	Alexandra Saavedra
Naomi Hogan	Angelina Sanchez
Jacqueline Hutchins	Joan Shufro, Esq.
Noor Irshaidat	Sean Wallace

A special thank you to the following individuals for offering their time, feedback, and support to this project:

Lauren Bivano	Professor Patrick Shrout
Susan Rovi, PhD	Professor Juan Rios
Adam Saravay, Esq. (McCarter & English)	

Lastly, the authors would like to thank the New Jersey Department of Children and Families and its Division on Women for the funding that supports our advocacy work at Partners.

### Contact Information

Partners  
650 Bloomfield Avenue | #209  
Bloomfield, NJ 07003  
Phone: 973-233-0111  
Email: [InTheirOwnWords@partnersnj.org](mailto:InTheirOwnWords@partnersnj.org)

Designed by Christine Raniets, [Peran Design](#)





TRANSFORMING  
LIVES THROUGH  
JUSTICE

[partnersnj.org](http://partnersnj.org)

