Thank you for joining us today!

Identifying and Ending Gender Bias in our Agencies Review

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Learning Objectives

• Evidence for gender bias in law enforcement response to intimate partner and sexual violence
• OVW Guidance review and Roundtable recommendations
• VAWA Nondiscrimination provision and its application to victim service providers

“Perfect” Victim & Gender Bias

• 50% of all 911 police calls related to IPV
• 70% of women who did not call feared that calling the police would make things worse
• 43% of victims felt police had discriminated against them
• 24% reported being arrested or threatened with arrest during a DV incident or while reporting sexual assault to police

Symptoms of Bias

• 53% not a perfect victim (income, reputation, sexual identity)
• 46% gender (men side with men)
• 24% lack of understanding about DV/SA
• 22% Race, ethnicity, or immigration status
• 20% Politics, offender connection

http://www.thehotline.org/resources/law-enforcement-responses
Women equal 51% of the US population but constitute 14% of all sworn officers

Bias: Perceived or Actual?
Does it Matter? How?

Police Data Initiative
OVW Guidance: Guiding Principles

1. Recognize and address biases, assumptions and stereotypes about victims
2. Treat all victims with respect and employ interviewing tactics that encourage a victim to participate and provide facts about the incident
3. Investigate sexual assault or domestic violence complaints thoroughly and effectively
4. Appropriately classify reports of sexual assault or domestic violence

OVW Guidance: Guiding Principles

5. Refer victims to appropriate services
6. Properly identify the assailant in domestic violence incidents
7. Hold officers who commit sexual assault or domestic violence accountable
8. Maintain, review, and act upon data regarding sexual assault and domestic violence

What was the OVW Roundtable?
Gender Bias & Law Enforcement

- Factors relating to ascribed personal responsibility for the crime:
  - Alcohol or drug consumption
  - Going out or wearing revealing clothing
  - Mental health history
  - Lack of physical injury

Intersections with Gender Bias

- African-American survivors commonly seen as more aggressive than white survivors
- Lack of interpretation and translation services distorts reports by survivors with poor English
- Gender nonconforming survivors met with hostility

Manifestations of Gender Bias

- Failure to properly investigate
- Failure to provide interpreters (or translators)
- Misclassification of cases (Disturbance v. DV)
- Downgrading complaints (both SA and IPV)
- Penalizing victims for repeat calls
- Failure to question suspects
- Many others…
Failure to properly investigate

- 65% of cases not referred for charges.
- Of 10 investigative steps that could have been completed on each case, police completed 3.4 steps on average. Case more likely to be referred and have an arrest with each additional investigative step completed.


Explanations Provided by Police

1. It didn't look like a “real” rape, e.g., victim not upset enough, not injured.
2. Victim couldn't have been raped, e.g., sex worker, presence of mental illness
3. Couldn't investigate because of the victim, e.g., no phone, uncooperative


Impact

- Black victims more likely to be blamed for a poor investigation (see explanation type #1)
- Underage victims more likely seen as not “real” rape (type #1)
- Victims over the age of consent more likely to be blamed for a poor investigation (type #3)
- Victims assaulted by multiple perpetrators more likely to be considered a victim who couldn't be raped (type #2)
Staffing

- Female, and male officers “who get it”, are often assigned to SA and DV cases, limiting the buy-in on these issues agency-wide
- Special victim units are typically staffed at a lower level than property crime units, leading to low morale. Sends a signal on priorities.

Measurement Tools

- Safety audit with dissemination of findings.
- Victim satisfaction surveys that go to the police chief.
- Transparency: data on reports of SA and DV, # of cases referred, specific outcomes.

Philadelphia to Baltimore:
Non-Criminal Codes & Improper Unfounding of Cases
Baltimore consent agreement

Interrogation Interview

- Interviews of victims of gender-based violence must focus on gathering evidence in an open-ended way.
- The impact of trauma must be taken into account by detectives, in order to build the prosecution's case, rather than the defense's.
- Trust-building with individual victims leads to raising victim advocates' comfort with referring survivors to law enforcement.

