

Domestic Violence and Law Enforcement Transcript

[00:00:00.15]

[IT STARTED IN DULUTH]

[DOMESTIC VIOLENCE LAW ENFORCEMENT:

A TALE OF THREE CITIES]

[DULUTH, MN]

LT. SCOTT JENKINS: I've been a police officer in Minnesota for about 28 years. Most recently, the last 15 years have been in Duluth as a Supervisory Sergeant.

[LT. SCOTT JENKINS

DULUTH POLICE DEPARTMENT]

LT. SCOTT JENKINS: Uh -- for a drug task force and then -- uh -- eventually promoted to Lieutenant in Charge of Patrol.

LT. SCOTT JENKINS: Three strikes your out, man. Now you can go to court. I have very little tolerance for lying. Regardless of whether you're drunk or not.

MALE VOICE: [INAUDIBLE] police. Wanted to check and see if you're okay.

LT. SCOTT JENKINS: With domestic violence cases -- they're unique cases because of the connection that the parties involved have to each other. They're not like going to a bar fight, where you separate the parties.

[00:00:59.19]

Or if you tag each of 'em for assault, probably they're gonna be friends the next night. These are people who have real things in common. They have a life that's common. They have children that are in common. And the stakes are very high for losing those things. And that keeps them together.

My first couple job assignments, we didn't have laws at that time that allowed us to go into some private residence and arrest them for an unwitnessed assault. It was just generally mediation and separation for many years. A lot of what I did was victim blaming. I held a lot of the beliefs as a man raised in this society but also as a -- as a professional police officer that -- um -- it takes two to tango. And I bought into what the batterer wanted me to believe -- is that these things were about her. About the way she treated him. About the way that she demeaned him. Or pressed his buttons. So I bought into a lot of that.

[00:01:57.15]

LT. SCOTT JENKINS: Just prior to coming to Duluth -- um -- I had heard that Duluth was very pro-arrest. That they had mandatory arrest policies, which was unheard of really -- um -- in greater Minnesota at the time and throughout the nation.

[MICHAEL PAYMAR

CO-FOUNDER, DOMESTIC ABUSE INTERVENTION PROJECT]

MICHAEL PAYMAR: I mean, law enforcement really minimized -- uh -- domestic assault cases. It was -- uh -- considered a private matter between a husband and a wife. The last thing that you ever did was to -- to intervene by taking one party out of the house, unless the assault was particularly egregious.

[ELLEN PENCE

CO-FOUNDER, DOMESTIC ABUSE INTERVENTION PROJECT]

ELLEN PENCE: It just was obvious that something different had to happen.

[IN THE EARLY 1980'S, DULUTH WAS THE UNLIKELY BIRTHPLACE OF A
REVOLUTION INTERVIEWER: DOMESTIC VIOLENCE POLICY.]

[THE "DULUTH MODEL" HAS SINCE BEEN WIDELY IMPLEMENTED THROUGHOUT
THE NATION, AND EVEN ABROAD.]

MALE VOICE: The idea behind arresting and jailing family abusers began here in Duluth. New laws encourage or require police to make arrests.

[MANDATORY ARREST INTERVIEWER: DOMESTIC ASSAULT CASES, AND OTHER CHANGES INTERVIEWER: LAW ENFORCEMENT ARE KEY ASPECTS OF THE APPROACH.]

[00:03:02.26]

ELLEN PENCE: We decided we were gonna research the best of what of everything -- body was doing and then finding one place and doing it all right there. And we went around Minnesota. We -- we started out in Minneapolis, then St. Paul, then Rochester. And finally we went up to Duluth. And when we interviewed people in Duluth, we just knew that this is the city to do it in. They'd just had a young woman who'd killed her husband. Shot him like six times. She had just kept shooting him in the stomach. Everyone knew this girl was with this older guy, having his babies, being beaten, being hospitalized. And one day she shoots him and kills him. And the grand jury said, "No, we are not gonna indict her. There's something wrong in this community that this girl is sitting here now." And she didn't get indicted.

