

The Toledo/Lucas County Domestic Violence Task Force: Reflections on Collaborative Responses to Domestic Violence **

Renee Heberle, Assistant Professor, Department of Political Science and Public Administration

*Prepared for presentation at the
Midwest Political Science Association Meeting,
April 2000*

This is a draft. Please do not cite without permission from author.

Elizabeth Pleck (1987) identifies three significant periods of reform, in the colonies and then the United States, with respect to social and political responses to domestic violence. She dates the first period from about 1640 to 1680. In 1641 the Puritans of colonial Massachusetts enacted the first laws to be passed anywhere that ruled specifically against wife beating and “unnatural severity” to children. This period of reform was inspired by concern with the religious health and welfare of the community at large. Violence in the family was considered to violate religious imperatives to sustain domestic harmony and peace and thus to disrupt the divinely sanctioned settlement of the Massachusetts Bay Colony. Religious and community interventions were designed to keep the family whole and to hold violators of the codes of domestic harmony publicly accountable.

Pleck dates a second era of reform from 1874 to 1890. During this period, which heralded the beginning of the Progressive era, violence in the home became a matter of concern to the burgeoning bourgeois class. However, they understood family violence to be the scourge of the working and immigrant classes. Bourgeois reformers understood themselves to be saving women and children, but perhaps more importantly, to be instilling in the “dangerous classes” the norms and values of the more “stable” middle

classes. Thus, responses to domestic violence were part of a broader, and very deliberate, process of socialization. They were part of an effort to control an increasingly diverse, mobile, and unpredictable population. (see Gordon 1990)

The third period of reform begins in the 1960's when responses to male violence were inspired both by the reformist spirit with respect to the role of government at large, but also by a revived feminist movement who argued male violence was a violation of women's fundamental rights to physical integrity and to equality. This period of reform led to the development of the battered women's movement and the creation of a network of shelters and services for victims of what came to be known as "domestic violence."

Each era produced a certain kind of knowledge about domestic violence, its causes and meaning in terms of familial and social stability and its impact on society more generally. The significant difference in terms of the knowledge produced during the third era of reform, according to Pleck and others, was that it was organized through an analysis of the social relations of power and inequality between men and women rather than being understood specifically as a family affair. The knowledge was being produced by survivors themselves who were assumed, on principle, to be the best experts about the dynamics of their own experiences. Further, the third period of reform was explicitly informed by feminist critiques of the family and male prerogative that were implicit in earlier eras, but not directly addressed.

However, during the 1980's the shelter movement gradually became a part of the mainstream social service systems of the state and the work associated with battered women became steadily more professionalized. Feminist historians of the movement tell

the following story: in the 1970's battering was a marginal issue attended to specifically by grassroots organizers, many of whom identified as part of the lesbian-feminist movement, who, as the prevalence of sexual and gendered violence became more clear, struggled to pull together resources to organize shelters and safe houses. Violence against women was an issue being addressed by a social movement, struggling for resources. This was understood to necessarily involve changing social consciousness about the lives of those women society did not think deserving of protection or justice (counseling, divorce, or better relationship skills, perhaps, but not protection or justice). Advocates argued that domestic violence should be identified as a crime of violence against women, a systemic rather than a personal issue; it was analyzed as a symptom of the social and political inequality suffered by women as such, not as a symptom of personal relationships gone awry.

Shelters were collectively organized through informal networks of feminists and advocates, many on the premise that they would be places for women to be empowered to understand and challenge gender hierarchies generally. One principle important to most shelters was that survivors knew and understood the issue the best and should be central to the decision-making processes of the movement.

Gradually, with changes in the laws and priorities of the social-welfare system, shelters became institutionalized as legitimate recipients of tax dollars and foundation grants. As ad hoc funding was replaced by more stable state and charitable foundation funding shelter advocates struggled with the strings that were attached which included rationalizing relationships of authority and power within the organizations. Thus, shelters that had been run by collectives of women and networks of volunteers, developed

boards of directors and traditional staffing hierarchies of authority and of pay. Professionally credentialed counselors and social workers replaced survivors. There is a small amount of literature discussing this process of institutionalization (Dobash and Dobash 1992, Schechter 1982, Matthews 1994). The literature reflects on the bureaucratization of the movement and the changing requirements with respect to the expertise of counselors and advocates as shelter organizations began to pursue and accept state funding.

