

**MAPPING ALTERNATIVE FIRST RESPONDER MODELS TO
DOMESTIC VIOLENCE**

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Michal Buchhandler-Raphael

Police are currently the default first responders to domestic violence (DV) calls. Yet, police are unsuitable to provide emergency services to DV survivors. Police responses are often harmful and ineffective, especially when interacting with Black, Indigenous, and people of color (BIPOC). Numerous problems stemming from policing DV have resulted in calls to adopt alternative first responders who would be dispatched to DV calls in lieu of the police.

Calls to consider alternatives to policing DV align with broader societal demands for police reform, especially regarding police interaction with vulnerable communities. Many jurisdictions already operate alternative response teams to address behavioral health and substance use emergencies. Drawing on localities' experiences from implementing alternative response (AFR) models to address these health and social crises, this Article argues that jurisdictions should also adopt AFR models to DV. It considers possible models to develop and highlights the strength and weakness of each.

This Article maps potential AFR to DV into four types of models based on their independence from the police: (1) an internal model, which incorporates licensed social workers into police departments; (2) a non-law enforcement (civilian) state agency model; (3) a collaborative co-responder model; and (4) a non-government community-led model. It concludes that the preferable model is crafting a civilian state agency that focuses on fostering survivors' safety and responding to their specific needs.

INTRODUCTION

In the last forty years, domestic violence (DV) has been perceived largely as a criminal law problem which warrants the criminal legal system's response, including arrest and criminal prosecution of batterers.¹ Police's previous reluctance to intervene in what was perceived as "private domestic disputes" has been replaced with states' heavy reliance on policing by engaging in vigorous enforcement practices, including mandatory arrest policies.²

Yet, in recent years, the role for policing in curbing DV has become contested. Scholars and advocates cast doubt on police's continued involvement in responding to DV.³ Recognizing that DV is a multifaceted

¹ LEIGH GOODMARK, DECRIMINALIZING DOMESTIC VIOLENCE 53-54 (2018).

² *Id.* at 1-6. See also AYA GRUBER, THE FEMINIST WAR ON CRIME: THE UNEXPECTED ROLE OF WOMEN'S LIBERATION IN MASS INCARCERATION 42-45 (2020).

³ GOODMARK, *supra* note 1.

social problem, rather than solely a criminal matter, and challenging police's role in responding to it, highlight the need to consider alternatives to policing by developing substitute emergency responses. In this Article, I use the term Alternative First Responder (AFR) to DV as an umbrella concept that refers to alternative models to policing that incorporate non-police responders in providing emergency services to DV survivors.

Conceding that society should reimagine AFR to DV leaves open the question of who should serve as first responder to DV. This Article considers what alternative institutions should provide emergency responses to survivors. It focuses particularly on what should be the interrelationship between these alternative institutions and police, namely whether they should supplement police or replace it altogether.

This Article identifies four AFR to DV typologies underlying possible interventions and emphasizes their main merits and drawbacks. The typologies include (1) internal, (2) external government agency (non-police), (3) external community-led, and (4) co-responder models. These models classify AFR to DV along three axes: (1) the degree of independence from police, (2) responders' professional identity, and (3) responders' mobility. Mapping AFR into these typologies aims to guide legislatures in developing alternate models that account for the concerns underlying each model.

I. PROBLEMS IN PUNITIVE AND CARCERAL RESPONSES TO DV

Existing police responses to DV are systemically flawed. Critique of these responses primarily falls along three lines of argument: harm, ineffectiveness, and disproportionate deleterious effect on minority communities. First, police involvement in DV often causes more harm than benefits to survivors, batterers, and their communities.⁴ These harms stem, among others, from police use of force, and include risk of injury or death, particularly against people of color.⁵ Additionally, police inflict harm when they arrest survivors for fighting back abusive intimate partners.⁶ Harm also occurs because reporting to police triggers a host of collateral consequences, including involvement of child protection services (CPS), removal of children from survivors' custody, and immigration consequences like deportation of non-citizens.⁷

⁴ See GOODMARK, *supra* note 1, at 26-32.

⁵ ANTI POLICE-TERROR PROJECT & JUSTICE TEAM NETWORKS, INTERRUPTING INTIMATE PARTNER VIOLENCE: A GUIDE TO COMMUNITY RESPONSES WITHOUT POLICE 4-9 (2022) [hereinafter INTERRUPTING IPV], https://static1.squarespace.com/static/5cf978a41393e70001434b2f/t/63688ee4f13a464e73fbbe06/1667796736528/Interrupting+IPV+%28APTP-JTN_FINAL-WEB%29.pdf.

⁶ LEIGH GOODMARK, IMPERFECT VICTIMS: CRIMINALIZED SURVIVORS AND THE PROMISE OF ABOLITION FEMINISM 12-17 (U.C. Press, 2023).