MICHAEL PAYMAR: And it was that case and -- and a couple of other -- uh -- that really shook the poli -- the Police Chief. And he then beco -- became more amenable to meeting with -- uh -- the organizers at the Domestic Abuse Intervention Project.

[00:04:05.21]

And -- and they were to open to trying something different.

LT. SCOTT JENKINS: And it was back in about the mid-80s that Duluth first developed their policy that said specifically this, "If you saw physical signs of injury and you develop probable cause that a crime had occurred, you're mandated to make an arrest.

ELLEN PENCE: Well, the Duluth model is bringing all the criminal justice people together -- po -- nine and one, policing them and having them at -- operate from policies that we've all agreed on. The -- 911 will always send a police officer out. Police will arrest when they've got certain conditions. Prosecutors will prosecute when they can, etc. etc. All the way down the line. With the idea that the system will shift the burden of responsibility of controlling the batterer off the victim onto the community. The idea is that you focus on the abuser.

[DULUTH BATTERER GROUP]

You bring the power of the State and the community to do that. You're trying to reduce the opportunity of men to batter.

[00:04:59.03]

And you're trying to reduce their inclination to batter.

LT. SCOTT JENKINS: When that officer first arrives on the scene, they are now a filter or a trap for the rest of the system. They're the eyes and the ears of everybody else involved in domestic violence response.

[MARC JOHNSON]

MARC JOHNSON: Duluth has one of the most extensive training programs that -- uh -- I know about in all of Minnesota. We had all the detailer to it. We -- uh -- go as -- uh -- in depth as getting background history. We get what kinds of threats have been made. We get every single detail about the incident. Uh -- then we base our decision based off all those details that we gather.

MALE VOICE: What? She's wrong!

FEMALE VOICE: I don't care [INAUDIBLE]

MALE VOICE: [INAUDIBLE PHRASE]

MARC JOHNSON: All right. Hey, relax. Relax. I'm gonna get both of your sides and figure out what's going on here, okay?

MALE VOICE: Okay. Okay. Here.

MARC JOHNSON: Ma'am, can you walk and stand by car.

MALE VOICE: She's been walking --

FEMALE VOICE: Yeah.

MARC JOHNSON: Stand by my car.

MALE VOICE: Can I tell you what she's been doing?

MARC JOHNSON: Okay.

MALE VOICE: So, I'm trying to get her home.

MARC JOHNSON: Are you guys dating? Or what's the deal?

[00:06:00.20]

MALE VOICE: Yeah. That's my baby's mama.

MARC JOHNSON: Okay.

MALE VOICE: We got kids together.

MARC JOHNSON: All right. How long you guys been dating for?

MALE VOICE: We've been together for ten years.

MARC JOHNSON: Okay. Do you guys live together?

MALE VOICE: No we [INAUDIBLE PHRASE]

LT. SCOTT JENKINS: It requires police officers to be multi-taskers. And to be able to divide attention and learn those skills. You're required to look for physical evidence that corroborates, to treat injuries -- um -- to take care of children that are on the scene. And then ultimately make a decision on -- on what it is that you believe happened here. Based on what you see, what you hear and what you're able to document.

FEMALE VOICE: Huh?

MARC JOHNSON: You were -- just wanna get away from him for the night?

FEMALE VOICE: I just wanna get away from him. Yeah.

MARC JOHNSON: Okay.

FEMALE VOICE: That's all I wanna do. And can you -- I don't know if he's got my phone or not.

MARC JOHNSON: Does he do anything physical towards you?

FEMALE VOICE: No -- uh.

MARC JOHNSON: Other than just trying to get you out of the street?

FEMALE VOICE: No.

MARC JOHNSON: Okay. She's gonna go home. Okay?

MALE VOICE: Yeah, that's where I wanna to go. I --

LT. SCOTT JENKINS: The stakes are so high. If we make the wrong decision it could impact, adversely impact the safety of a woman and her children for years. She won't access services. She won't call the police again when she really needs 'em. She make take the law into her own hands.