Since the 1980's, in large part in response to pressure from advocacy groups and battered women's coalitions, domestic violence has been codified as a criminal act in the statutory law in most states and preferred or mandatory arrest policies have replaced policies that encouraged mediation or simply keeping the peace. The codification of domestic violence as a crime implies and encourages the steady mainstreaming and expansion of services. Courts, prosecutors' offices, and law enforcement agencies are now confronted with domestic violence cases as part of their everyday workload. State workers at all levels are expected, and often required by law, to receive ongoing job-related training about the issue and current strategies for managing it. This signals the success of feminists and battered women's advocates in rendering domestic violence a public and social issue. Historically DV was persistently and deliberately deflected from the mainstream of the legal and welfare branches of the administrative state. In the last ten years, it has been fully and irrevocably mainstreamed as a social problem.

Thus, I would suggest that we have entered into yet another era of reform signified by shifts in strategic thinking with respect to public policy-making about domestic violence. It is not discontinuous in historical time with Pleck's third era. In

fact, it reflects, if in distorted form, some of the concerns of the movements of the 1960's and 1970's. However, I do think that since the late eighties there have been such significant changes in public awareness and policy-making priorities that we might look at the current "domestic violence regime" at the city, county, state, and national levels as constituting a new paradigm. It is characterized by the acknowledgement of domestic violence as a crime and as a legitimate concern for all branches of government. Further, with the expansion of services has come a concern with consolidating professional collaboration among agencies that work with victims and offenders in domestic violence cases.¹ Policy-makers describe this as an effort to stream-line social service, therapeutic, and crime control agencies to better serve victims.

What follows are some observations and reflections on these developments in the Toledo/Lucas County area. My research involved conducting interviews with twenty individuals members of the Toledo/Lucas County Task Force on Domestic Violence (DVTF). The task force includes six sub-committees organized according to disciplinary function: medical, social service, law enforcement, judicial, prosecutorial, and finally, a sub-committee which is specifically organized for agencies who apply for funding made available through the federal Violence Against Women Act (VAWA) of 1996. The mission of the task force and the VAWA collaborative is to "streamline services and work toward the goals of keeping victims safe and offenders accountable." In addition to interviewing, I have sat in on meetings for the past year, reviewed the minutes from prior meetings, and reviewed local press coverage dating back to the founding of the DVTF. The following analysis of the organizational priorities of the task force offers insight into

how the issue of domestic violence is currently constructed for and by public policy makers and professionals.

As in most communities, the earliest response to domestic violence in Toledo was the organization of shelters. The crisis shelter at the YWCA has been in existence since 1979 and the long-term shelter at a local church, called Bethany House, has existed since the mid-1980's. However, no particularly visible community organizing around sexual violence existed prior to 1995. Activists organized the first "Take Back the Night March" in Toledo in 1995, but this mobilization itself has had little impact on the local system of services and legal adjudication. We might also note that the shelter at the YWCA developed not specifically because of feminist advocacy, but because some of the women staying in the shelter began to disclose that violence or abuse had something to do with their need for shelter. Of the three residential floors, one was subsequently designated as the DV floor, with its own staff and counselors. The change was made in light of organizational and service efficacy, not because of feminist analysis, consciousness raising, or agitation about the issue. Bethany House was organized under the tutelage of a Catholic nun who succeeded in getting support from the church and local charities to open a long-term shelter.

Thus, while the presence of victims of battering inspired the foundings of both shelters, survivors were not directly involved in the decisions to organize either shelter, nor were they integrally involved in determining the rules of the game once the shelters were established. Professionals and persons of faith who recognized an unmet need organized Toledo's shelters. While the case manager at the long-term shelter is a survivor and speaks of how her sensitivity to and relationship with clients is informed by

her experience, it was, ultimately, her professional credentials that got her hired. Neither shelter has ever included any institutionalized means for survivors, as such, to impact policy or program development.

With respect to the other major social service agencies in town, domestic violence was added to their agendas and menus of services fairly recently. Family Services of Northwest Ohio, founded in 1906 as part of the progressive movement, and the Family and Child Abuse Prevention Center, first founded as the Child Abuse Prevention Center in the 1970's, are two of the largest social service organizations in town that specifically address domestic violence. Family Services did not single it out as an issue until the founding of "Project Genesis," a mentoring program for women who have decided to leave their batterers, in 1996. FCAPC expanded its mandate to address domestic violence in the 1980's. They provide courtroom advocacy for victims. Along with the executive director of the YWCA, the leadership of these two organizations recognized a need for more systematic approaches to domestic violence at the community level and initiated the Domestic Violence Task Force of Toledo/Lucas County (DVTF) in 1995. It was to be modeled on the Child Abuse Task Force already in existence, though it was clear to these experienced women that the two should be treated as separate social issues.

