

DOMESTIC CRISIS INTERVENTION STUDY GUIDE 2003



This study guide is designed to provide the law enforcement Explorer with basic principles. The guide is not all inclusive, and does not delineate specific techniques that must be used. The focus of this guide is to provide principals that are flexible and adaptable to various law enforcement situations.

Following the basic principals in this guide should allow the law enforcement Explorer to successfully handle various law enforcement training activities safely and professionally.

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INTRODUCTION

The word conflict in and of itself seems to carry an automatic reaction of fight or flight. A stress reaction seems to begin with just the slightest inclination that conflict is afoot. It is not, however, like stress itself, a negative word. It just seems to have evolved into a negative linkage that is tied more to mismanaged conflict than conflict itself.

The fact of the matter is that the world would not have developed as it did without conflict. In some cases the conflict was between supply and demand and the result was invention. In some cases it was between freedom and tyranny and the result was revolution. The point still exists, though, that as long as man exists, so will conflict.

Conflict is often good because it brings about change. The problem lies in the violent reaction to conflict. This is where you, the law enforcement officer, become involved.

What happens when you arrive on the scene of a conflict that is very volatile but not yet involving physical assault or battery? What is your role? Is it time to take sides and fight for the right? Must you protect the side to which you are vehemently opposed? Do your values get convoluted in the uncertainty of the fray?

Conflict, for our purposes is “any action or activity that is incompatible between two or more persons.” When referring to a **law enforcement officer** approaching conflict, we are speaking of one who should be **“an objective third party with authority.”**

This objectivity, in many cases, may be one of your most effective tools for officer safety and survival. How can this be?

As you arrive on the scene of a conflict, it is easy to make a snap decision as to who is the “aggressor” and who is the “victim.” Your role may be perceived by you as a rescuer. There are, however, other perceptions at play here.

The aggressor may see himself as a “victim” facing an “aggressor” law enforcement officer. If we make their perception a reality, they will surely defend themselves. The other party (who may have a strong bond with the original “aggressor”) may perceive you as a threat to that individual and attack you as well.

This misperception is particularly true in the case of domestic disputes. While a spouse may be in conflict, it is frequently seen as a personal problem and you may be perceived as an unwelcome aggressor.

DOMESTIC VIOLENCE

In the not too distant past, in those situations where battery of a spouse occurred, the battery was viewed as a crime against the person and the victim would have to file a “complaint” in order for the battery to be prosecuted.

After some extreme cases of spousal abuse caused a public outcry (see Appendix 1A), the justice system, as a whole, began to look at domestic violence in a pro-active way.

A study was conducted in Duluth, Minnesota, where laws were changed to not only allow officers to arrest based upon probable cause, but also mandated that arrests take place. The end result was a decrease in domestic battery repeat offenses; fewer call backs to violence.

Laws have been changed now in most states, making domestic abuse a crime against the state and no longer requiring a “complaint” by the victim. In many of these states, and the District of Columbia, officers are not just allowed to arrest if probable cause exists that a domestic battery or even (in some jurisdictions) threats, but are mandated under penalty of law to make such arrests. **Law enforcement officers must know the laws in the area where they patrol, as well as their jurisdiction to enforce those laws.**

There are some dangers here that need to be addressed. With these new laws, discretion is greatly reduced and arrest may be mandatory. This can cause some officers, from a perception of self-defense, to arrest too quickly. Remember your primary role: an **objective third party with authority**. Objectivity cannot be discarded in favor of prejudice or poor questioning skills.

Domestic violence, like sexual harassment, is frequently associated with men abusing women. This is a dangerous prejudice that can result in tragedy! **Domestic violence is not an exclusive man against woman offense.** Upon arriving on a scene where a female shows signs of injury, it is easy to reach a “knee jerk” reaction and ask, “Did he hit you?” That doesn’t sound very objective, does it? “Tell me what happened” to both sides individually and apart from the other may give you a better picture and assure the probable cause that you need. **Good interviewing skills are essential!** (See Appendix 1B).

Signs that you may see as abuse may in fact be defensive. Some states also have laws related to mutual battery that may require that both parties be arrested to provide courts the vehicle to mandate help with the problem.

RECOMMENDED TECHNIQUE

All these theories steps and skills sound really nice, but how do we put these to work in the “real world” as law enforcement officers? We need to combine them into a simple set of workable steps that can be followed.

1. **DATA GATHERING** – This begins with the dispatch call, a complaint from the reporting party, or your initial observation, and **continues** throughout the process of conflict management and resolution.