[00:07:01.00]

And -- and commit a dangerous assault or a homicide, God forbid, herself. As to whether -- um -
- we're making an impact or we've gone too far, there's gonna be a good answer to that. The only
people who can really tell you whether an arrest -- some type of intervention has been either
good or bad is gonna be the victim -- the person that it affects the most.

[BALTIMORE, MD]

[FAMILY CRIMES UNIT]

DET. LAKISHNA DEGRAFFINRIED: You even have the kids afraid.

FEMALE VOICE 2: Yeah, they lied.

DET. LAKISHNA DEGRAFFINRIED: They read the -- right.

FEMALE VOICE 2: They lied.

DET. LAKISHNA DEGRAFFINRIED: There used to be detectives in each district. We had
nine districts.

[DET. LAKISHNA DEGRAFFINRIED]

There would be domestic violence detectives in each district that would go out and do pretty

much what we do here. But the difference is now that we're centralized, we're able to get involved a lot deeper with the cases. We're able to do things -- um -- get warrants that officers may not be to get. Find evidence that officers may not get.

[00:07:58.28]

Statements that officers may not be able to get from victims or suspects. So it's a lot more hands-on than it used to be. And -- um -- the whole focus is to get enough evidence so that we don't have to rely so much on victim testimony.

[LT. VERNELL SHAHEED]

LT. VERNELL SHAHEED: Most of the cases that we have are repeat offenders. They're repeat -- repeat victims. You know, they're constantly being victimized because they'll change their mind and they don't get any jail time. So one thing we're looking at -- um -- with this project is hoping that they'll get some jail times. We get 911 tapes. We get the medical records. We do Search and Seizure warrants. We do -- um -- whatever you can think of, we do to try to build up a case. So that when it's time to come to court, even if the victim says, "It didn't happen. They just told me to say that." Or whatever. We have all this other stuff that we can move forward without 'em.

[DET. NIKITA MCMILLAN]

DET. NIKITA MCMILLAN: I have a First Battery. So I'll be on city-wide and you go on the channel which -- that we are responding to a district.

[00:09:02.08]

DET. LAKISHNA DEGRAFFINRIED: Home visits are just -- um -- we do it for every single case, no matter how minor. It could be something as small as -- uh -- theft of a cell phone from a victim.

LT. VERNELL SHAHEED: Apparently a family of -- uh -- her ex-boyfriend who assaulted her has been calling her and threatened her not to come court. So, we're gonna see what we can do to try to keep her safe.

DET. LAKISHNA DEGRAFFINRIED: There's always the aspect of catching the bad guy. And getting the bad guy prosecuted. But there's the behind-the-scene things that people don't even realize we do. We've gone so far as to, of course, finding them shelter when they need a safe place to go. Uh -- we've gone so far as planning food vouchers so that they can have means to eat, transportation vouchers. We pick them up and take them to and from court proceedings if they don't have transportation.

DET. NIKITA MCMILLAN: This statement is being conducted by Detective DeRaffery and Detective McMillan. This statement is a reference to complaint number 2000.

[00:10:02.18]

DET. LAKISHNA DEGRAFFINRIED: And the FBI says that a woman is a victim of domestic violence every 18 seconds.

DET. NIKITA MCMILLAN: Do you feel safe here?

FEMALE VOICE: No. I -- I never did but --

DET. LAKISHNA DEGRAFFINRIED: A lot of times these victims don't trust police or they've had negative experiences in the past where we ever sit down with them, let 'em know that we truly care. They love to see us there. So they feel like they have someone now who is truly on their side, someone they really trust to help them and to actually help get them out of their situations. And get the -- uh -- abusers actually prosecuted and out of their lives.

DET. NIKITA MCMILLAN: It gets frustrating at times when you see someone, you know, hurt or injured and they don't wanna move forward. The detectives have to -- I try to understand why. So all of our detectives receive training to try to understand the dynamics of domestic violence. And once you get into it you kinda develop a passion for it.