⁷ INTERRUPTING IPV, *supra* note 5, at 6.

Second, police intervention is often ineffective because police are not suitable for supporting survivors' needs, including facilitating steps to secure survivors' safety and providing them with housing, employment and necessary financial means.⁸ Trained to use force, police lack the requisite skillset to offer emergency services to survivors, making them unfit institutional actors to respond to DV.⁹ Police are also incapable of implementing trauma-informed approaches, which are essential for interacting with traumatized survivors.¹⁰ Moreover, police response fails to address the root causes underlying DV. While previous accounts of DV largely focused on patriarchal exercise of power and control over women as the main reason for DV, additional explanations stress that battering is often driven by various life stressors, including past abuse, alcohol and drug use, mental illnesses, poverty, financial strain, unemployment, housing and food insecurities, and social and racial marginality.¹¹

Third, the harm and ineffectiveness of policing are exacerbated in minority communities, particularly Black, Indigenous, and poor people of color (BIPOC). Existing punitive and carceral responses to DV are unsound because many survivors, especially Black women, are reluctant to engage the criminal legal system, which they perceive as coercive, oppressive, and racist. This mistrust and fear of police often result in survivors avoiding reporting DV.¹² What's more, when Black survivors turn to the legal system for protection, their accounts are often discredited.¹³ Instead of removing batterers from their homes by arresting, prosecuting, and incarcerating them, what many survivors want and need is safety for them and their children, and the financial resources to help them leave abusive relationship if they choose to do so.¹⁴

Recent findings from a 2022 survey conducted by the National Domestic Violence Hotline on survivors' of DV and sexual assault experiences with law enforcement further support the three lines of argument of this critique, demonstrating that many survivors are deeply dissatisfied with their interaction with police.¹⁵ Overall, while 75% of responders who called the police wanted police involvement at the time they called, 71%

⁸ See GOODMARK, *supra* note 1, at 18-22.

⁹ INTERRUPTING IPV, *supra* note 5, at 4-10.

¹⁰ See GOODMARK, *supra* note 6, at 176-78.

¹¹ See GOODMARK, *supra* note 1, at 53-54.

¹² ANDREA RITCHIE, *INVISIBLE NO MORE: POLICE VIOLENCE AGAINST BLACK WOMEN AND WOMEN OF COLOR* (2017).

¹³ See Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399, 436 (2019).

¹⁴ See GOODMARK, *supra* note 1, at 122-34.

¹⁵ LEIGH GOODMARK, *NAT'L DOMESTIC VIOLENCE HOTLINE, LAW ENFORCEMENT EXPERIENCE REPORT: DOMESTIC VIOLENCE SURVIVORS' SURVEY REGARDING INTERACTION WITH LAW ENFORCEMENT 3* (2022) [hereinafter *NATIONAL DV HOTLINE 2022 SURVEY*], https://www.thehotline.org/wp-content/uploads/media/2022/09/2209-Hotline-LES_FINAL.pdf.

of them said that if other resources had been available, they would have preferred to use them instead.¹⁶ Heeding survivors' preferences by fostering their safety through alternative means takes account of survivors' lived experiences and treats their autonomous choices with dignity and respect.¹⁷

Additionally, the debate over the role of policing in responding to DV is part of a broader controversy over policing, its proper functions, and the need for police reform in general — over and above the specific context of family violence.¹⁸ Reform movements demand to abolish or defund police, highlighting the harms that policing inflicts particularly on vulnerable groups, including BIPOC and LGBTQ people, undocumented immigrants, people with severe mental illnesses and intellectual and developmental disabilities, and unhoused people.¹⁹

Furthermore, there is a growing societal recognition that police are not suitable to respond to DV survivors' needs and provide them necessary social services. Contrary to popular belief that the main role of police is to “fight crime,” police function mostly as first responders to service calls involving people in various types of crises, including severe mental illnesses, substance abuse, homelessness, and DV.²⁰ Many agree that police intervention is inappropriate in addressing these societal ills, suggesting that alternative first responders are better equipped to handle these crises.²¹ For example, promoting broad reforms to reduce police's functions, Professor Barry Friedman proposes that police could be replaced by “a set of highly-trained first responders who have the capacity to address all the sorts of social problems police today face, from domestic violence to substance abuse.”²²

¹⁶ *Id.* at 5.

¹⁷ See Monica Bell, *Situational Trust: How Disadvantaged Mothers Reconcile Legal Cynicism*, 50 L. & SOC'Y REV. 314, 333-35 (2017).

¹⁸ See Barry Friedman, *Disaggregating the Policing Function*, 169 U. PA. L. REV. 925, 954 (2021).

¹⁹ See, e.g., Jessica M. Eaglin, *To "Defund" the Police*, 73 STAN. L. REV. ONLINE 120, 127 (2021); Rick Su et al., *Defunding Police Agencies*, 71 EMORY L. J. 1197, 1207-08 (2022).

