DOMESTIC VIOLENCE: THE RACIAL DIVIDE IN LAW ENFORCEMENT

BY

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ABSTRACT

Domestic abuse is “the willful use of an intimidating action [physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern] to exert power and control perpetrated by one intimate partner against another” (“What Is Domestic Violence?”, 2016). For African American women in the United States, “some studies have found that negative racial and sexist stereotypes portray African American women as aggressors rather than as victims due to their perceived rough, aggressive, and outspoken characteristics. Because of these persistent stereotypes of African American survivors, police can mistake the victim as the aggressor, thus reducing the amount of legal action taken to aid them. The past and present domestic violence responses have little positive economic or social effects on African American survivors. This thesis argues for educational changes to improve the legal response from law enforcement agencies for African American survivors of domestic violence. Realistic solutions such as, changing the stereotypical image of African American survivors, having law enforcement agencies enforce laws in domestic violence cases, and incorporating mandatory implicit bias and cross cultural communication trainings in a variety of educational areas can help resolve the low amount of law enforcement being used for African American domestic violence victims, unconscious racism in courtrooms, and ineffective mandatory arrest policies.

Keywords: domestic violence, African American survivors, implicit bias and cross-cultural communication training, unconscious racism

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TABLE OF CONTENTS

Introduction

"In the United States, African American females experience intimate partner violence at a rate 35% higher than that of white females, and about 2.5 times the rate of women of other races. However, they are less likely than white women to use social services, battered women's programs, or go to the hospital because of domestic violence" ("Women of Color Network", 2006, p.1). The Power and Control Wheel diagram is commonly used to explain the pattern of physical and sexual violent behaviors, "which are used by an abuser to create and maintain control over his partner. Some of the important aspects of the Power and Control Wheel include gender privilege (treating the victim like a servant), economic abuse (preventing the victim from getting or keeping a job), and isolation (controlling and limiting the victim's outside involvement)" ("Power and Control Wheel", 2016).

This note addresses the reduced amount of enforcement for African American survivors' constitutional rights versus their Caucasian counterparts, unconscious racism towards survivors in the courtroom, and the unproductive use of law enforcement for mandatory arrest policies towards the abusers of African American victims. The potential solutions to these problems include: the education of those tasked with protecting survivors to change stereotypes of battered African American women, improve the relationship between African American survivors and law enforcement agencies, and increase proactive enforcement of constitutional rights.

This note argues that the court system and law enforcement agencies employs a lower standard of enforcement in domestic violence cases featuring African American survivors as compared to women of other races. Part I will provide the background information on domestic violence procedures in law enforcement and the courtrooms. Part II will discuss the overall problem: unconscious racism towards battered African American women in the legal system.

Lastly, Part III will portray the proposed solutions to this problem: altering the stereotypical image of African American survivors, having law enforcement agencies enforce laws in domestic violence cases, and merging mandatory implicit bias and cross cultural communication trainings in a variety of education areas.

Literature Review

The Courts and Lawyers Response to Domestic Violence. The English Common Law had certain rules and regulations towards domestic violence and women (in particular wives), "in Anglo-American common law, a husband could subject his wife to physical bodily punishment or "chastisement" with the only limitation being that he could not inflict permanent injury" (Bailey, 2010, p. 1259).

In 1871, the Supreme Court upheld the Anglo-American common law in the case of *Fulgham v. Alabama*. In *Fulgham* (1871), "George Fulgham assaulted and beat his wife, Matilda Fulgam. At the trial court, Mr. Fulgham plead not guilty, and was convicted and fined" (p. 1). However, Mr. Fulgham appealed the trial court's decision and the Supreme Court upheld the "rule of thumb"—"old British common law allowing a husband to beat his wife with a stick as long as it was not longer than his thumb" (Wojtczak, 2001, p.1). This case shows that marital abuse was not acknowledged in the United States legal system.

The *Thompson v. Thompson*[1] (1910) case presented a different question: "may a wife bring a legal case to recover damages for an assault and battery upon her person by the husband?" (p. 615). The Supreme Court ruled in *Thompson* (1910) that a wife and husband are considered as "one" (p. 615). In addition, the Court stated that a wife could not make a legal action of battery and assault against her husband because it would create "public accusations and

[1] Hereafter referred to as *Thompson*.

slander" towards the marriage union (Akers & Drummond, 1961). Socially, the court ruling protected "the privacy and sanctity of marriage," instead of domestic violence victims (Erez, 2002). Many feminists pushed towards social reform for marital abuse and economic freedom. Towards the mid 1800s, "the Married Women's Acts began to appear in many states, and states enacted legislation to free the wife from at least some of the legal burdens, which were attached to her at common law" (Akers & Drummond, 1961, p. 153).