DET. LAKISHNA DEGRAFFINRIED: We try to do all we can. And it's not that the victims don't want help.

[00:10:59.11]

It's just a lot of 'em don't wanna change their lives. They don't wanna disrupt what's going on. And they don't realize that this is serious. If you don't get somewhere safe this guy might get you.

[New York City]

[The Bronx]

FEMALE VOICE: We have so many people in small area, I think that makes a big difference.

DEP. CHIEF KATHY RYAN: On average, in New York City, 25% of our total felony assaults are attributed to domestic violence. Every month the NYPD receives on an average 25,000 to 32,000 new orders of protection --

[DEP. CHIEF KATHY RYAN]

[00:12:00.13]

-- every month that we scan into our system. And our online system currently has over 1.8 million records of orders of protection. There's over 300 domestic violence prevention officers and detective investigators throughout all the precincts and housing PSAs. Every precinct or PSA has at least one -- uh -- DVPO. They call 'em DVPO -- Domestic Violence Prevention Officer. What we try to do is have enough domestic violence officers to be able to follow up on all

domestic violence crimes that are going on within that command. Uh -- what we also looked at is how are we doing our training? And what do we incorporate in that training?

FEMALE VOICE: Hi, everyone. Just a couple of quick notes on domestic violence before you go out. Every single domestic radio run that comes over requires a DIR regardless of what actually happens when you get there.

[00:13:01.09]

It's unfounded. Obviously you know you're still doing the DIR. When you get there it's important to properly fill out the DIR. Um -- to document the injuries -- it's very important as well. On the DIR as well as on the camera. Any kind of injuries they're complaining or any kind of property damage needs to be documented -- uh -- with a digital camera behind the desk and uploaded to the -- to the database. Very important.

DEP. CHIEF KATHY RYAN: We do what's called Domestic Violence Comstat. So once a month, we will identify -- this is the Domestic Violence Unit -- we'll identify a number of commands that we feel we want to come down to police headquarters and sit in just strictly for a Domestic Violence Comstat. And we will pull certain cases and look at those cases. And say, "Why wasn't an arrest made in this instance?" And we will actually -- if it's a detective case -- we'll pull the detective case and we'll analyze it. We'll ask questions of the investigator. If it was a patrol and it was just closed to patrol, no arrests --

[00:14:01.28]

-- maybe we'll go back over there. We look and see there's history. We may even make a phone call to that victim and see kinda what they are telling us that happened at that household. And then we'll follow up with the commanding officer. We look at what the issues are. We collaborate with all of the -- um -- domestic violence partners that are out in the city. Including the prosecutors -- um -- our domestic violence advocates who work throughout the entire city in different communities.

FEMALE VOICE: What I do -- see a lot of walk-ins. Um -- make a lot of calls.

[JENNY BOMPA

ADVOCATE, SAFE HORIZON]

So all the DIRs -- Domestic Incident Reports -- that come in -- um -- my job is to outreach. To make sure that I call them. Um -- to let them know that Safe Horizon is here. Offer them our -- our help.

I think it makes it easier for them to come in sometimes, knowing that there is a counselor. That there is someone who understands domestic violence, understands their situation. Um -- 'cause I just -- when speaking with clients I see how relieved they are. Um -- just to speak with a counselor.

DEP. CHIEF KATHY RYAN: Out in that field, there is at least one domestic violence officer out in every precinct and every police service area in the housing.

[00:15:07.03]

FEMALE VOICE: Excuse me. Can you open the door for us? Thank you.

DEP. CHIEF KATHY RYAN: We do a lot of home visits, which is required, you know, by the State, mandated -- um -- to check up on the victims, make sure they're okay.

STEPHANIE CATALA: It can be a little scary and a little sad.

[STEPHANIE CATALA]

You never know if that person is still in there. Because it could be a situation where she's, you know, scared. The victim is afraid of, you know, whoever it might have been. Her husband, her boyfriend. And they might have had an argument. And maybe he hurt her -- whatsoever. And maybe the next day, you know, they squashed everything.

