

# NOTE DU CREOGN

Centre de Recherche de l'École des Officiers de la Gendarmerie Nationale

no. 42 – August 2019

Lt. Col. Jean-Marc JAFFRÉ



## DOMESTIC VIOLENCE: REFLECTIONS ON POLICE AND GENDARMERIE FRONTLINE INTERVENTIONS

Recent instructions from the Minister of Justice (May 2019)<sup>1</sup> and the launch of the “Grenelle” national-level roundtable talks on domestic violence on September 3, 2019 come as direct answers to the public outcry caused by the rising number of femicides and their horrendous circumstances having revealed the full extent of this social evil.

Within the framework of the EU-funded H2020 IMPRODOVA research project<sup>2</sup>, the CREOGN research center has initiated a reflection on frontline interventions from law-enforcement forces and examined lessons to be drawn. Such interventions are particularly delicate from the point of view of their potential consequences on protagonists as well as on the subsequent judicial treatment of cases. Frontline intervention takes place at a time of crisis and possible violence when law-enforcement officers penetrate private homes and gain access to intimate lives; it therefore requires specific expertise. American studies in this sensitive field<sup>3</sup> have demonstrated the impact of frontline intervention on the risk of revictimization, i.e. depending on the mode of operation and immediate follow-up being implemented. In this perspective, frontline intervention must be understood as much more than direct action taken to safeguard a victim and confront the perpetrator. Beyond judicial aftermath, one must also examine consequences affecting the lives of protagonists who may find themselves “reunited” within the same home or forced to enter into a new type of relationship.

Based on contributions from the Gendarmerie research workshop (ARG) organized on June 25, 2019<sup>4</sup>, the present research note is both introspective and prospective in nature. It draws from the opinions of experts with wide-ranging backgrounds, i.e. police and Gendarmerie experts, magistrates, association leaders, health professionals and researchers. The main interest of its reflection is to interrogate both the approach taken by law-enforcement forces and the experience of victims and perpetrators involved in intimate partner violence. Frontline responders have undoubtedly become more professional in their intervention and support techniques. However, these procedures remain perfectible—as witness the testimonies of many victims caught in such highly-complex situations. Furthermore, understanding the behavior and reactions of perpetrators also calls for further fine-tuning of frontline response and support in order to make sure they never encourage or facilitate revictimization.

1 Ministerial instructions dated May 9, 2019 on improving the treatment of intimate partner violence and the protection of victims.

2 Focused on “Improving frontline responses to high impact domestic violence”.

3 Sherman L.W., Shmidt J.D., Rogan D., *Policing Domestic Violence: Experiments and Dilemmas*, New York: Free Press, 1992.

4 Details available at: <https://www.gendarmerie.interieur.gouv.fr/cragn/ARG-Colloque/Ateliers-recherche-de-la-gendarmerie/ARG-2019/Violences-intrafamiliales-reflexions-sur-l-intervention>

## I – UNDOUBTED PROFESSIONALIZATION OF FRONTLINE RESPONDERS

As underlined during this recent ARG workshop by Thierry Delpuech, research project manager at CNRS (UMR PACTE research unit based in Grenoble), Gendarmerie and police officers have developed new skills in the field of domestic violence over the last two decades. This significant improvement illustrates their ability to adapt to changes in society and their support for public security policies. According to him, such professionalization involves two dimensions; on the one hand, it reflects the standardization of practices once implemented and validated by experience – or even legal doctrine – while, on the other hand, it reflects the building of specific know-how in relation to a culture of professional networking.

In more concrete terms, Gendarmerie and police officers have developed standard intervention techniques taking into account the protection of victims and – within the framework of judicial procedure – the effective handling of perpetrators. However, direct interventions at private homes always involve highly specific crisis situations—sometimes leaps into the unknown for frontline responders whose risk-assessment skills may become truly challenged, as reminded by Police Commissioner Judith Khélifa. Police or Gendarmerie squads can therefore call on support from more specialized units to proceed with difficult arrests or complex investigative operations; this new possibility also contributes to an improved and more secure treatment of protagonists as well as to the formal and substantial quality of judicial procedure.

Whether at police or Gendarmerie stations, the reception of victims reporting intimate partner violence is now taken care of by a qualified frontline responder. Provided at a time when the crisis situation is only latent, this initial response nonetheless requires specific skills to deliver “adequate reception, proper listening and immediate referral to organizations or structures capable of offering relevant help and advice”—as described by Police Commissioner Samuel Hosotte from the Central Directorate of Public Security. It may also require a subsequent home visit to interview the alleged perpetrator.