Looking briefly at other public service areas, responses to domestic violence became a standard part of police training in Ohio in 1978 when it was defined as a crime of violence under the Ohio Revised Code. It was codified as a misdemeanor under the law, with multiple offenders to be charged at the felony level. However, apart from some minimal training, little was done on the ground to ensure officers would be held accountable for effectively enforcing the law. There was no state oversight of training

procedures until 1982 when trainers were required to obtain state certification. In Toledo, the lieutenant in charge of the community services department heads up the effort to train police. He has been in the position for eighteen years, since the change in the law. While he is optimistic about younger officers being “more trainable,” and about increasing numbers of women on the force, he expressed his continuing frustration as he confronts ongoing resistance among officers to take the law seriously or to effectively investigate DV cases.

With respect to the legal system, because domestic violence as a first time offense is defined as a misdemeanor, the vast majority of cases start (and generally end) in Municipal Court. Very few cases are ever brought in felony court. The complexity of adjudicating these cases is only now being recognized. The bench kept the adjudication of these cases relatively simple for twenty years after the 1978 law was passed by making use of something called the Citizens Dispute Settlement Program (CDSP). This court-run program was originally designed in the early 1970’s as an alternative to the adversarial system. It was set up to resolve neighborly disputes, small claims, and charges of passing bad checks through mediation. When DV was criminalized, the CDSP developed a batterer’s intervention program. When adjudicating DV charges, in consultation with CDSP, judges commonly diverted offenders to that program rather than dismiss the charges or engage in the complex process of trying, as a crime, with all the requisite rules of evidence and procedural complications, what were seen as cases generated by personality conflicts. The accepted judicial response to misdemeanor DV charges from 1978 to 1999 was to divert cases to CDSP. Upon completion of the program any record of the charge was expunged from an individual’s record.

During the last five years, concern about how to “handle” domestic violence has spread throughout the system in the Toledo/Lucas County area. The courts, the sheriff’s department, the police, and the prosecutor’s office, have been pressured to take special notice of the issue of domestic violence. This is only in part due to the efforts of the Domestic Violence Task Force. For a bit more perspective on systems changes in the last five years in Toledo one must look not only at the work of the task force, but at a series of articles in the local paper published in 1998 and 1999.

The articles focused on police and prosecutorial responses to allegations and reports of domestic violence and stalking. The paper addressed the issue of “how seriously” people who worked in the various offices of city governance and law enforcement, took claims about domestic violence and stalking. In 1999, the city conviction rate for misdemeanor charges of domestic violence was ten percent. Too insignificant a number of cases were brought in felony court to even count. The paper also exposed the fact that many repeat offenders were being sent to the CDSP against the courts’ own protocols for referral. Thousands of open domestic violence warrants lay dormant in the police stations around Toledo. In response to the series of articles in the paper describing the CDSP as a “dumping ground” for batterers, the bench initiated a review and issued a set of criteria for diversion, but then abruptly dropped the program a few weeks later. In response to the criticisms of the city prosecutor’s office, the chief city prosecutor was replaced. In response to reporting on open warrants, the sheriff’s department began organizing sweeps to pick up defendants with open domestic violence warrants. In response to descriptions of the chaos at Municipal Court with respect to organizing dockets and bringing cases to trial, City Council just allocated funds for a

non-profit foundation (the Corporation for Effective Government) to conduct a study of the organization of Municipal Court.

At the time these local newspaper articles were written the DVTF had been in existence for three years. The initial task the DVTF took on was to write a protocol that would describe all the different services, regulatory policies, and legal procedures addressing DV. In devising this strategy, they were following the example of many other communities. The purpose of the protocol was identified as streamlining services provided by the various public agencies that deal with victims and offenders. Flow charts and referral systems were put on paper in order to clarify points of contact among agencies and to ensure the efficient delivery of services.ⁱⁱ Since the public announcement of the protocol in 1997, the task force as such has organized two educative community events and advocated in City Council for the monies to hire a special DV prosecutor. It has facilitated the drawing up of lists of priorities for each sub-committee to address such as getting cameras in police cars, and making sure victims are properly notified of hearings, arrests and releases of offenders, and trial dates. It meets every two months, with sub-committee meetings scheduled for the off months. Meetings are generally organized around general information sharing and reports from sub-committees. Substantive discussion and debate is generally reserved for smaller group meetings and informal networking.

In what follows I discuss what Nancy Campbell (1999) has called the “governing mentalities” of the public policy establishment in Toledo with respect to gendered, intimate violence. Campbell defines governing mentalities as “sets of assumptions, knowledge claims, and appeals to authority, expertise, obligation, and responsibility that

structure the guiding rationale of public policy. These mentalities capture the figural and performative dimensions of political discourse” (910). I use Campbell’s phrase because while the professionals working on domestic violence cases do not have any particular, unified, philosophical perspective about the dynamics that cause or condition its existence we can identify governing mentalities, specific to our time, about domestic violence that normalize, regulate, and limit the terms on which we, as a society and as a public, imagine and confront the problem.

