

Victim-blaming discourse underpinning police responses to domestic violence: A critical social work perspective.

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Abstract

Framed by research into victim and police officer perceptions of police responses to domestic violence, the adequacy of a law enforcement response to an inherently complex issue such as domestic violence has long been subjected to academic debate. Police responses are failing to adequately address and respond to the needs, expectations and preferences of victims due to overarching victim-blaming discourse situated within a male-dominated and patriarchal police culture. Through the application of critical social work theory and postmodernism, this article critically analyses, challenges and attempts to subvert victim-blaming discourse inherent within police responses to domestic violence. It is argued that victim-blaming discourse, attitudes and practices invalidate and silence women, leading to revictimisation whilst failing to promote perpetrator accountability and placing victims at further risk of harm. As a critical area of practice for social work in the 21st century, recommendations and implications for practice are outlined and further explored.

Keywords: domestic violence, police, social work, victim-blaming

Introduction

Domestic violence (DV) is a prevalent and inherently complex social justice issue that is of critical importance to social work practice in the 21st century. Police are a key player in ensuring a holistic, proactive and specialised response to DV. However, the fundamental needs and expectations of victims are often not addressed or met due to prevailing victim-blaming discourse situated within a male-dominated and patriarchal police culture. This issue is contextualised within the broader topic of policing domestic violence, including the effectiveness of a criminal justice system approach in responding to such a complex issue. This article applies critical social work theory and Foucauldian discourse analysis to analyse the victim-blaming discourse and practices that shape police responses to DV, arguing that victim-blaming invalidates victims' experiences, effectively silencing them whilst minimising perpetrator accountability and allowing the cycle of violence to continue. A literature review is provided to contextualise DV in Australia, including prevalence, policy and legal context and the research surrounding victim and police officer perceptions of police responses to DV. The review also speaks to anticarceral feminist literature, which critiques police and prisons as a response to DV. This article concludes with recommendations and implications for social work practice, highlighting the potential to improve collaborative responses between social work and police to produce better safety and wellbeing outcomes for victims.

Literature Review

Contextualising DV

It is acknowledged that DV has a significant impact upon individuals, families and wider communities within Australia. DV can be defined as a set of complex behaviours, including “domination, coercion, intimidation and victimisation” (AMA, 1998) that can involve physical, sexual, economic, social, and/or emotional violence within an intimate relationship (Hegarty et al., 2000). As DV is significantly under-reported, statistics may not provide an accurate representation of its prevalence within Australia. However, statistics estimate that 1 in 6 women have experienced partner violence since the age of 15 (ABS, 2017) and 1 woman is killed every 9 days by a current or previous partner (AIHW, 2020). Factors

including age, race and ability can produce intersections of disadvantage and heighten the prevalence, risk and severity of DV. For example, 1 in 3 women with a disability experiences emotional abuse from a current or previous partner and Aboriginal women are 35 times more likely to be hospitalised due to family violence compared to non-Indigenous women (AIHW, 2020). Due to its gendered nature, this article focuses on DV experienced by a female victim from a male perpetrator that is a current or previous partner, also referred to as intimate partner violence (IPV).

Changing laws and legislation

DV laws and legislation exist within a broader legal context surrounding women's rights. Since the late 19th century, feminists have worked to uncover the "systematic and political nature" (Westlund, 1999) of DV and have worked to pass laws that criminalise violence against women and children (Stewart, 2001). These range from the introduction of 'no fault divorce' in 1975 to the criminalisation of marital rape in all states and territories in 1992 (FCA, 2016; Pringle, 1993). This marked a shift in how DV is perceived by broader society - from a private issue to a public one. DV has been deemed both a national crisis and health and welfare issue by the Australian Government (AIHW, 2020). Due to increased attention to the inadequacy of responses to DV, national policing reforms have emerged. Such reforms include the 2011 *National Plan to Reduce Violence Against Women and their Children 2010-2022*, emphasising the importance of education and training for police to ensure proactive responses (Segrave et al., 2018). State and territory initiatives have also been introduced, including the 2016 Victorian Royal Commission into Family Violence (The Victorian Government, 2020) and the Queensland Special Taskforce (STDFV, 2015), which focused on improving police responses and victim safety. Victim safety has driven numerous policing initiatives introduced in New South Wales (NSW), including legislation allowing police officers to wear body-mounted video cameras to obtain evidence in DV cases (AAP, 2014). There are also overarching pro-arrest and pro-prosecution policies as part of a proactive approach adopted by the NSW Police Force (Rollings & Taylor, 2008). Whilst these initiatives are designed to improve the safety of victims, they are undermined by victim-blaming discourse and practices that inform police responses.