²⁰ See Friedman, *supra* note 18, at 954, 965; Christopher Slobogin, *Police as Community Caretakers: Caniglia v. Strom*, CATO SUP. CT. REV. 2021-2021 191 (2021).

²¹ S. Rebecca Neusteter & Harold Pollack, *Transforming 911: Assessing the Landscape and Identifying New Areas of Action and Inquiry* ch. 2 *Alternative First Responders*, TRANSFORM911 U. CHI. (Feb 28, 2022), <https://www.transform911.org/resource-hub/transforming-911-report/alternative-first-responders>.

²² See Friedman, *supra* note 18, at 993-94; Barry Friedman, *Are Police the Key to Public Safety?: The Case of the Unhoused*, 59 AM. CRIM. L. REV. 1597 (2022). Professor Friedman is also the Reporter for the American Law Institute Policing Project. <https://www.ali.org/projects/show/police-investigations/>.

II. AFR TO DV TYPOLOGIES

The nature and form of AFR to DV is inextricably intertwined with a broader debate that dominates criminal law scholarship, which concerns choosing between non-reformist and reformist reforms as alternatives to policing.²³ Significant disagreement exists between reformists and non-reformists. For reformists, the call to defund police means primarily recalibrating police's functions by transforming police roles and avoiding police involvement when it is unnecessary. Reformists additionally call on funding alternative government institutions instead of the police, as these state agencies are more suitable to respond to health and social crises including DV.²⁴ For non-reformists, these reforms are inadequate. Instead, they call for abolition: complete transformation or overhaul of existing social structures by replacing police and other state agencies with new institutions that redefine the notion of public safety.²⁵ Non-reformist abolitionists challenge the legitimacy of policing as a mode of governance and call for empowering Black and other minority communities by giving them democratic control over the institutions that govern them.²⁶

Similarly, the type of AFR to DV model depends on whether it draws on reformist or non-reformist reforms. The literature that examines reformist reforms to invest funds in alternative institutions to policing primarily centers on AFR to severe mental illnesses crises.²⁷ It mostly combines AFR for an array of social problems, devoting less attention to the implications of transforming police function for the specific context of DV.²⁸ To date, the literature has yet to separately address the specific features underlying AFR to DV, including the interrelation between these responses and police.

²³ See, e.g., Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 HARV. L. REV. 1613, 1628 (2019); Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781 (2020); Jocelyn Simonson, *Police Reform Through a Power Lens*, 130 YALE L.J. 778 (2021). Cf. Friedman, *supra* note 18, at 987-91.

²⁴ See Friedman, *supra* note 18, at 987-91.

²⁵ See Brandon Hasbrouck, *Reimagining Public Safety*, 117 NW. U.L. REV. 685, 704 (2022).

²⁶ See Simonson, *supra* note 23, at 849-53.

²⁷ See, e.g., Amy C. Watson, Michael T. Compton & Leah G. Pope, *Crisis Response Services for People with Mental Illnesses or Intellectual and Developmental Disabilities*, VERA INSTITUTE FOR JUSTICE (2019), <https://www.vera.org/downloads/publications/crisis-response-services-for-people-with-mental-illnesses-or-intellectual-and-developmental-disabilities.pdf>.

²⁸ For an exception that lays out an elaborate plan, see INTERRUPTING IPV, *supra* note 5.

Moreover, the question of how alternative responder models to DV should look is not merely theoretical given that reforms have already begun to take hold.²⁹ Many local jurisdictions are experimenting with implementing various innovative programs that transform traditional policing by incorporating civilian institutional actors who are arguably more suitable to respond to DV.³⁰ While many AFR to DV already operate in different jurisdictions, only scant literature addresses their theoretical underpinnings.³¹

I classify AFR into four typologies based on the extent to which police remain involved in responding to DV and the role that non-police institutions play under each model. These include (1) an internal model, where licensed clinical social workers (LCSWs) are integrated into police departments; (2) an external non-law enforcement government agency model, where police officers are replaced by alternative state actors; (3) an external non-government model, which avoids police involvement and is based instead on community-led responders; and (4) a co-responder model, where police, non-police state agencies, and community-led organizations collaborate in responding to DV.

These four models correspond to the broader debate between reformist and non-reformist reforms. While models (1), (2) and (4) call for reforming first response interventions for DV, model (3) calls for a non-reformist, abolitionist response to DV. Moreover, models (2) and (3) are both external models that disentangle from police altogether by turning to alternative institutional actors with more effective strategies to serve survivors' needs. Drawing on calls to defund police and transfer some of their functions to alternative agencies, these external models rest on complete diversion from law enforcement in responding to DV and instead adopt AFR entirely divorced from police. Yet, possible external models may be further subdivided, as they fall under two types: model (2) that embraces government involvement and thus is a reformist model, and model (3) that rejects it and thus is a non-reformist/abolitionist model. These two types of external models thus vary based on whether they rest on some alternative non-police that is still a government agency, or on non-government groups and organizations.