A preliminary summary observation about policy developments in the last ten years might be that we have come to view domestic violence simultaneously as a crisis of the family that must be healed, as a social issue about which the public must be educated, and as a crime for which offenders must be held accountable; hence, the assumption that collaboration among all the professionals (commonly referred to as stake-holders) invested in these solutions is the most logical policy approach. I see it as a consolidation of the tendency to depoliticize analyses and responses to domestic violence. The crime control and social service arms of the administrative state, with all their complex disciplinary modalities of power, will be brought to bear more effectively on those figured by current norms as victims and offenders under the policies and laws governing domestic violence.ⁱⁱⁱ And, as domestic violence becomes a social problem to be managed by professionals, political critique of the gender politics that makes domestic violence possible is systematically neutralized. My research into the dynamics and discourses of collaboration in Toledo supports this claim.

Members of the Toledo DVTF were at best ambivalent, but sometimes explicitly cynical, about the work of the task force. The collaboration itself is described by most,

not as a panacea, but certainly as an unquestionably necessary strategic move.^{iv}

Respondants typically asked me, in a rhetorical fashion, how it could be that so many experts, relatively powerful political figures (judges and the county sheriff attend or are represented), and concerned professionals (attendance at any given task force meeting might range from twenty to fifty individuals with up to twenty organizations represented) could be brought together and ultimately achieve so little substantive or lasting change? Most, when asked what they thought the most important success of the task force has been, identified the fact that so many people come to the meetings and now know what the others do. While enthusiastic about that networking and information-sharing function, they often, in the same breath, wonder what the purpose of the task force is at this point in time and what it can possibly accomplish.

For example, the Task Force began meeting in 1995, yet it was not until the summer of 1999 that the Citizen's Dispute option for batterers was publicly challenged, and this was done through the medium of the local press. Many participants I interviewed commented on this as a significant failing of the group. Social service providers in particular knew that this kind of mediation program had been proven ineffective in research done on rehabilitating batterers. Others were more particularly and intuitively offended by the fact that it lumped domestic violence, though described in law as a violent crime, in with neighborhood disputes over barking dogs and passing bad checks. Nonetheless, the program was never even brought under review in three years of meetings.

Another system flaw everyone is aware of, but no one discusses explicitly, is the inconsistency of judicial responses to domestic violence cases. We have seven municipal

court judges in Toledo. Each is know in the DV community for their particular (and sometimes idiosyncratic) approaches to DV charges. They are radically inconsistent in terms of their willingness to assume DV is a crime involving unique dynamics. The organization of their dockets, how they set bonds, the conditions under which they will issue temporary protection orders, their style of address to victims and offenders, and their sentencing habits all signal an unwillingness to develop a coordinated policy. This is often explained by reference to the imperative that they sustain their independence and neutrality with respect to the victim and defendant. However, their intransigence is not fully justified by their desire to sustain the appearance of judicial disinterest and independence. Other jurisdictions have limited judicial discretion in various ways and even created special courts for DV cases. And members of the Task Force know of those different models for organizing the court system.

There are other issues in our community that emerged in interviews as problems members of the Task Force are well aware of, but my purpose here is not to outline policy flaws. Rather, I was particularly interested in members' insights as to why these and other flaws in the system are understood as such, yet consistently ignored. Their responses are classic articulations of professional ambivalence about "the political."

(Larson, ----)

I found that members explain the silence about the program and other controversial issues, in part, by invoking the specter of "the political." In fact, for the most part, members of the task force deliberately avoid confrontation about practices and problems in the various parts of the system. (The director of CDSP was originally an active member of the task force, and several judges consistently attend meetings.) Some

told me that this is, in part, due to the fact that they “know each other” so much better now, and do not want to rock the boat of their familiarity with politics. This is their way of “not being political” though they simultaneously attribute the lack of substantive discussion to “politics.” One respondent said she did not speak up, not because she was shy, but because she “is not a political person.” The specter of the political emerged again when I asked whether the task force has considered, for example, instituting a death review committee, or doing systematic and specific case analysis when a woman they are working with is hurt or killed. Members responded, sometimes regretfully, but other times pragmatically, that it would be “too political.” I also found this notion of “the political” to be a code word for potential conflict and the power differentials that exist, for example, between victim advocates in Municipal Court and the judges who apparently determine the range of their activities in the context of the court.

In addition to asking why certain issues were not addressed, I asked members directly if the task force was or should be political in any sense. While there was disagreement as to whether participants want the task force to “be political” in its public representations or pressure it might put on elected officials, most did “confess,” so to speak, that it is political in terms of its internal workings. This is thought to be a bad thing that bewilders them as they argued “we are all working toward the same end.” In other words, the intrusion of the “political” is their explanation for the lack of formal and informal structures of accountability among member agencies—even though “they are all working toward the same goal which should not be political.”