Victim perceptions of police responses

The research recognises that as the first point of contact for many victims, police are positioned as the ‘gatekeepers’ of the criminal justice system (Goodman-Delahunty & Crehan, 2016; Retief & Green, 2015; Rollings & Taylor, 2008; Aspler et al., 2003). Thus, there is a heightened importance on police response and intervention in ensuring that victims are safe and supported (Rollings & Taylor, 2008). Multiple studies reveal how positive perceptions of police responses are dependent upon the extent to which victim preferences, needs, and expectations are addressed and adhered to (Douglas, 2019; Johnson, 2007; Aspler et al., 2003). These include having the perpetrator arrested or not arrested, receiving information about support services and speaking with a police officer who is respectful and empathetic, actively listens, works with them and follows up on their safety (Douglas, 2019). Studies have shown that victims are more likely to contact the police again if their previous interaction was positive and adhered to their preferences (Hickman, 2003; Aspler et al., 2003).

Negative perceptions are influenced by multiple factors where victim’s needs, expectations and preferences are not responded to by police. These include DV incidents and reports not taken seriously, particularly non-physical forms (Stewart et al., 2013), victims not being believed, police not acting or responding inappropriately and victim-blaming attitudes, language and practices (Douglas, 2019). Goodman-Delahunty & Crehan’s (2016) study surveying NSW client advocates uncovered victim-blaming practices and discourse where victims were told to stop provoking the perpetrator and belittled or mocked for staying with their violent partner. Research shows that inadequate police responses can discourage victims, deterring them from seeking further support and reporting future abuse (Logan et al., 2006; Rollings & Taylor, 2008). Birdsey & Snowball (2013) found that the number of victims seeking support from Australian DV services who did not report the most recent incident of abuse to police has exceeded 50%. Moreover, two-thirds of women chose not to report the most recent incident of physical assault to police (ABS, 2017). Reasons for not reporting DV incidents to the police include fear of retaliation and escalating violence, embarrassment and shame, fear of discrimination and judgement from police, and feeling as though the incident was unimportant (Goodman-Delahunty & Crehan, 2016; Johnson, 2007; Hoyle, 1998).

It is also important to highlight the growing literature concerning anticarceral feminism(s), which critiques the involvement of law enforcement, including police and prisons in the feminist response to DV (O’Brien et al., 2020; Anasti, 2020). Moreover, not all feminists, anticarceral or not, support police-based responses to DV as such responses often subject marginalised communities to further vulnerability

via “mechanisms of exclusion, surveillance, and social control” (O’Brien et al., 2020, p. 6). This literature also acknowledges social work’s (often implicit) participation within the carceral state (O’Brien et al., 2020; Jarldorn, 2020; Bergen & Abji, 2020).

Police perceptions of DV

The literature highlights how victim-blaming practices present within police responses are intrinsically linked to a broader masculine and patriarchal police culture (Douglas, 2019; Meyer, 2011; Retief & Green, 2015). There have been numerous US based studies exploring police perceptions of DV, which have found high levels of victim-blaming and other problematic myths and assumptions held by police officers (DeJong et al., 2008). Gover et al.’s (2011) study revealed that 71% of police officers agreed that victims could easily leave their relationships but do not or choose not to. Furthermore, Retief & Green (2015) found that police officers believed that female victims must have provoked the perpetrator or done something to deserve the abuse. Moreover, Home’s (1994) Quebec based study found that police were more likely than social workers to blame female victims for the DV. Segrave et al.’s (2018) qualitative study with Victorian police officers uncovers predominantly negative police perceptions and attitudes towards DV. DV was considered and described as a burdensome, ‘time-consuming’, ‘frustrating’ and ‘annoying’ low-status crime that distracts from ‘real’ police work and crime fighting (Segrave et al., 2018).

The literature highlights how victim-blaming attitudes and practices as part of police responses to DV contribute to negative victim perceptions of police. However, victim-blaming discourse is not explored further or critically analysed. This article will aim to begin to address this gap within the literature by applying critical social work theory and Foucauldian discourse analysis to challenge and subvert victim-blaming discourse inherent within police responses to DV. Furthermore, recommendations and implications for social work practice in the 21st century will be provided.