For both frontline response and support, police and Gendarmerie forces have carried out major efforts to develop the necessary skills among their staff. As acknowledged by Eric Corbaux, *Procureur de la République* (public prosecutor) in Pontoise, this professionalization means forces are now able to deal with “very intimate and complex human situations (...) demanding a proper understanding of the concepts defining control and intimate partner violence”. Professionalization is also grounded in the structuring of networks—formalized within the framework of judicial processes (penal classification, legal handling and penal response) or within specific local instances (*Conseil local de la prévention de la délinquance*, i.e. local crime prevention conference) or structures (*Maisons de justice et du droit*, i.e. justice outreach and legal advice centers). The contribution of associations, support groups and official delegates for women’s rights (*délégués aux droits des femmes*) is also essential within each county. One of the key factors in the animation of such networks is the creation of inter-personal relations between the various stakeholders. However, such relations tend to be affected by frequent staff transfers, especially in difficult areas where police and Gendarmerie officers seldom remain posted for long periods.

Working side by side with law-enforcement officers, ISCGs (*Intervenants sociaux en commissariat et gendarmerie*, i.e. social workers acting as mediators within police and Gendarmerie stations) appear to play a key part in frontline intervention, particularly on reception of victims. As underlined by Laurent Puech from the National Association of ISCGs, the rise in the importance of this function demonstrates the acquisition of skills and the growing contribution of networking in the treatment of intimate partner violence. Social workers and counsellors often act as relays to refer both victims and offenders to specialized organizations delivering social, psychological or legal support. Likewise, ISCGs can bring their expertise on site to help officers who may disregard human factors by focusing too much on procedural requirements. However, it remains obvious that the availability of this operational support is unequally distributed across French territory and depends on the involvement and proactive attitude of local authorities.

The issue of specialization is also at stake. A first solution has consisted in setting up a network of domestic violence referral officers or to by-pass the problem by creating specific units such as the Family Protection squad. Adapting to local conditions and stakeholders, these units “have developed their own idiosyncratic know-how” Thierry Delpuech explained. A second solution would consist in scaling specialized capacity to territorial dimensions. Yet for rural areas, as Gendarmerie detective Sandrine Toulouze explained, “such

specialization is hardly feasible”. Another prominent issue is that of domestic violence detection designed to initiate the de-escalation of violence before intervention becomes necessary. For frontline response as well as support, the issues of networking and professionalization are therefore essential. Local schemes such as Britain’s MARACs<sup>5</sup>- implemented in the UK since 2003 – seem to bring valid answers to both concerns.

## II – PROPER HANDLING OF VICTIMS AND THEIR SITUATIONS

The situation of intimate partner violence victims is highly specific. Dr. Liliane Daligand, emeritus professor of forensic medicine and practicing psychiatrist at Lyon hospitals, described to us the mental state of victims in crisis during Gendarmerie or police interventions. Such individuals may initially perceive officers as a source of help and rational guidance; yet control mechanisms created by their partners may very soon take over again—to the point where the victim “takes the side of the aggressor and wholly supports him/her”. The very same pattern of behavior is also to be noticed with underage victims of domestic abuse.

The relationship already existing between the victim and the aggressor has in fact imposed repressive barriers preventing the outward expression of suffering—hence the ambivalent behavior also underlined by Olivia Tabaste, director of the Paris Information Center for Women’s and Family Rights. The victim wishes the situation would stop but still hankers for some continuation of the relationship, living under the delusion that “things can be mended somehow”. A number of victims even go as far as viewing themselves as the “therapist” of their violent partner.

Faced with such situations, frontline responders must therefore – once the victim is immediately safeguarded – adopt an approach focused on the adequate understanding and management of the situation. This requires specific abilities, i.e. knowledge and experience as well as know-how, behavioral skills and a large amount of patience. Within Gendarmerie or police stations, proper reception of victims requires a quiet, secluded space and the absence of sharp questions; they must even be offered certain choices, e.g. selecting who will interview them or opting to return only later for a full statement. As Liliane Daligand summarized it, “the victim must be encouraged to live on and survive the ordeal”.

Lucile Balageas from the Floria Tristan Center for Women’s Solidarity added further precisions to this description of the kind of response that should always be provided before victims are referred to support groups and associations: “the essential element is the way police and Gendarmerie officers position themselves; whenever their stance is not crystal clear, offenders are somehow made stronger in the eyes of victims who remain stuck in denial”. It is therefore crucial that officers should act without the least ambiguity. Moreover, though quality of reception and support has greatly improved, there are still local disparities in spite of the existing nationwide Charter<sup>6</sup>. A number of situations still demonstrate the need for training—not only of reception staff but also of senior officers who should improve their awareness and management of these matters.

While law-enforcement forces have carried out significant efforts and become more professional, other stakeholders such as GPs are still in the early stages of understanding support and sometimes remain stuck in a culture of rigid medical confidentiality. Yet these stakeholders should also play a central part in the network of frontline responders. Marion Saint Fort Ichon, a practicing lawyer at the Melun Bar Association, reminded us that “legal professionals are also fundamentally trained to listen to victims and offer guidance”—with or without charges being pressed.