Related to my inquiry about “the political,” I found that the majority of professionals who address domestic violence in their daily work life in Toledo are more

or less oblivious to or uninterested in considering the impact of feminism in bringing it to public attention. When asked directly, they might acknowledge that feminism had something to do with bringing the issue to national public attention, but they back away from any claim that what they are doing at the local level is feminist. In fact, some respond with veritable horror at the thought that their work might be perceived as feminist as if that would seriously undermine their efforts or even render those efforts immoral or unjust. As far as they are concerned, feminism simply has nothing to do with them or their work. As one respondent, sympathetic to feminism, said, “this is a task force organized for and by professionals. The quality of life of women may be among their concerns, but their concerns have nothing to do with feminist consciousness.”

Thus, professionalism, defined by the exclusion of the political/feminist impulse and aspirations to neutrality and objectivity, is identified by task force members as simultaneously the problem and the solution to domestic violence. Politics is thought of as simultaneously a problem and a rationale. That they do not confront one another on certain issues is described as political. However, that they do not confront one another is driven by the desire to “keep politics out of it.” Respondants in my research consistently defended one another’s autonomy and independence as “experts” who should be assumed to know what they are doing even while they were harshly critical of actual practices and outcomes. In other words, these professionals, in the name of respecting the professional boundaries of law, social service, and policing strategies, and as a means of preventing the intrusion of the political, avoid openly addressing their own lack of faith and actual conflicts of interest with respect to the practices of others.

Apart from stalling progress on certain systemic and policy changes, the concern with professionalism and rationalizing the systemic relationship between the tasks their various professional orientations set them up to accomplish has had an unintended, but dangerous, effect. The effort to depoliticize the work of the collaborative obscures the different goals agencies might have with respect to the particular lives and needs of victims they are working with. Many victim advocates and shelter workers explicitly complained about being caught between the demands of collaboration and their sense that they should advocate in the specific interest of victims.

Given the changes in the law, the underlying assumption of the task force is that increasing arrest and conviction rates will be a measure of success of the collaboration as such. This assumption is typically couched in discussions about the failures of the system to effectively work in the victim's interest. Most of my respondents focused on law enforcement agencies and the prosecutor's office as having come the furthest but as still having the furthest to go in terms of improving their treatment of and service to victims. For example, creating an effective system for notifying victims of court dates has plagued the task force since its inception. However, I want to suggest that this concern with making the system more effective in terms of serving victim interests, slides too easily into a concern with making "victims" work more effectively for the system.

With the introduction of mandatory and preferred arrest policies in most communities, many women are drawn quite *unwillingly* into the courts and social service systems.^v Many of them actively resist because it does not appear to them to be in their interest to proceed with charges. Whether it is because of fear or pressure from the defendant, economic and work issues, children, a sense that the system will not ultimately

help them, or simply that they are not notified on time for hearing and trial dates, very few victims actively “cooperate” with the legal system in adjudicating their cases. Many social service personnel who work directly with women concede that the majority of their clients would not seek help through the legal system if they had a choice. ^{vi}

However, rather than see this as a potentially rational response, professionals involved in serving victims and enforcing the law assume that it is the irrationality implicit in any relationship of intimacy that complicates the rational adjudication of the incident. This frustrates the system because it needs “cooperative victims” who are willing to represent themselves publicly as such to do its job and sustain its legitimacy in light of the changes in the law.

Thus, while case workers and therapists expressed consistent and empathic understanding of why women do not “follow through” given the complexities of family, economic, and emotional issues, victims nonetheless consistently appear as the wild card in the minds of most respondents with respect to their efforts to rationalize social responses to domestic violence. This is further supported if we look at the minutes of the DVTF meeting of April 1998 when the group was attempting to assess progress and set future priorities. After three years, out of ten problem areas listed by members as priorities when they began, eight out of ten were described to have “seen great improvement.” The two that were described as “continuing to be a problem” were “lack of follow-through by victims throughout process” and “victim’s failure to appear for court.” In other words, after five years of systems development, the priorities of the group center on enforcing a more predictable victim response to the systemic strategies

for adjudication. A real and concrete concern is that the logical outcome of this kind of thinking is to use the enforcement power of the state against her.