Gather as much data as possible before arriving on the scene. Information used to assess the situation and potential danger may be available from the **dispatcher**, i.e., type of incident reported, **criminal history checks**, and **prior calls to that location**

You should remain observant and open to verbal and nonverbal communications from all available sources until the situation has been resolved.

2. **APPROACH AND ENTRY** - Look for personal effects **at the scene** that indicate lifestyle and behavior patterns of the involved parties (i.e., hunting trophies or deer antlers may warn of a gun on the premises). **Observe the exterior and interior** of homes, buildings, vehicles, tents, campsites and other facilities.

Consider possible environmental hazards and note areas of cover or concealment. Identify possible escape routes!

Determine the safest direction for your approach. **Listen and observe** to determine the nature of the conflict, level of emotions, if weapons are present, and the potential for violence before entering the scene. If there are bystanders, you may be able to get valuable information by talking to them and getting their perceptions of the conflict before entering the scene. Don't forget, however, that bystanders are often not objective and may have a stake in the outcome of the conflict.

Do NOT be in a hurry! Enter with caution! This is no time to be careless! Remain as calm as possible and observe appropriate officer safety and survival tactics.

3. **DISTRACTION** - Announce your presence, identify yourself (even if you are in uniform) and move to a location where all parties can see you. Distraction may be accomplished by your mere presence as a law enforcement officer. Sometimes, the conflict may be so intense that you will need to **give a command in a loud voice, use a loud whistle or other distracting noises to gain attention.**

There may be situations where a quiet, calming voice may be more distracting to disputants than your loud command or noise. Be flexible. If something isn't working, try something else!

After the initial distraction is created, it is necessary for you to **take advantage of the often brief break in the conflict**. Further distraction may be created by asking for names, addresses and other background information before going into the specifics of the situation. Remember that anonymous people are not accountable for their actions and are more likely to cause problems for you. **Get their names as soon as possible**. Ask the person to speak slowly and clearly, and to spell names.

Whatever method is used to distract the disputants from the conflict, it is critical that you display a professional appearance, a non-threatening demeanor and self-assurance. An “I am here to help” demeanor is more effective than an “I am here to settle this” demeanor.

- 4. SEPARATE AND POSITION** – Once the distraction is achieved, you should **separate the disputants and interview them individually**. The separation will minimize a flare-up of accusations or attacks between the disputants. This also will give you better control and facilitate interviews on a “one-on-one” basis.

If you don't have a backup, try to keep both parties in your sight, but separated where they do not have direct eye contact. If you have a partner, try **to get them back to back to avoid eye contact and to ensure eye contact between you and your partner**.

It is sometimes possible to move people without touching or even saying anything to them about the move. Our knowledge of eye contact tells us that a person who is sincerely listening will keep a general eye contact with the speaker. We can use this to our advantage by moving while we talk to get the other person to move to a more desirable position.

Disputants should be separated by distance or moved into separate rooms as long as the officers can **maintain eye contact with their partners**. If outside, natural barriers or available man-made barriers, such as squad cars, can be used to separate people. Remember that officer safety is of paramount concern.

In an enclosed area, you should remain closest to the exit for safety and to prevent persons leaving or entering the scene without authorization. After de-escalation, you may choose to move to other locations, still keeping officer safety in mind and having an escape route.

- 5. LISTEN** – Use all the communications skills in your training to ensure that you **get the entire story**. Remember that **an angry person needs to vent**, but they cannot be allowed to continue to be disruptive forever.

If you have a partner or backup, remember that you only have one side of the story. Your partner has the other person's side and you will need to discuss the situation with your partner before you proceed. Ensure that the disputants will not escalate the conflict while you **talk with your partner to establish the real reason for the conflict from both perspectives**.

6. **CONFRONT THE PROBLEM** - Are the issues tangible or intangible? Is this a value conflict? Are both parties open to a negotiated solution?

Diagnosing the nature of the conflict is the starting point for dealing with any conflict. This allows you, the law enforcement officer, to select, from the continuum, the option appropriate to the circumstances. Here avoidance is not an option since you have been sent to the scene.

Arrest is an option if the elements of a crime exist. Remember to **be objective and get the whole story**, unless exigent circumstances require quick action.

Defusion may be appropriate if a cooling off period seems to be in order. If the parties are not likely to see each other again, this may end the conflict permanently. Otherwise, if time allows, a more complete solution should be found.

Arbitration may be effective, especially in disputes over which you have direct power. An example of this would be a traffic accident where you will listen to both sides and then make your decision.

Referral is an option where a conflict has complicated underpinnings. Referral to other professionals may also be the result of a negotiated solution between parties.