## III – HANDLING PERPETRATORS: A NEW CHALLENGE?

During frontline interventions, the way officers relate to aggressors is seldom considered to deserve any particular attention beyond restraining dangerous individuals or applying the right tactics to convince them to cooperate. Very little research is actually focused on the perpetrators of intimate partner violence themselves. However, the arrival of police or Gendarmerie officers – right in the midst of a domestic scene or in the aftermath of reports by their partner – is fraught with major consequences for these individuals too.

5 See Jaffré J-M., *Are Britain’s MARACs an exportable model?*, CREOGN Research Note no. 41, June 2019..

6 Available at : <https://www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-informations-pratiques/Accueil-du-public-et-des-victimes>

Alain Legrand, chairman of the FNACAV Federation (national federation of associations and centers for the treatment of perpetrators of domestic and intimate partner violence), highlighted for us the situation of perpetrators—as complex as that of their victims. There are indeed a number of genuine perverts seeking for absolute control over their partner and actually “addicted to violence”. Still, as Liliane Daligand observed, there are also individuals whose use of violence is related to a particular context. For such individuals in particular, police or Gendarmerie intervention is often the “tipping point” forcing them to become aware of the situation.

Maryse Pervanchon, a psychotherapist and doctor of social anthropology and comparative sociology from the “Vivre autrement ses conflits” association in Toulouse, relied on her wide experience of interviewing offenders to describe their mental state. Many among them find it difficult to get over their arrest since it forced them to realize the existence of a stronger power than their own; though this power may be legal and legitimate, its exercise is perceived as “a nasty little charade played by men with uniforms and authority—something which ultimately reinforces their misogyny and gives them a deep-seated belief that they are actually victims”. This perception is based on the experience of arrest, which some describe as humiliating, physically painful and a time of simultaneous fear and anger. Some feel ashamed or demeaned by the way officers spoke to them or behaved in the presence of the victim, their children or even third parties.

It is therefore hardly surprising that perpetrators tend to associate this violence and these negative perceptions with their partner, thereby reinforcing their will to exert even greater control. Police and Gendarmerie officers have developed their intervention skills in order to safeguard victims and third parties—but also themselves and indeed perpetrators. Specific training programs have been created for this purpose and corresponding non-lethal means of restraint have been deployed. However, particular attention ought to be paid to a number of psychological aspects involved in the arrest of perpetrators; frontline responders and continuity supervisors should project their intervention on a longer timeline than simply arrest followed by custody. These matters deserve wider discussions with both judicial authorities and support groups—all the more since offenders cannot be left without monitoring. Again the overall objective is to get a better understanding of relational patterns in order to eliminate the risk of encouraging revictimization.

Domestic and intimate partner violence involve a wide number of stakeholders who cannot act efficiently in isolation. Hence, they develop networks – mainly with a limited territorial basis - in order to improve their practices and find innovative ways to operate. As noted by Thierry Delpuch, “the aim must be to overcome recurring problems by widening the range of work methods available”. Efforts carried out by police and Gendarmerie officers are significant but there is still room for improvement. Training can provide major leverage in this field but it must rely on a tight network, which – as of today – still evidences loopholes and loose connections both with support groups and ISCGs, thereby creating local disparities in the availability of services. As with further efforts on early detection, innovation in practices is always a positive step and the use of body worn cameras during interventions in the UK<sup>7</sup> or the use of electronic tagging devices in France to prevent violent partners from contacting their victims<sup>8</sup> are definitely interesting leads. Intervention processes should also be improved on the basis of scientific studies, too few of which are available in France, in particular regarding the problematics of handling perpetrators.



This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement N°787054

Ce projet bénéficie d'un financement du programme Horizon 2020 de l'Union européenne en vertu de l'accord financier N°787054

The views and opinions expressed in this publication are those of the author(s) and do not necessarily reflect the official policy or position of the CREOGN research center.

<sup>7</sup> Owens C., Mann D., Mckenna R., *The Essex body worn video trial*, College of Policing, 2014, in *Revue de la gendarmerie nationale*, no. 265, June 2019, p.123.

<sup>8</sup> For more details, see *Des magistrats souhaitent expérimenter le bracelet électronique pour conjoints violents*, L'Express, April 26, 2019, AFP press dispatch, available at: [https://www.lexpress.fr/actualite/societe/des-magistrats-souhaitent-experimenter-le-bracelet-electronique-pour-conjoints-violents\\_2074976.html](https://www.lexpress.fr/actualite/societe/des-magistrats-souhaitent-experimenter-le-bracelet-electronique-pour-conjoints-violents_2074976.html)