Critical analysis of victim-blaming discourse

Victim-blaming discourse is a key factor shaping victims' experiences with police and acts as a significant barrier to addressing and adhering to their needs, expectations and preferences. Victim-

blaming can be defined as the act of holding the victim entirely or partially responsible for a crime(s) that has been committed against them (TCRCVC, 2009). It is often informed by myths and misconceptions surrounding a certain issue, such as sexual assault or DV. Broader societal and cultural victim-blaming attitudes significantly shape public responses to DV, including police responses and victim responses to their victimization (Policastro & Payne, 2013). These include that female victims are responsible for the abuse, want to be abused and can easily leave their violent partners (Policastro & Payne, 2013). These attitudes contribute to a broader culture of violence that normalises and justifies violence against women, thus invalidating and silencing victims.

One form of victim-blaming is DV being perceived as a private dispute or issue rather than a serious crime where victims are regarded as responsible both for the abuse itself and managing it. This victim-blaming is contextualised by a male-dominated police culture that regards DV as a lesser 'social' crime compared to more 'hardcore' crimes (McMullan et al., 2010). Victim-blaming is underpinned by gender-based norms that determine acceptable behaviour for both men and women (Howard, 1984). Men are required to be strong physically and mentally, which has normalised male violent behaviour, including aggression, domination and intimidation, contributing to toxic masculinity (Piper & Stevenson, 2019). Comparatively, women are expected to adhere to traditional feminine characteristics and stereotypes, including weakness, passivity and submissiveness (Terrance et al., 2011). In 19th and 20th century Australia, 'housewife manuals' outlined that a woman's role was to manage the moods of men in their lives (Piper & Stevenson, 2019). These traditional gender roles have been instilled within 21st century institutions where these expectations are still fundamentally present. When victims of DV fail to fulfil this role, victim-blaming practices emerge within police responses. DV is not considered a serious crime 'worthy' of police intervention as victims are seen as 'provoking' the perpetrator and therefore responsible for the abuse (Douglas, 2019). The victim is also deemed responsible for resolving the dispute or issue with one Victorian senior constable stating "You're an adult do it yourself" (Segrave et al., 2018, p. 105). Victims who call police are seen as not fulfilling traditional feminine stereotypes, and therefore perceived as overreacting and irrational and deemed "mentally and psychologically unstable rather than rational and reasonable" (Terrance et al., 2011, p. 209). This can be linked to the historical discourse of hysteria surrounding women. Police are also more likely to blame the victim and less likely to take the incident seriously if victims are intoxicated, involved in crime, living in unconventional family structures and speaking a non-English language (Johnson, 2007). This leads to revictimisation and fails to hold the perpetrator responsible and accountable.

As part of a critical analysis of victim-blaming practices and discourse, we can challenge and dismantle the idea that police officers are the ‘protectors’ of the ‘vulnerable’ from ‘criminals’ and critically question who the police are protecting, the victim or the perpetrator? From a Foucauldian perspective, the police are a state institution that form part of a ‘police-prison system’, acting as agents of the state who employ disciplinary techniques to enact social control (Foucault, 1977 [1975]; Johnson, 2014). In applying Foucault to DV, Westlund (1999) argues that female victims are doubly disempowered and victimised as not only does the male perpetrator reinforce gender norms by asserting power and dominance over them but when seeking support, the victim is subjected to disciplinary institutions and practices that reinforce these exact norms. Modern institutions of medicine, police, and the criminal justice system reinforce “gendered division of labor, roles, authority, and sexual and political identities” (Westlund, 1999, p. 1050). Through this perspective, a police response to DV can be seen as reinforcing gender-based norms as a form of social control. This is perpetrated through victim-blaming discourse where some police officers see it as a woman’s responsibility to pacify and not provoke the naturally aggressive, dominating and violent perpetrator. One officer advised a victim “He feels very nagged in the relationship..you [sic] putting too much pressure on him” (Douglas, 2019, p. 41) and another victim was told to stop pushing the perpetrator’s ‘buttons’ (Goodman-Delahunty & Crehan, 2016). Rather than questioning the perpetrator’s behaviour, police officers align with the perpetrator and the victim’s psychological and emotional capabilities to manage this behaviour are scrutinized and thus the victim is deemed as responsible and/or complicit in the abuse (Westlund, 1999). This can cause the internalisation of victim-blaming discourse and revictimisation, placing women at further risk of harm.