In the "1970s and 1980s, many prosecutors did not want to pursue domestic violence cases due to the high level of drop rates"(amount of domestic violence cases that survivors dropped due to a change of mind or motive) (Corsilles, 1994, p. 855). In *Hawthorne v. State of Florida* (1979), "on January 28, 1977, the appellant, Joyce Bernice Hawthorne, shot and killed her husband, Aubrey Hawthorne in the early morning hours" (p. 781). The District Court of Florida charged and convicted Mrs. Hawthorne with first-degree murder (*Hawthorne v. State*, 1979, p. 781). However, in *Hawthorne v. State of Florida* [2] (1982), "the Florida Court of Appeals reversed the appellant's first-degree charge, stating that evidentiary procedures were not properly followed because the prosecution used a confession that was obtained illegally" (p. 803). At the second trial, defendant's counsel wanted to introduce expert testimony from Dr. Walker regarding Battered Women's Syndrome" (*Hawthorne II*, 1982, p. 805). In a study conducted by Dr. Walker for the defense of Battered Women's Syndrome, Dr. Walker found:

> Nine traits battered women share: (1) low self-esteem; (2) belief in common myths of battering relationships; (3) belief in the traditional feminine sex-role stereotype; (4) acceptance of responsibility for their batterers' actions; (5) guilt and denial of feelings of terror and anger; (6) public passivity combined with the ability to manipulate the home

[2] Hereafter referred to as *Hawthorne II*.

> environment to stave off violence or death; (7) severe stress reactions; (8) the use of sex to establish intimacy; and (9) refusal to seek outside assistance (Brown, 2012, p. 165).

The trial court ruled that the evidence was inadmissible and convicted Mrs. Hawthorne with second-degree murder (*Hawthorne II*, 1982, p. 806). After Mrs. Hawthorne appealed the case again, the Florida Appellate Court remanded and reversed the case:

> Citing evidentiary procedures, as well as the finding that the expert testimony of Dr. Lenore Walker, a clinical psychologist, on battered women's syndrome should have been admitted in light of the fact that the specific defense asserted was self-defense, which requires a showing that the defendant reasonably believed it was necessary for her to use deadly force against her husband to prevent imminent death or great bodily harm to herself or her children ("APA Amicus *Hawthorne*", 1985, p. 2).

In *Hawthorne II* (1985), the appellate court instructed the trial court on a three-part test for admissible evidence of an expert testimony (p. 803). Here, the appellate court stated:

> (1) Dr. Walker was qualified and that the subject was sufficiently developed and can support an expert opinion, (2) the subject matter of the expert opinion would provide the jury with an interpretation of the facts not ordinarily available to them or within their understanding, and (3) determining the range of subjects on which an expert may be allowed to testify (*Hawthorne II*, 1985, p. 774).

In *Hawthorne II* (1982), remand, the historical issue was: "whether expert testimony on battered women's syndrome was admissible to help establish claims of self-defense in a murder case?" ("APA Amicus *Hawthorne*", 1985, p. 25). On remand, the appellate court did not allow the re-introduction of Dr. Walker's testimony during remand and found Dr. Walker's testimony inadmissible (*Hawthorne II*, 1985, p. 771). Soon thereafter, "Mrs. Hawthorne's conviction of

manslaughter was upheld" (Thyfault, 1984, p. 485). The cases of *Hawthorne I and II* were one of the first to introduce the Battered Women Syndrome defense.

Many other domestic violence cases, such as *State of New Jersey v. Kelly* [3] (1984), presented the same legal issue as *Hawthorne II*—"whether an expert's (Dr. Veronen) testimony on the battered women's syndrome defense was admissible to help establish claims of self-defense in a murder case?" (p. 187). In *Kelly* (1984), the New Jersey Supreme Court upheld Dr. Veronen's expert testimony on the Battered Women Syndrome defense (p. 187). The New Jersey Supreme Court held that Dr. Veronen's testimony on the Battered Women Syndrome Defense was admissible and found that the defendant's deadly behavior was necessary in order to protect herself from harm (*Kelly,* 1984, p. 199). The New Jersey Supreme Court found that Battered Women Syndrome was a legitimate self-defense claim and reversed the trial court's decision (*Kelly,* 1984, p. 202). The New Jersey Supreme Court's ruling paved the way for a subjective psychological self-defense claim for domestic violence victims ("APA Amicus *Hawthorne*", 1985, p. 25).