The frustration of one prosecutor about not being able to get victims to testify was palpable. He clearly does not accept the rationales that victims do not show up out of fear, economic hardship, or for lack of childcare, as adequate. When a colleague suggested to him that victims have “good reasons for not showing up” he retorted, “they have reasons.” Period. His solutions included being empowered to issue an order for their arrest if they do not show up, persuading judges to hold them in contempt, and/or charging them when they invite abusers with TPO’s or CPO’s back into their house or otherwise initiate contact. He is clearly reluctant to spend valuable time and resources developing strategies that do not rely on victim testimony. He seems to think persuading victims to cooperate is a better use of resources. He has pressed the police department to do better reporting and has obtained federal funding through VAWA for a special prosecutor to handle DV charges. However, ultimately he does not see victimless prosecutions as a realistic way to increase his conviction rate, upon which his success in the job is currently being assessed.^{vii} Thus, working on victims to get them to cooperate remains a central part of his strategy. He expresses frustration that the system does not simply empower him to issue warrants, to hold them in contempt, or to simply tell the police to go get them for court dates.^{viii}

Law enforcement’s strategies and frustrations have to do with issues attendant upon the state wielding its executive power as it takes women out of the intimate, affective, if dangerous and violent, webs she has constructed and through which she identifies (as a lover/wife/kin) and engage her in a wholly different set of norms and rules

and structures as victim.^{ix} One judge I interviewed believed the answer lay in “sending a busload of professionals” to the scene when the call comes in to the police. He envisioned social service workers, court advocates, psychologists, child welfare, and the police, arriving on the scene to do an assessment as to how far to intervene. Getting the victim to cooperate, for this judge, meant immediate physical and psychological intervention in the moment rather than allowing her to “fall back in love over the weekend” and subsequently fail to cooperate with the legal action her phone call (or a neighbor’s phone call) put in motion. What *will* soon be implemented in Toledo is a program organized through the prosecutor’s office for law student interns to work more closely with individual women. The organizer of the program describes the goal as developing prosecutorial strategies that do not rely on victim testimony. ^x However, the prosecutor describes the program as helping him prevent them from backing out, changing their minds, or giving up.

There is another edge to this image of the “noncooperative victim.” Several of my respondents, including victim service providers, expressed frustration not just with those victims who will not cooperate, but with the sense that as the system makes itself more available, so to speak, more individuals (women) may use it to all the wrong ends.

For example, a coordinator in the victim witness program mentioned that while she was glad the system is more accessible to women and other victims, she is concerned that this renders “system abuse” more likely. When asked what she meant by system abuse, she replied that the educative work volunteers do about the courts, prosecution, TPO’s, etc. make it more convenient for those women who are just trying to control their men to do so. They might go to court to get a TPO in order control him rather than to

protect herself. TPO violations are criminal offenses in Ohio, so she can threaten to call the police or retaliate for his bad (not abusive) behavior. Different versions of this same story of the potential for individuals (women) to abuse the system they, as professionals, have made available to them, came from several different respondents. One respondent who works in a shelter emphasized that the system does not make room for those who simply want the violence to stop or to control it on their own terms. However, this insight is lost as victims are increasingly perceived as “using” the system, infuriating police officers, prosecutors, and judges who view themselves as on the front-line in rationalizing responses to and adjudication of the violence.

Those members of the task force who work directly with victims, on safety plans, mental health issues, familial and custody questions, may well understand the complications of each individual case in terms of following through. However, because they are now mandated to collaborate with law enforcement and the courts, the pressure intensifies to measure their success by how cooperative their clients are in following through.^{xi} The collaborative model encourages us to forget that the interests of individual victims may be in fundamental conflict with the interests of “the system” in enforcing the law. More generally, however, I attribute the figure of the uncooperative victim to the conceptualization of domestic violence.

When I asked respondents to say what they thought caused domestic violence, they each specifically referenced dysfunctional intimate relations and/or the family. We should also note that domestic violence is criminalized as such because it is a violation of the promise of intimacy.^{xii} In previous eras of reform, the space of the familial was defined as a space of male prerogative, and as such specifically immune to

public/professional intervention. My respondents referred very critically to the historical prerogative of men to discipline their wives as their property right. But few think this remains a relevant issue, especially given the move to criminalize men's intimate violence.

Thus, the difference in the current era is that rather than defending the family as “a little kingdom ruled by male prerogative,” domestic violence workers, whether in the social services or in law enforcement, see themselves as healers of relationships as spaces of “affective privacy and potentially egalitarian intimacy” (Siegel 1999).^{xiii} Most respondents attribute patterns of domestic violence to intergenerational habituation and learning patterns. This default position, that identifies intimacy as simultaneously causal and the reason we must prosecute, reprivatizes^{xiv} the issue at a conceptual level. Intimate relationships are the problem but also the solution. Thus, contemporary domestic violence public policy, as shaped by professionals in the criminal justice and social service systems, draws family members, husbands, lovers, children, wives, etc. into the public sphere and reconfigures them as offenders and victims on the way to making them into better family members. As such, from a professional perspective, the tattered threads of their relations of intimacy become properly subject to processing and reweaving through the instruments of the state.

