



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

RESOLUTION

Adopted at the 119th Annual Conference
San Diego, CA
October 3, 2012

Opposing the Arrest of Petitioners for Violations of Their Own Protection Orders

Submitted by: Victim Services Committee
VIC.020.a12

WHEREAS, a bill was introduced in the Georgia House of Representatives that would allow criminal penalties for petitioners of protection orders who violate their own orders, and similar court rulings currently exist in Iowa; and

WHEREAS, a protective order is a legal injunction that requires a party to do, or to refrain from doing, certain acts with the purpose of empowering victims of interpersonal violence and giving a means of safety, and each state in the United States has some form of domestic violence restraining order law, and many states also have specific restraining order laws for stalking, harassment, and sexual assault; and

WHEREAS, protective orders can help victims regain control by establishing boundaries, restrictions, and sanctions with the support and enforcement of the criminal justice system and in some jurisdictions may be one of the few safety options for victim, they may be the tool that a victim needs in order to begin separation from an abusive party; and

WHEREAS, victims suffer emotional, psychological, and/or physical abuse, endure threats, coercion, and/or manipulation by perpetrators of interpersonal violence, and may have conflicting emotions and established dependency (economic, psychological); and

WHEREAS, perpetrators are coercive and skilled at manipulating victims and the criminal justice system in order to gain power and control; and

WHEREAS, perpetrators will use the possibility of arrest against victims and/or as leverage and as another means of power and control; and

WHEREAS, a victim may feel pressured, or be manipulated by the perpetrator into letting him/her into the house, workplace, or meeting with him/her with the sole purpose of setting a victim up for arrest, and oftentimes it is safer for a victim to comply with the demands of a perpetrator rather than suffer the consequences if they do not comply; and

WHEREAS, policies that support the arrest of victims for violations of their own protection orders, a tool that was established to keep an abusive party away from a victim, serve to embolden the perpetrator and give him/her more power, this time with police action and the criminal justice system to support their words and threats; and

WHEREAS, policies that support the arrest of victims for violations of their own protection orders take a procedure that is meant to protect victims and uses it to punish them damaging victim trust in the criminal justice system and create hesitation on the part of the victim to seek law enforcement protection because of the possibility of being arrested; and

WHEREAS, if the perpetrator refuses to comply with the terms of an order they shall face criminal or civil penalties and may have to pay damages or accept sanctions; now, therefore be it

RESOLVED, that because of the complicated nature of the crime of domestic violence and the complex situations responding officers are left to sort out, education and awareness regarding the harmful effects and ramifications of arresting victims for violations of protection orders is needed; and, be it

FURTHER RESOLVED, that the International Association of Chiefs of Police assembled at its 119th Annual Conference in San Diego, California strongly believes that policies that support the arrest of and criminal consequences for victims for violations of their own protection orders are harmful and counterintuitive and should be avoided as they undermine the purpose of the system that was created to protect victims and hold perpetrators of crime accountable.