Before domestic violence cases are discussed within the courtroom, first responders and local police officers primarily address domestic violence 911 calls (Coker, 2001). The next historical milestone for domestic violence survivors was the reformed law enforcement policies and procedures towards 911 domestic violence calls (Coker, 2001).

Police Officers Response to 911 Domestic Violence Calls. The first responders to domestic violence calls through 911 dispatches tend to be local police officers (Sack, 2004). During the police academy training, officers are taught to use three types of responses: non-intervention, mediation, and arrest (Erez, 2002).

[3] Hereafter referred to as *Kelly*.

From the 1960s to 1980s, police officers focused on non-intervention and mediation (Erez, 2002). "In the 1960s, police officers would characterize domestic violence calls as "non-intervention" (Erez, 2002, p. 2). This meant, "police officers would consider the call as not requiring a response, and would often wait for hours or not show up at all for domestic violence calls" (Sack, 2004, p. 1663). Some victims would refrain from calling the police because they knew the police were unlikely to come (Sack, 2004).

Another common response was mediation—when local police officers would arrive at the scene, they would separate the husband and the wife and ask the husband to "cool off" or take a walk (Sack, 2004, p. 1662). The reason for this response was that "in the 1970s, wife-beating was considered a private matter between husband and wife and the state could not intrude" (Sack, 2004, p. 1662). Police officers were advised by their superiors not to make an arrest because domestic violence charges were not considered to be a legal matter (Sack, 2004). The mediation approach was not only an ineffective legal response for survivors, but also many "officers would usually take the abusers side" (Sack, 2004, p. 1662).

In the 1980s, many feminist groups advocated for reform in police responses to domestic violence calls (Erez, 2002). Many of these groups began to bring lawsuits against police departments for failure to take proper law enforcement—negligence, in domestic violence (Erez, 2002). In the case, *Thurman v. City of Torrington* [4] (1984):

> Between early October 1982 and June 10, 1983, the plaintiff, Tracey Thurman, a woman living in the City of Torrington, and others on her behalf, notified the defendants [the City and police officers] of repeated threats upon her life and the life of her child, the plaintiff Charles J. Thurman, Jr., made by her estranged husband, Charles Thurman.

[4] Hereafter referred to as *Thurman*.

> Attempts to file complaints by plaintiff Tracey Thurman against her estranged husband in response to his threats of death and maiming were ignored or rejected by the named defendants (p. 1524).

The plaintiffs—"Mrs. Thurman and women rights' advocates alleged that their constitutional rights were violated by the nonperformance or mal-performance of official duties by the defendant police officers" (Thurman, 1984, p. 1524). After *Thurman*, many police officers started taking domestic violence calls more seriously.

The *Minneapolis Domestic Violence Experiment* demonstrated the preventative affect of arrest (Sack, 2004). This study showed that the Minneapolis' police officers responded to "domestic violence 911 calls where there was probable cause for arrest in three different ways: one-third of the offenders would be arrested, one-third would be separated, and one-third would be counseled. This study found that arrest has a preventive effect on the batterer, and reduces the possibility of repeated violence" (Erez, 2002, pg. 2). Shortly after, the U.S. Attorney General's Task Force on Family Violence (1984) cited the *Minneapolis Domestic Violence Experiment*, and many police forces moved towards a policy of arrest instead of mediation (Sack, 2004). Many state statutes addressing domestic violence were revised to require mandatory arrest, and more police officers were trained on mandatory arrest policies (Erez, 2002).

In the 1990s, Congress passed the Violence Against Women Act [5] (1994). This act created a comprehensive approach towards violence against women combined with tough new provisions to hold offenders accountable ("Factsheet: V.A.W.A.", 1994). *VAWA* was created to improve federal law enforcement responses to violence against women ("Factsheet: V.A.W.A.", 1994). Some of the regulations that were a part of *VAWA* were:

[5] Hereafter referred to as *VAWA*.