Thus, the “uncooperative victim” haunts the professional imaginary of the social service and law enforcement systems. It is not unrelated to the old gender stereotypes of the feminized figure that asks for or deserves what she gets in instances of sexual and gender abuse. Feminine complicity, though in a different guise, continues to plague

professionals who are now trying to rationalize state responses to domestic violence. The constant attention to the “uncooperative victim” seems to me to be gendered, not only in the sense that most victims are female and therefore, as women, are targeted as the problem, but because it continues to figuratively draw “woman” as simultaneously vulnerable, duplicitous, and irrationally resistant to rational, common sense, public responses to her plight. Old configurations of the duplicitous character of women are redrawn by helping professionals who see themselves as knowing what victims’ real, or rational, interests are. In the context of adjudicating domestic violence cases, the concern for defending victims’ interests easily slides into a concern for disciplining unruly victims. This is an example of the way social service, therapeutic, and criminal justice strategies ultimately tend to deflect “responsibility for structural problems onto figures that embody them” (Campbell 896).

The apparent neutrality of stated goals of the criminal justice and social service approaches to domestic violence allows us to forget that domestic violence is, ultimately, symptomatic of and interrelated with other social injustices and structural inequalities that govern gender. The resistance to “politics” or any discourse (for example, feminism) that threatens to politicize the interactions among criminal justice and victim service providers allows the illusion of neutrality with respect to the collaborative work law enforcement and service providers do in “keeping victims safe and holding offenders accountable” to go unchallenged. However, I have tried to point out that in the name of professionalism and collaboration, we may only end up obscuring real conflicts of interest between the “victim” and the systemic responses to her situation. ^{xv}

A look at the roster of the task force and the judgment calls made by the leadership about supporting community based programs indicates that it is headed firmly in the direction of prioritizing criminal justice and therapeutic/social work approaches to domestic violence and actively excluding other approaches that threaten to “politicize” relations among members of the collaborative. The absence of discussion of the recent “reforms” in the federal welfare system and their impact on women becomes more significant in this context as it precludes discussions of women’s economic realities and possibilities. The elimination of a program, at the behest of the task force leadership, that brought the Lucas Metropolitan Housing Association into partnership with police through educative programs (run by an African-American policewoman) in the projects, is significant in this context as it marginalizes strategies of empowerment through community-based programs (as opposed to programs run by properly credentialed professionals).^{xvi} And, perhaps most importantly, the absence of survivor representation on the task force is significant in this context.^{xvii} Many respondents were surprised by my questions about survivor representation. They could not recall whether it was ever brought up as an issue. Most said they would not object if it were the “right kind of survivor...one who had a good overall sense of what is going on systemically and within the various components of the system.” In other words, they would accept a survivor who could act like a professional. This effectively seals up the professional hegemony over the process of rationalizing services and the production of knowledge and expertise about, for example, the “uncooperative victim.”

** Special thanks to the Urban Affairs Center for their support in this research.

ⁱ It is also characterized by the increasing colonization of the battered women's movement by the victim's rights movement but I do not specifically discuss this process here.

ⁱⁱ Efficient delivery of services means avoiding duplication and turf battles over who does what for victims or with offenders

ⁱⁱⁱ This "streamlining" of services could be identified as a moment of "rationalization" in a Weberian mode of analysis, or as another example of the "increasing organization of everything" if we adopt a Foucauldian perspective. The Urban Institute issued a report in 1996 for the Office of the Assistant Secretary of Planning and Evaluation (Clark, Burt, Schulte, Maguire) that offers a comprehensive overview of six communities where efforts to coordinate services are in full swing. This report can be found at <http://aspe.hhs.gov/hsp/cyp/domvilnz.htm>. The content and thrust of this report supports my claim that coordination/collaboration in itself is understood to be the common sense and progressive response to DV.

^{iv} Collaboration is the rule for successful application for VAWA funding through the STOP grant funding. Victim services, law enforcement, and prosecutors must apply as a team, prove they are not duplicating services, and only apply for programming that provides services directly to victims. In further versions of this work I hope to address some of the problems respondents have identified with the terms of the VAWA funding. The most obvious problem they confront right now is that the sub-committee does not actually hammer out the amounts each collaborator will apply for. They each write for as much as they think they can get and leave it to the appointed committee of the regional Criminal Justice Coordinating Committee to decide actual disbursements. The members of the sub-committee are not satisfied with this as it appears to defeat the terms of "collaboration" and puts the final decision in the hands of a committee that may or may not know very much about the various components. Further, some frustration was expressed with the sense that law enforcement was getting a large chunk of scarce federal funds "to do the job they are already paid by the city and state to do."