Another form of victim-blaming involves victims being deemed as complicit and responsible for their abuse due to their failure to cooperate with police in arresting and prosecuting the perpetrator. This is linked to a broader discussion surrounding the effectiveness of a criminal justice system response to DV due to differences between victims' needs, expectations and preferences and the goals of the system (Douglas, 2019; Stewart, 2001; Hoyle & Sanders, 2000). The adoption of pro-arrest and pro-prosecution approaches with the goal of achieving “higher arrest and prosecution rates” (Stewart, 2001, p. 3) has been regarded as the most appropriate and effective way to deter and control perpetrators and ensure victim safety. While this approach acknowledges and treats DV as a serious crime, this is a narrow and simplistic ‘one size fits all’ approach that fails to consider the inherent complexity of DV and treats victims and perpetrators as homogenous groups. Furthermore, women are segregated into legitimate or

illegitimate victims. Legitimate victims are those who cooperate with police and follow through with the criminal justice process (Segrave et al., 2018). Comparatively, illegitimate victims are those who do not want the perpetrator arrested and/or prosecuted and either stay within and return to a violent relationship. Consequently they are deemed uncooperative and labelled as “imposters, liars and time-wasters” (Segrave, 2018, p. 105) and seen as deserving of and consenting to the abuse (Douglas, 2019; Policastro & Payne, 2013). This raises a clear gap in the training of police officers and the broader criminal justice system approach that fails to address and understand the unique goals, needs and expectations of victims. As a result, victims are often left dissatisfied and can be further traumatised and revictimised by inadequate police responses (Hoyle, 1998).

It is important to understand a victim’s goals and expectations of a police response. The predominant reason cited by victims for calling the police is fear and seeking an immediate end to the current incident of violence as they are no longer able to manage the situation themselves (Douglas, 2019; Stewart et al., 2013; Johnson, 2007). Victims are not a homogenous group and therefore some may want the perpetrator arrested and prosecuted, others seek arrest only and many may not want either (Johnson, 2007). Instead, many victims' expectation or goal of the police response is for the presence of law enforcement and the threat of arrest or prosecution to deter the perpetrator from committing further violence (Johnson, 2007; Stewart, 2001; Ford, 1991). Perpetrators are also not a homogenous group and it is naive to assume that all perpetrators will respond positively to a law enforcement approach and be deterred from committing violence against their partner (Stewart, 2001). Furthermore, pro-arrest and pro-prosecution approaches inherent within a police response to DV can further disempower and revictimise women. It can not only limit their decision-making about the extent of police involvement and also fails to acknowledge societal and practical barriers that prevent them from arresting, prosecuting and/or leaving their violent partners (Johnson, 2007). These barriers include financial insecurity, lack of formal and informal support and children (Stewart, 2001), as well as escalating violence upon leaving, including the risk of homicide (Douglas, 2019). The failure to consider these factors results in victim-blaming practices and discourse that deem victims, particularly those who stay in violent partnerships, as complicit or responsible for the abuse. Women can internalise victim-blaming attitudes and discourse, preventing them seeking support and leaving their violent partners (Policastro & Payne, 2013; Stewart et al., 2013). A holistic and proactive response to DV is required that considers and adheres to the needs, expectations and preferences of the victim above those of the criminal justice system whilst holding the perpetrator accountable and responsible for the abuse.

Recommendations and implications for social work practice

It is evident that there are significant limitations of a criminal justice system response to DV as police responses informed by victim-blaming discourse and practices are failing to address and adhere to victims' needs, expectations and preferences. This has led to the invalidation, silencing and revictimisation of women. Various recommendations have been put forth to improve police responses. One key recommendation includes improving the quality and frequency of training and education to enable police officers to proactively respond to victims' needs and preferences (Douglas, 2019; Lamin & Teboh, 2016; Policastro & Payne, 2013; Johnson, 2007; Stewart, 2001). This should be supported by a policing environment that provides counselling and emotional support to ensure police officers are able to better handle the complexities of DV (Retief & Green, 2015). Other recommendations include community outreach to improve community relationships (Retief & Green, 2015), advocacy to eliminate myths and assumptions about DV, including victim-blaming (Policastro & Payne, 2013), community policing and police social work (Lamin & Teboh, 2016), as well as legal reform (Westlund, 1999).