> Keeping victims safe by requiring that a victim's protection order will be recognized and enforced in all state, tribal, and territorial jurisdictions within the United States; increasing rates of prosecution, conviction, and sentencing of offenders by helping communities develop dedicated law enforcement and prosecution units and domestic violence dockets; ensuring that police respond to crisis calls and judges understand the realities of domestic and sexual violence by training law enforcement officers, prosecutors, victim advocates and judges; *VAWA* funds train over 500,000 law enforcement officers, prosecutors, judges, and other personnel every year ("Factsheet: V.A.W.A.", 1994, p. 1).

Congress passed *VAWA* in order to create a model federal statute regarding domestic violence to encourage the passage of state statutes to require effective law enforcement responses to domestic violence calls ("Factsheet: V.A.W.A.", 1994). This act encouraged protection orders, vertical prosecutions, mandatory arrest, and "no drop" policies ("Factsheet: V.A.W.A.", 1994).

Present Legal Procedures Used for Civil and Criminal Domestic Violence Cases. In a civil domestic violence case, a survivor can ask the court for a protection order:

> [Protective orders] are legally binding court orders issued in response to a written petition from the victim and prohibiting an individual who has committed an act of domestic violence from further abusing the victim. Protection orders can be issued immediately on a temporary ex parte basis. They can help provide a safe location for the victim by barring or evicting the offender from the household. They also give victims an option other than filing a criminal complaint against a family member. Forty-eight states and the District of Columbia authorize such orders by statute (Colson & Finn, 1990, p. 33).

Protection orders have been used to give additional legal protection to domestic violence survivors that do not want to take legal actions to prosecute their abusers for a crime (Colson & Finn, 1990).

In addition to protection orders, vertical prosecutions are used in criminal cases to aid domestic violence survivors during trial and sentencing (Corsilles, 1994). Vertical prosecution is "a case processing strategy whereby a single prosecutor handles the case from arraignment to sentencing" (Corsilles, 1994, p. 876). Vertical prosecution is used to give support to victims during trial and help prosecutors work collectively with survivors (Corsilles, 1994).

VAWA also addressed the legal use of mandatory arrest policies. Mandatory arrest policies provide that "police discretion require arrest in all cases where officers have probable cause to believe that an act of domestic violence has occurred" (Han, 2003, p. 161). In many states, the prosecution can drop domestic violence cases because the victims "often requests it, refuses to testify, recants, or fails to appear in court" (Corsilles, 1994, p. 857). Historically, more states have adopted "no drop" policies that "require prosecution of a domestic violence perpetrator, regardless of the victim's wishes, and often force the victim to participate in the prosecutorial process" (Han, 2003, p. 162). The "no drop" policy forces victims to continue with testimonies or trials in order to aid the charges brought against their abusers (Han, 2003).

Law Enforcement Fails African American Survivors

This part of the note will discuss the problem of unconscious racism towards battered African American women in the United States legal system and how that manifests in the lack of proper legal enforcement taken by law enforcement agencies. In *Ain't I A Victim? The Intersectionality Of Race, Class, And Gender In Domestic Violence And The Courtroom* (2012), Professor Geneva Brown discusses the inadequate response of law enforcement to African

American survivors (p. 147). Brown discusses the economic differences between African Americans and by other races (Brown, 2012). "These differences leave a subset of domestic violence victims principally dependent upon their abuser for financial support" (Brown, 2012, p. 149). In addition, many poor African American survivors face negative stigma from African American neighbors for "snitching" (Brown, 2012). In other words, an African American survivor risks significant social distress when she "snitches" on her abuser, and this distress may even translate to economic disadvantages (Brown, 2012). In some cases, the local African American community looks down upon survivors calling upon the police force or law enforcement to obtain a protection order or arrest an abuser (Brown, 2012). Some members of the African American community believe that the survivor is making the community look unattractive, or reinforcing negative stereotypes of an African American survivor being a violent group of people (Brown, 2012). These factors: financial dependency on the abuser and the distress from the "snitch" factor pushes African American survivors towards feeling the urge to return back to their abusers, which could continue financial instability (Brown, 2012).