^v It should be noted that mandatory and preferred arrest statutes have not yet been shown to "work" in the sense of preventing or deterring battering or decreasing recidivism though they have forced the hand of others in the system to attend to the crime of DV. (see Buzawa and Buzawa 1999) These policies have had a tidal wave effect in the sense that they have caused the domestic violence caseload in Municipal Court to escalate exponentially and put an enormous amount of pressure on the system. At best, however, in an abstract ethical sense they signify an improvement over leaving decisions about arrest in "domestic disturbances" to the discretion of individual officers. Historically this led to inconsistent and unpredictable responses and often left individual women in more immediate danger. These policies force law enforcement to address the incident as a crime rather than as a personal problem. In other words, studies thus far indicate that these statutes might be thought of as means by which to police the police as they handle particular incidents rather than as a potential means to the end of preventing or deterring the crime of domestic violence.

^{vi} There has been some discussion among feminists who are concerned that mandatory/preferred arrest policies further disempower women who already struggle with issues of autonomy and control. Linda Mills (1999) advocates a "survivor-centered strategy" to overcome the negative implications of criminal enforcement strategies for women's privacy rights and autonomy. More in the "victim's rights" line of thinking is Christine O'Connor's (1999) claim that, with respect to judicial decision-making in cases of domestic violence, it is time to give the victim back her voice. These critiques highlight the fact that the imperative to limit police and judicial discretion, which historically has been guided by misogynist assumptions about feminine desire and complicity in victimization, has had the effect of preventing women from being heard as their cases move through the system. The protective arm of the state can silence women in the name of helping them just as it did when it refused to acknowledge domestic violence at all.

^{vii} According to the terms of the VAWA grant the office just received to hire a special DV prosecutor, conviction rates must go up by 7%, from 15% to 22% by the end of the one-year grant cycle.

^{viii} Some jurisdictions, for example, Kansas City, issue warrants for the arrest of victims under subpoena who do not show up for court dates. Toledo has yet to use that strategy.

^{ix} A victim advocate I interviewed said many of her clients resist identifying as victims of domestic violence. She says she tries to get around their resistance by explaining that they have simply been identified as "the victim" by law enforcement.

^x Victimless prosecutions are as controversial among policy makers as mandatory arrest statutes—both because we have little data that shows any impact on the prevalence of domestic violence and the

recidivism among perpetrators, but also because both deny the women involved any legitimate voice in adjudicating the cases.

^{xi} Further, it assumes that the victim identity is an easy one to take on. Victim testimonies consistently suggest that women do not want to identify as battered women. The stigma and sense of implied vulnerability is *not* something most women desire to deal with (see Bumiller 1989 and Ferraro 1999).

^{xii} This, in itself, is not a bad rationale for punishment. Feminist critiques of the liberal state and legal norms focus on the deliberate devaluing and marginalizing of the private sphere. This is directly related to the devaluing of women as primary inhabitants and organizers of the private sphere. (Pateman 1980, MacKinnon 1987) Seen in this light, criminalizing DV as a violation of the promise of intimacy is a step forward for women. It signifies a greater social valuation of their lives and well being.

^{xiii} This is not to say that they thought their goal was to “get the woman to go back and work it out.” Their goals are oriented, however, to “fixing her self-esteem, for example, so that she might enter into “more healthy relationships.”

^{xiv} I say “reprivatizes” because the predominant analysis of shelter workers in the 1970’s focused more directly on issues of hierarchy, power, and inequality with respect to gender relations more broadly.

^{xv} Another example I would like to develop in future drafts was suggested to me by a shelter case-manager. In a training exercise for volunteers she has a woman stand in the center and attaches a string to her body for every service professional she will likely come into contact with once she or someone else reports she has been a victim of domestic violence. The case manager said that even with the apparently limited system in Toledo, that client would have no fewer than 27 strings attached. This image of the woman caught up in a web of influences specifically designed to “treat her” is a graphic representation of Foucault’s capillary image of power.

^{xvi} The rationale for changing the description of the Toledo Police Dept role in the VAWA collaborative was that the work the Domestic Violence officer was duplicating the work being done by victim services. In other words, the rationalization of the division of labor between law enforcement and social services, the assertion of the rigid boundaries between the professions, was articulated as the goal of the shift in strategy.

^{xvii} There is only one survivor on the task force who identifies herself publicly as such. She told me she struggles to represent herself as professionally as possible. Otherwise, no one identifies as a survivor and no one questions whether survivors, as such, should be represented. When asked about survivor representation most respondents suggested that judges and police would leave that task force because “they would not want to listen to that.”