Negotiation/mediation offers the best long term solutions to most problems but is **only possible if all parties are willing to participate** in the mediation and when time is available for the officer to help them work out a solution. Make sure that you confer with your partner to ensure that both parties are open to mediation.

If you feel that the parties are ready to talk to one another, under your guidance, the time has come to **bring them back together, but some “ground rules” must be agreed upon.**

You, the law enforcement officer and **objective third party with authority**, must **initiate the process, create the atmosphere, and set ground rules for the discussion.**

This not only distracts the parties from the conflict, but helps reduce tension by telling them what they can expect, what you are going to do, and assuring them that each one will get a chance to tell his/her side of the story.

-- **One person talks at a time.** Interruptions should not be allowed, but the interrupting party should be given assurances that his/her point of view will be heard. It is a good policy to let the person who seemed most aggressive or emotional to speak first; he/she would be more inclined to interrupt, and speaking first may allow the person to vent and relax.

-- **Disputants should not attack or demean the other party.** This may be accomplished by asking them to begin each sentence with the word "I" (i.e., "I think," "I feel," "I want," "I see"). This creates less defensiveness in the other party and helps the speaker understand his/her own position better.

-- **Each party should state the tangible effects the conflict has or will have on them.**

7. **PROBLEM SOLVING** - There are some simple questions that can assist you with the problem solving process to negotiate a consensus decision. These are simple questions, but they are effective.

To clarify the problem ask the disputants, "**What do YOU see as the problem?**" or "**What do YOU see as causing the problem?**" Listen carefully to their answer and then **paraphrase** the answer, "What I hear you saying is . . .?" or "Do I have this right . . .?"

Try to get the disputants to then offer all possible solutions to the conflict. Ask "**What do YOU think are the possible solutions?**" Again listen and **paraphrase** the list of solutions.

To clarify a starting point, ask "**What do YOU think is the best solution?**" There will usually be some common ground amongst the solutions offered, and negotiation can move freely from that point (under your continued guidance).

8. **RESOLVING AN IMPASSE** - There will often be times when the communication stops, when neither side seems willing or able to see the other point of view or to make a compromise. This is called an impasse. When an impasse is reached, you should be aware that to the disputant(s) there is a very strong need or compelling reason behind the impasse. Often the reason for the impasse is tied directly to the reason for the conflict.

- There may be a need for the relationship to continue even though conflict is an on-going part of the relationship. This can occur in marital relations, business partnerships, and other workplace conflicts. The need for the continuation of the relationship out weighs all other considerations. Fear that any change in the relationship would jeopardize it may keep a party from seeking resolution.

- There may be a desire in one of the parties for the relationship to end and the conflict may be a means to accomplish that goal.

- There can be a desire to force the other party to "wake up" and face "reality" as the disputant sees it.

- A need for attention or affiliation (belonging) may cause a person to turn to conflict when nothing else has worked.

- A need to maintain or develop self-esteem can keep a party from being able to compromise, if he/she perceives compromise as "losing." The need to "save

face” is very strong.

In order to reach beyond this impasse, an officer may try several techniques.

- **Summarize the points of agreement while minimizing disagreement.** This is accentuating the positive while minimizing the negative aspects of the dispute.

This shows disputants their progress so far and lets them feel that they can resolve this conflict themselves.

- **Use affirmation.** Praise the effort that they have displayed in getting to the point they have reached (i.e., “You are working very hard to resolve this and I appreciate it” or, “You are responsible for the success of this agreement.”

- **Use “What if...?” questions.** Try to reopen the channels of communication by offering logical, hypothetical solutions. Even if they do not like the solution you present, it will get the disputants communicating again and often will result in the disputants coming up with additional suggestions.

9. PLANNING IMPLEMENTATION AND EVALUATION - After a solution has been agreed upon by the parties involved, it is necessary for you to help with planning for the implementation of the solution to assure that it is clearly understood and will be adhered to by all involved parties.

How? When? By whom? It is important that the parties know exactly what is expected from each of them and to understand what the expected outcome will be. This may result in more discussion or even in starting over again, but uncertainties and misconceptions must be dealt with before the resolution will be effective.

After a reasonable period of time, agreed upon by the disputants, they should review the solution and its results. You may decide to remain part of the process and make arrangements to meet with them at a specific date and location. Regardless of whether you are involved in the evaluation process or the disputants meet on their own, you should make sure that a specific date, time and location have been agreed upon for the evaluation.

At this point, it is important that you again affirm their efforts to resolve the conflict. Tell them again that they have worked hard to resolve the problem and that you appreciate their cooperation and hard work.