Proper Investigations

- Increasing the number of investigative steps that must be completed by investigating officers could increase the likelihood of referral to the prosecutor, and an arrest.

Philadelphia Assessment Model

- Was the investigation thorough?
- Were all witnesses interviewed?
- Was the evidence collection thorough?
- Were forensic tests in the file?
- Was there bias?
  - Were questions blaming the victim, or elevating interests of accused?
  - Was victim directly or indirectly accused of lying?
  - Was there an interview or was there an interrogation?
  - Was a recantation coerced?

Philadelphia Assessment Model

- Was the case classified correctly?
  - As a crime?
  - As the correct crime?
- Was the case properly cleared?
  - If investigation supported arrest, was it made?
  - If exceptionally cleared, was an arrest not warranted by evidence; perpetrator not identified, etc.? Reasons outside law enforcement's control prevented the arrest from being made?

Philadelphia Assessment Model

- Was the case properly unfounded?
  - Investigation demonstrated that no crime occurred, i.e., false or baseless?
  - Did a supervisor review and approve each decision to unfound?
  - Sexual assaults (IPV and stalking) should not be downgraded
  - Bringing the advocacy community in when appropriate
Solutions?

• Strongest influence on positive change = leadership

Biggest factors in changing individual attitudes:
• Law enforcement training from national trainer
• Information from victims that included positive as well as negative feedback
• Ride-alongs build mutual understanding

Holding Officer Who Commit Gender-Based Violence Accountable

• International Association of Chiefs of Police (IACP) has published a guide which covers abusive actions by law enforcement, such as:
  • Unnecessary calls to victims
  • Traffic stops to look at women
  • Looking in windows
  • Sexting
  • Other forms of sexual harassment

VAWA Reauthorization Act of 2013

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [VAWA (and FVPSA), and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by OVW…]
VAWA Reauthorization Act of 2013

If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual’s sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming. 42 U.S.C. § 13925(b)(3)

VAWA Nondiscrimination

• VAWA 2013 prohibits discrimination based on actual or perceived sex including gender identity, religion, and actual or perceived sexual orientation.
• Applies to all OVW and FVPSA-funded programs
• Impacts sex-segregated and sex-specific programming.

VAWA Nondiscrimination

• Sex-segregated programming may be understood as men, women, and nonbinary people receiving services in separate settings.
• Sex-specific programming may be understood as programming designed differently for women than for others.
• People receiving services have the right to identify their gender and select the appropriate program for themselves.
How to Satisfy VAWA Nondiscrimination

- Necessary to the essential operation of a program?
- Fact-specific inquiry involving the following considerations:
  - Nature, quality and duration of the service
  - Relative benefits of different therapeutic modalities
  - Geographic location (access)

Serving Transgender Clients

- Assign clients to service which corresponds to the gender with which the client identifies
- Consider victim's health and safety in making housing assignments
- Client's own views regarding personal safety deserve serious consideration
- Do not isolate or segregate
- Do not inquire into or tolerate inquiry into medical interventions
- Do not make burdensome demands for identity documents

Compliance with VAWA Nondiscrimination

- “Comparable services” must be provided.
- Grantees must provide comparable services to individuals excluded from sex-segregated or sex-specific programming
- Not only providing services to males but also not limiting services to those persons with adolescent children
- Comparable length of stay, supportive services, and transportation to access services
Going Forward

- "You Have Options" is a law enforcement-led training program that is victim-centered and offender-focused.
- Forensic Experiential Trauma Interview
- Frank assessment of where a community is at and where a law enforcement agency is at in addressing gender bias.
- Include not only actual response and investigation, but also public (mis)perception and public trust about the extent to which SA and DV are investigated.

Accountability

- To hold individual officers accountable, first we need to hold law enforcement agencies accountable.
- We may not be able to change individual officers’ attitude, but we can change their behavior through effective supervision. Cross-train with local prosecutors, advocates, to show that officers will be supported in making changes.
- Supervisors must model and mentor—not bully—regarding issues of gender bias.

Review

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- OVW Guidance review and Roundtable recommendations
- VAWA Nondiscrimination provision and its application to victim service providers
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