Due to the focus of this article, recommendations that have direct implications for social work practice in the 21st century will be further explored. Social work is a social justice based profession that has a moral and ethical responsibility to respond to this issue by effecting “positive social change in the interests of social justice” (AASW, 2010, p. 20). Social work research and advocacy plays a key role in creating a “victim justice system” (Policastro & Payne, 2013, p. 343) that ensures the safety and wellbeing of female victims and promotes perpetrator accountability. One recommendation involves social work academics and researchers conducting further qualitative research into victims' experiences and perceptions of police responses within Australia, employing anti-oppressive, trauma-informed and strengths-based practice to prioritise victims' voices (Stephens & Sinden, 2000). In terms of advocacy, Duffy (2017) discusses how social workers can challenge and subvert oppressive discourses through their own practice, workplaces and interactions with other people by providing alternative viewpoints and narratives. A critical social work stance such as this can be applied to victim-blaming discourse to empower victims.

Due to the inherent complexity of DV, victims' needs and expectations may be beyond the capabilities of law enforcement and therefore a multi-faceted and holistic response is required. A key

recommendation, which has been implemented in various forms both nationally and internationally involves collaborative and coordinated approaches between social work, police and other agencies. These approaches can take several forms and focus on early intervention, prevention and the sharing and coordinating of support, information and resources to ensure the safety and wellbeing of victims, their families and the wider community (Stewart et al., 2013, Rollings & Taylor, 2008). Australian examples include the Australian Capital Territory (ACT) Family Violence Intervention Program (FVIP) (Holder & Caruana, 2006), and Safe at Home in Tasmania (Phillips & Vandebroek, 2014). Through such approaches, a social worker's role may involve identifying and assessing the victims' needs (Lamin & Teboh, 2016), and coordinating support for them, such as counselling or financial aid. However, these Australian examples still maintain pro-arrest and pro-prosecution approaches (Phillips & Vandebroek, 2014). As highlighted earlier, such approaches may not adhere to victims' expectations and preferences or align with social work values and ethics.

Another coordinated and collaborative response includes a police-social work crisis intervention approach, where social workers provide crisis intervention at the scene of DV crimes and incidents (Corcoran et al., 2001). Framed by crisis theory, crisis intervention approaches are in response to research that highlights how victims often seek advice regarding their long-term goals or needs during a crisis, such as linking in with support services (Douglas, 2019; Hoyle, 1998). However, this is not always provided as part of a police response as it is beyond a police officer's training or capabilities (Stewart, 2001). Social workers can provide intervention at the point of crisis in the form of counseling, advocacy, referrals to support services and providing information about criminal justice system policies and processes (Corcoran et al., 2001). Some crisis intervention responses exist with the goal of increasing services for victims, which aligns with social work ethics and practice, however, others can exist with the goal of increasing arrest and prosecution rates (Corcoran & Allen, 2005; Corcoran et al., 2001). While it is apparent that efforts have been made to shift away from a 'one size fits all' approach, more research is required to determine how best to respond to DV and social work's role in such responses. An effective and appropriate police and legal response that addresses and prioritises victims' needs, expectations and preferences can empower victims and prevent revictimisation (Miller, 2003). Social work has a key role in holistic and proactive responses to DV from challenging and subverting victim-blaming discourse to drawing upon various client-centered theories, approaches and skills to ensure that victims are safe and supported.

Conclusion

As explored in this article, DV is an inherently complex social justice issue that forms a critical area of practice for social work in the 21st century. Through the application of critical social work theory and Foucauldian discourse analysis, this article has uncovered, challenged and attempted to subvert victim-blaming discourse inherent within police responses to DV. This discourse is situated within a male-dominated and patriarchal police culture that reinforces harmful myths and assumptions about victims underpinned by traditional gender norms and stereotypes. This article has argued that victim-blaming discourse fundamentally silences, invalidates and revictimises women whilst failing to promote perpetrator accountability. Therefore, placing women at risk of further harm. The recommendations and implications for social work practice outlined in this article include further qualitative Australian-based research, the importance of advocacy and taking a critical social work stance as well as collaborative and coordinated multi-agency approaches. Moreover, holistic and proactive responses that address and support victims' needs, expectations and preferences are of critical importance in producing improved safety and wellbeing outcomes for women. This article calls for these recommendations to be taken up by the social work profession due to the unjust outcomes victim-blaming creates. Due to the limitations of this article, further research and exploration into creating effective responses to DV within Australia and social work's unique role in this is required.

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