Theory of Improper Enforcement of Constitutional Rights. The Equal Protection Clause of the Fourteenth Amendment entitles every United States citizen to equal rights treatment by the judicial system. However, "if African American women seek the protection of law enforcement, their encounters with police officers can make matters worse" (Brown, 2012, p.147). There is a disparity between the presence of law enforcement in minority communities and Caucasian communities in domestic violence calls and responses (Brown, 2012). Professor Brown argues that this racial disparity shows reduced enforcement of constitutional rights—specifically the due process clause (Brown, 2012). Reduced enforcement of laws is when the state's prosecution or local law enforcement shows below average enforcement towards law breaking and

victimization (Brown, 2012). The theory of improper enforcement of laws can be shown in areas with a large amount of minorities or low-income individuals, which results in a below average enforcement for 911 responses and calls (Brown, 2012). Due to improper enforcement of laws, "police failure to respond [to 911 calls], leads to increased violence, legal failure, and unfair treatment of the poor" (Brown, 2012, p.150). In areas that carry out improper enforcement of laws, crimes become more drastic and residents tend to become unfriendly with law enforcement. Some of the elements shown in improper enforcement of laws are: "(1) Official discriminatory intent; (2) group disadvantage; (3) interference with basic life functions; (4) undermining civilian relations with law enforcement; and (5) lack of countervailing values" (Brown, 2012, p.150). These factors attribute to below-average enforcement of the laws. Because protection orders require a minimum standard of legal enforcement, African American survivors experience obstacles within their professional and social life, e.g. going to work without the threat of serious bodily injury, re-gaining personal control, and creating a new life away from their abuser (Brown, 2012). "When law enforcement fails to properly enforce protection orders, an ineffective standard is thus created that gives permission for abusers to continue the abuse of their victims undaunted by any potential sanctions" (Brown, 2012, p. 181). With continuous abuse and reduced enforcement of laws, "the presence of law enforcement in communities of color" is more biased than their white communities counterparts (Brown, 2012, p. 179).

Removing Unconscious Racism in Courtroom Towards African American Victims. The negative racial and sexist stereotypes—African American women seen as rough, aggressive, and outspoken (Jones)—can create unconscious racism in the courtroom (Brown, 2012). For example, "African American survivors who seek legal responses from the courts encounter a legal system that has fixed notions of African Americans as more susceptible and amenable to

violence" (Brown, 2012, p.147). The factor of race and gender, for African American survivors, can play a huge role in the legal actions and aid used by the judges and courtroom officers (Brown, 2012). For example, in *The Effects of Racism on Domestic Violence Resources* (2001), Lisa Martinson writes:

> [The stereotype of] "Strong black woman" is positive, but unfortunately, it leaves African-American women in caregiver roles with no opportunities when they need care. Therefore, the African-American woman must first demonstrate herself to be a victim in general, and then a victim of domestic violence… The problem of not recognizing African-American women as victims as immediately as white women impedes their ability to utilize resources… The result of stereotyping and racism in conjunction with the political domestic violence movement's focus on white women has left the African-American victim of domestic violence in a difficult position (p. 260).

With negative stereotypes and unconscious racism, African American survivors rarely use VAWA or other legal statutes to attain beneficial legal aid from state or federal governments (Brown, 2012). "Unconscious racism does not seek to intentionally harm certain groups; however, the effect of judicial decisions [denial of protection orders or criminal convictions, etc.] based on racially prejudiced beliefs and desires produce harmful outcomes" (Brown, 2012, p. 170). For African American survivors, unconscious racism coupled with negative stereotypes can contribute to the denial of enforcement measures in civil and criminal cases (Brown, 2012). This leads to unreported domestic violence incidents because African American victims become less likely to call the police (Brown, 2012). Thus, negative stereotypes and unconscious racism can create more unreported domestic violence crimes.

Mandatory Arrest Policy May Be Ineffective Towards African American Women. Mandatory arrest policies require police officers to make an arrest in 911 domestic violence calls. "Mandatory arrests have proven to be an unproductive deterrent strategy in poor African American communities" (Brown, 2012, p. 167). Many African American survivors distrust law enforcement due to the use of force and violence towards women of color (Jones, 2014). Since some African American survivors have a sense of distrust in law enforcement, mandatory arrest is looked down upon in the black community (Brown, 2012). "With mandatory arrest policies, in some cases, African American victims can be arrested for defending herself from the abuser" (Brown, 2012, p. 168). "Most white feminists pushed mandatory arrest policies; however, these mandatory arrest laws may inevitably result in increased prosecution and consequently, increased oppression for African American men and women in the criminal justice system" (Ruttenberg, 1993, p. 179). Some researchers argue that mandatory arrest laws benefit all women equally because it focuses on gender and discrimination, but other research shows that not to be the case. "Women demand protection from a male-controlled environment; however, black women do not have the same access to the protections of the state, and in fact, are often themselves the victims of overzealous and improper arrest and prosecutions" (Ruttenberg, 1993, p. 180). In the legal journal *Feminist Critique of Mandatory Arrest: An Analysis of Race and Gender in Domestic Violence Policy* (1993), Ruttenberg explains the lack of general and specific deterrence in the commonly used *Minneapolis Domestic Violence Experiment*, which introduced mandatory arrest laws in numerous jurisdictions:

> In cities with large concentrations of Blacks, arrest did not deter, but rather, increased the possibility of repeat attacks. This finding suggests that the implementation of mandatory arrest policies placed Black women at risk for further violence. Battered women's

> advocates who support mandatory arrest programs need to address findings such as these, and reassess arrest policies in light of data that suggests that White and Black women are affected differently by mandatory arrest laws (p. 193).

The *Minneapolis* study showed the use of mandatory arrest laws had little to no legal benefits for African American survivors (Ruttenberg, 1993). These policies can affect African American survivors more negatively and have little affect on Caucasian women (Ruttenberg, 1993).

In conclusion, mandatory arrest laws cause more legal and social harm for African American survivors. The problems of improper enforcement of domestic violence responses towards African American survivors', unconscious racism in courtrooms, and ineffective mandatory arrest policies presented in Part II cannot be solved through the current domestic violence policies and procedures (presented in Part I). In order to create positive solutions for African American domestic violence survivors, these problems need to be addressed with education and awareness of the bias towards African American survivors.

The Modern Reform in Law Enforcement Responses Towards African American Domestic Violence Survivors

This part of the legal note will discuss the solutions to the problems of maintaining the stereotypical image of African American survivors and improper enforcement of laws. The solutions include: changing the unrealistic stereotypes of African American domestic violence survivors, having law enforcement agencies proactively enforce the laws during domestic violence cases, and incorporating mandatory implicit bias and cross-cultural communication trainings in law schools, judicial programs, and police academies in the United States.

Why Unrealistic Stereotypes of African American Domestic Violence Survivors Needs to Be Reformed. As discussed in Part II of this note, some stereotypes associated with African American domestic violence survivors include: being aggressive, outspoken, and violent, which

can cause "social and economic conception of race and racism [which] shape judges' understanding and their resulting views…these views are actually heavily biased" (Brown, 2012, p. 181) In *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and the Battered Woman Syndrome* (1995), Professor Ammons states "race based stigma prevent black women from being considered vulnerable to battering because the stereotypes of black women are in contradiction to those associated with a "classic" battered woman" (p. 1006). The "classic" battered woman is looked at as vulnerable, fragile, and unspoken (Ammons, 1995, p. 1006). The solution towards unrealistic social and economic stereotypes of African American survivors would be to reform domestic violence training within federal and state police academies. Within the African American community there is a sense of distrust in law enforcement due to high rates of African American incarceration and violence on the part of law enforcement (Jones, 2014); an improved police academy training on domestic violence, particularly towards the stereotypes of African American survivors could help future police officers push away from bias. This could potentially change the legal support that African American survivors receive from law enforcement. For example, Professor Ammons writes, "police trainees are frequently told that physical violence is an acceptable part of life among 'ghetto' residents. In other words, blacks are "normal primitives," or "violence-prone." African-American women who are battered face unique challenges in getting relief and support" (Ammons, 1995, p. 1019). There is a need to change the image of African American battered women into a woman that needs legal assistance and protection from her abuser (Ammons, 1995). Domestic violence training in police academies could change the image of African American survivors and thus contribute to how first responders assist them—mentally and physically (Epstein, 1999).