It's also a little sad, because it's kind of like a repetitive cycle. Like, you know, you came in and you did the [INAUDIBLE] report and he hurt you and you wanted to help her. And then the next day she's just like, "Oh things are fine again, you know?" You never know when you walk in what that situation is. What those people have been going through. It's always good to tactfully

walk into a situation and just be aware of your surroundings.

[00:16:04.13]

'Cause they could totally turn around on you, you know?

RAYMUNDO ROSADO: There's only one story I always think about. It's about four years ago. You had a -- a male walking down a park.

[RAYMUNDO ROSADO]

He had blood on his shirt. Police officers stopped him. And axed him, you know, "Where did you get this blood?" He says, "I -- I think I killed my wife." So he gets an -- an adjutal -- a location of where she is. Once we gain entry, we see, I see her body on the floor right by the door with her heart placed next to her. And a kitchen knife on the other side. And she's just laying there with a big hole in her chest. And that's the story that I think about when I go out there and I do my job.

STEPHANIE CATALA: We're only as good as the victim might want us to help her. Because if th -- he or she comes in and she want -- he or she wants to do a report. And wants this person arrested. And wants help. And wants to seek, you know, some kind of, I guess, justice, they're gonna have to want it first.

[00:17:06.04]

Some people come in and they just wanna do a report. And, you know, have it documented but they don't realize that once a report is generated, usually we arrest that individual. And, you know, it kinda -- it's kind of harm done. If, you know, they want to proceed with everything. We can only help them as much as, you know, they let us.

LT. SCOTT JENKINS: Police officers by and large are wired to want to do the right thing. And I think that we're realists in our experience, in our work. It doesn't take very long. Even young police officers that are new to the job realize that things aren't always as they seem.

[00:18:00.14]

FEMALE VOICE: He just pushed me out here. And then he pushed me out the door. And -- and I managed to call 911 just before he pushed me out.

MARC JOHNSON: So bottom line, you just kinda want him out for the night?

FEMALE VOICE: Yeah.

MARC JOHNSON: All right, can you be the bigger person and find some place to go for the night.

MALE VOICE: That's typical I think of --

MARC JOHNSON: You wanna argue about this?

MALE VOICE: No.

LT. SCOTT JENKINS: When you meet that batterer at the door -- when you first come into that -- that family's home, the batterer has all the reason to world to make you look certain directions. To look at her and blame her for what's happened there ultimately. And if we do that, if we fall for that as young officers or officers responding to that scene, chances are that batterer is going to escape any kind of consequence or arrest.

I'm just ending up my career. I have about a year and a half left here before I retire.

[DOMESTIC ABUSE INTERVENTION PROJECT
TRAINING SESSION]

[00:18:58.14]

LT. SCOTT JENKINS: And -- uh -- for about the last 15 years -- um -- I've had a very close relationship with the Domestic Abuse Intervention Project and Minnesota Program Development. Especially with their national training project. Um -- been a consultant with them.

They developed me very early on to -- uh r -- be a trainer. And I think all along, without me even realizing it -- uh -- developing an ally within our department.

I think nowadays, we're past the point of teaching skill based domestic violence response. I mean, that's still a component. But that's not what's most important. I think now is -- um -- teaching the philosophical or ideological -- uh -- aspect of -- it's -- it's a responsibility of police officers to do the right thing. And to give -- um -- any type of call that we go to. But especially domestic violence calls, because of the unique nature of it. Um -- the credibility and the -- and the seriousness w -- with which it deserves. I've had a part, just by virtue of -- of my gender, in perpetuating -- um -- violence against women.

[00:20:05.07]

You know, by -- um -- being part of the culture that -- um -- perpetuates objectification of women. Uh -- vilification of women. And -- uh -- you know, it's -- it's men who have to take, I think, have to take a strong leadership role in teaching our sons and our -- our nephews and our -- uh -- grandsons -- um -- what it is to be a man in this world. And that doesn't mean by taking up hands and striking other people. Especially the people that you love.

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