

Critique of Minneapolis Police Response to Domestic Violence Has Implications for Children

This [Global Rights for Women study](#) of the Minneapolis Police Department found that officers seldom pursued perpetrators of domestic violence once they left the scene, and the Department makes far fewer reports and arrests than is typical nationally.

[Our study of child fatalities](#) similarly showed that failed responses to domestic violence contributed to 28% of children's deaths.

Parents are legally obligated to protect their children. Yet Department of Human Services' [Guidelines](#) (p. 68), advise that "victims should be encouraged but not forced to seek help", and its specific [guidance regarding domestic abuse](#) states (p. 5) "every effort should be made to keep a child safely in the care of the abused parent/caregiver."

We sympathize with victims of domestic abuse. But children should not live in constant terror and be left in harm's way, and getting help should not always be voluntary.

There will be no ebrief next week in honor of the Independence Day holiday.

For a more detailed assessment of this study and its implications for children click here for a written analysis or listen to this analysis in our podcast.

The Global Rights for Women Study is a detailed description of the failures of the Minneapolis Police Department in addressing domestic violence situations. The picture that emerges is of a frankly lazy department which typically doesn't make any effort to track down the perpetrator, and which fails to either write up reports of domestic violence or make an arrest in 80% of cases. By contrast the national statistics from the U.S. Department of Justice are that reports are made in 78% of cases and arrests in 39%. This picture is sadly consistent with the report issued this week by the DOJ detailing the failures of the MPD across the board.

Allow me an aside here. As a former Finance Director for the City of Paul, I take a special pride in the fact that the St. Paul Police Department's "Blueprint for Safety" is cited as a model for the MPD to follow. While no organization is perfect, the St. Paul Police Department has always had a much more positive culture than that of its counterpart just across the Mississippi River. Among other features, the Blueprint instructs officers on what information to gather if a suspect flees before they arrive on the scene. It requires training on implicit and explicit bias, and directs officers to gather information from children who witness assaults. The Blueprint also requires regular training on witness interviews and has procedures for addressing officers' incomplete reports. All of these should of course be adopted by the MPD.

But as always, the question to keep in mind when considering policy conclusions and recommendations of a report like this is "how are they going to work out for the children?"

In Minnesota, any research that focuses on the rights and needs of adults increases the risk that the safety and best interests of children will suffer. This is because policy papers like these get dropped into an organizational culture that is already heavily weighted towards adults. The Department of Human Services' policy to try to keep children with their bio parent as long as possible is an example of a philosophy that consistently puts the rights and needs of adults first.

We of course recognize the difficulty that victims of domestic assault, usually women, have in extricating themselves from a dangerous situation, both from direct experience and from conversations with experts at Violence Free Minnesota. It is not always straightforward to find a path to safety. Domestic abusers are often ingenious in tracking down their victims and threatening, punishing, or even killing them. Yet the Department's official guidelines do not explicitly address the impact of these situations on the children. Years ago a law was passed that being exposed to domestic violence was a form of child maltreatment. This law was rescinded after a couple of years because County child protection agencies were swamped with reports. Now the Department's Guidelines state that child maltreatment only occurs when the children are directly threatened by the abuser. But what does "directly threatened" mean? Do they have to be in the same room? Does the abuser have to turn to them and state their intention to harm the children? This leaves ample room to ignore the real risk to the children's safety when an abuser is wildly out of control and harming the other parent in the same place as the children.

More to the point, children should not be left in situations where they grow up in a perpetual state of terror. We spent a lot of time in our field talking about the impact of trauma on child development, and about trauma informed care, but little time talking about how to prevent or alleviate the trauma in the first place.

In addition, the Department's Guidelines state that workers should not pressure the victim to seek help from a domestic violence support agency. Yet by law parents can be brought to court, and a CHIPS petition filed to challenge their custody of their children, for failure to protect them. There is little in the guidelines to help local county agencies interpret or take actions on this aspect of the law.

The heart of the matter is that, as difficult as these situations are, at some point the mother has to put the needs of the children ahead of her own, and the Department has to encourage her to do so, or, if necessary step in and take over if she is unwilling or unable to do so.

Instead, the organizational culture in child protection and foster care makes it as easy as possible for the victim to not take responsibility for protecting the children. While the partner who is on the receiving end of domestic violence is a victim, she is not the only victim. But our policies, practices and philosophy one-sidedly address her situation and not that of the children.

This interpretation of the current state of affairs is documented by our report on child fatalities. We found that domestic violence and child maltreatment co-occurred in 28% of cases. In seven of the 88 fatalities, children were killed along with their mother or killed while trying to intervene to help her. The report reveals the near-futility of various forms of no-contact orders. These include Domestic Abuse No-Contact Order, or DANCOs, which can be issued by a criminal court regardless of whether or not the victim wants it. An Order for Protection, in contrast, can

be requested by the domestic violence victim in family court, but also withdrawn at, usually, her request. Harassment Restraining Orders, or HROs, can be obtained in civil court and apply to anyone who needs protection, not just victims of domestic violence.

We used the story of 2-week old Anthony Herkel to illustrate a pattern of failure of these various protective orders in child maltreatment situations. It is important to emphasize that the stories we used in our report are not anecdotes, the point of which can be countered by a different anecdote. Sort of “my story versus your story”. These stories represent *systemic patterns* that we found in many cases, and which we backed up by the statistics we gathered and by reviews of the cases by independent Subject Matter Experts.

Anthony was killed by his father after he was served by the court with seven no-contact orders, and was charged and convicted of five domestic violence-related felonies and misdemeanors. The family was also investigated twice by child protection. The final maltreatment report before Anthony’s death was treated as low risk.

A related phenomenon relates to safety plans, which are used regularly in child protection cases but often honored more in the breach than the observance. Safety plans are the responsibility of the social worker to implement rather than local law enforcement. I invite you to read the stories in the report that illustrate this. The report is featured prominently on our website, safepassageforchildren.org. Anthony Herkel himself had two safety plans. Sophia O’Neill, had two, and Aaliyah Goodwin’s parents had four over the course of seven years. In all of these situations there was no information in the court records or county fatality reports indicating that the safety plan was implemented or monitored.

In sum, the Global Rights for Women study is well done and a welcome addition to our understanding of the relationship between the Minneapolis Police Department and domestic violence victims. But given the overwhelmingly parent-oriented culture of the child welfare establishment in Minnesota, it unfortunately feeds into and reinforces a pattern of practice that leaves children even more vulnerable than before.

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