Why Removing Improper Enforcement of Laws Is Extremely Hard for African American Survivors. The improper enforcement of laws is an issue that can be attributed to early racial stereotypes and stigmas (Brown, 2012). It is difficult to change a negative stigma on a particular race—especially African American survivors. Some of the best solutions towards the problem of improper enforcement of laws are to create a judicial domestic violence-training program and establish domestic violence (in accordance to race) classes within law schools (Epstein, 1999). A judicial domestic violence training program would be a mandatory statewide program that touches on the proper procedures and care that should be taken towards all domestic violence survivors, but in particular minorities (Epstein, 1999). This judicial domestic violence training program, like "any judicial training program must be designed with care to preserve neutrality, and the defense bar concern that judicial education may create an anti-perpetrator bias must be taken seriously by the victim advocacy community" (Epstein, 1999, p. 6). This federal judicial training program would be aimed mostly at lawyers, judges, and helpers of the court because "prosecutors, judges, and the courts can play a constructive role in combating family abuse. As the last and sometimes the only resort of victims seeking protection, it is essential that these sectors of the justice system improve their responses" (Epstein, 1999, p. 6). Admittedly, this potential program would take time and money from the judicial officers; however, some of the courts prime goals are to provide justice and deterrence of crimes, therefore, this judicial training program would help judicial officers better understand African American survivors and their legal necessities. Professor Brown advises a supporting idea, "courts must be more culturally competent in dealing with the intersection of race, class, and gender with the additional component of domestic violence" (Brown, 2012, p. 183). Overall, domestic violence classes within law schools could help give future lawyers the tools and resources needed to protect all

domestic violence cases against women, specifically African American survivors from unconscious racism in the courtroom (Brown, 2012).

How Incorporating Mandatory Implicit Bias Training And Cross Cultural Communication Training In Law Schools, Judicial Programs, And Police Academies Can Help African American Survivors. Implicit bias "describes the automatic association people make between groups of people and stereotypes about those groups" ("Implicit Bias," 2015, p. 1). This type of bias is used even when a person is not deliberately trying to be biased towards another, "a phenomenon known as 'racism without racists,' which can cause institutions or individuals to act on racial prejudices, even in spite of good intentions and nondiscriminatory policies or standards" ("Implicit Bias", 2015, p. 2). From police officers to judges, implicit bias can be seen in how the laws are enforced towards a person of color and how their rights are defended in the court of law (Brown, 2012). This bias has prevented African American survivors from receiving legal aid and proper enforcement of their constitutional rights (Epstein, 1999). Some implicit biases could be reduced if future officers of the law are aware of the bias when they are still in, "training and "cognitive correction" can help individuals recognize their implicit biases and refuse to act upon them" (Bennett M. W., 2010, p. 166). Implicit bias training should be mandatory during orientation in law schools, judicial employment, and police academies. So, that law enforcement officers are aware of the bias prior to their permanent job placement (Bennett M. W., 2010). On the contrary, since implicit bias already exists without prior thought (Bennett M. W., 2010), the use of training could be meaningless. However, with mandatory implicit bias training in law schools, judicial programs, and police academies, law enforcement can become aware of the racial and gender bias towards African American survivors and help assist them with more care and awareness (Bennett M. W., 2010).

In addition, cross-cultural communication refers to communication between people of different cultural backgrounds (Bennett M. J., 1986). Many people could attest that the United States is a melting pot that is made up of many different cultures. African American women are placed into a culture that is different than the average Caucasian American women. An African American woman could be subjected to a variety of cultural surroundings—financial instability, negative social stigmas, etc. (Brown, 2012). So, cross-cultural communication training could help law enforcement officers properly communicate with African American survivors (Bennett M. J., 1986). For example, the training can help law enforcement officers, "develop an intercultural sensitivity towards the subjective experience of the learner. The key to such sensitivity and related skills in intercultural communication is the way in which learners construe cultural difference" (Bennett M. J., 1986). The creation of cross-cultural communication can better assist how law enforcement officers can communicate with African American survivors. On the contrary, the use of mandatory cross-cultural communication training in law enforcement training may not be taken seriously or could be reviewed in a learning environment quickly with little time spent on fully grasping the concept. However, implicit bias and cross-cultural communication trainings in law schools, judicial programs, and police academies can help African American survivors get proper legal aid and make law enforcement officers aware of the negative bias towards African American survivors (Bennett M. J., 1986).

Conclusion

Domestic violence is a problem that can affect anyone. African American survivors should be entitled to the same legal assistance as their white counterparts. The impact of negative unconscious racism in the legal system has created an unfair consequence towards African American survivors. Incorporating mandatory implicit bias training and cross-cultural

communication training in law schools, judicial programs, and police academies in the United States, can improve proactive enforcement of the constitutional rights of African American survivors and potentially change the negative stigma surrounding African American domestic violence survivors.

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