While the key difference between the models lies with the degree of their dependence on police, the typologies also underscore two additional factors underlying AFR to DV. First, the professional identity of first responders; these could be LCSWs who may either be employed by police departments or by other government agencies like Human Services Departments, or alternatively, community-based advocates employed by DV

²⁹ See, e.g., H.B. 4736, 102d Gen. Assemb., Reg. Sess. (Ill. 2022); Brie Isom, *St. Joseph County Police Department Announces Domestic Violence Response Team*, WSBT NEWS (Oct. 21, 2020), <https://wsbt.com/news/local/st-joseph-county-police-department-announces-domestic-violence-response-team>.

³⁰ See INTERRUPTING IPV, *supra* note 5, at 52-56.

³¹ See Friedman, *supra* note 18, at 954.

organizations with specialized training in providing social services to survivors but potentially lacking professional credentials. Second, the mobility of services provided; AFR to DV could include mobile teams operating onsite or offer offsite, telephone or virtual services.

A. An Internal Model: Integrate LCSWs into Police Departments

Under an internal model, AFR to DV would still be delivered by police, but social services would be provided by LCSWs integrated into police departments. This is because a lot of what police officers are asked to do when responding to DV calls in fact involves social work.³² Acknowledging this essential function of police raises the question of whether social workers should play a more prominent role as AFR to DV. Pairing LCSWs with police officers is commonly referred to as Police Social Worker (PSW).³³ PSW has been implemented in various police departments across the nation, which hire LCSWs to provide social services to crime victims, including DV survivors.³⁴

Supplementing or replacing police with LCSWs is deeply contested.³⁵ Professor Dorothy Roberts warns that social workers are key participants in the existing child welfare system, which she refers to as “family-policing system,” designed to control and punish marginalized communities.³⁶ Social workers, she argues, are police by another name because they serve as an arm of the carceral state.³⁷ Drawing on Professor Roberts’ terminology, Professor Lisa Washington uses the term “family regulation system” to describe the surveillance apparatus that is known as the “child welfare system”, and she posits that the family regulation system engages in coercing, surveilling, and inflicting irreparable harm, particularly on vulnerable Black families.³⁸

³² See Friedman, *supra* note 18, at 965.

³³ Algeria Wilson & Mel Wilson, *Reimagining Policing: Strategies for Community Reinvestment*, NATIONAL ASSOCIATION OF SOCIAL WORKERS, 11-12 (2020), <https://www.socialworkers.org/LinkClick.aspx?fileticket=GjXJr6rDzss%3d&portalid=0>.

³⁴ The PSW model is embedded in the recent pilot program adopted in Illinois. See Ill. H.B. 4736, *supra* note 29.

³⁵ Celia Goble, Note, *Social Workers to the Rescue?: An Urgent Call for Emergency Response Reform*, 48 FORDHAM URB. L.J. 1021, 1037 (2021).

³⁶ DOROTHY ROBERTS, TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD 25-36 (2022).

³⁷ Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, THE IMPRINT (June 16, 2020), <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>.

³⁸ S. Lisa Washington, *Survived and Coerced: Epistemic Injustice in the Family Regulation System*, 122 COLUM. L. REV. 1097, 1103 & n.9 (2022).

The main shortcoming of the internal model is that it is not truly an alternative to policing because it does not offer a genuine AFR. When social workers are housed in police departments and engage in similar tactics used by police, they become an integral part of criminal responses to DV, which non-reformist advocates reject.³⁹ Concededly, the LCSWs currently embedded within the flawed child welfare system adopt punitive practices.⁴⁰ But this is not necessarily an inherent feature of the social work profession. Jurisdictions could move away from these practices towards a social work model that is imbued in a social justice mission. They could adopt policies that prioritize supporting over reporting and embrace the vision of the supportive state, which centers survivors' needs and preferences.⁴¹

B. An External Alternative Government Agency Model

Under an external alternative government agency model, local jurisdictions would adopt legislative measures to disband police departments and, in their stead, create new state agencies that re-envision public safety in addressing social and health crises, including DV.⁴² This model does not substitute private organizations for police.⁴³ Instead, first responders would operate under the auspices of governmental agencies, namely non-penal state institutions employing mostly unarmed civilians and public safety officers.⁴⁴ These agencies would provide DV intervention by dispatching first responder units that consist of responders of different professions, including LCSWs and paramedics. Additionally, to ensure both first responders and survivors' safety, these units would also include an armed public safety officer trained in de-escalation skills and use of force if it becomes necessary.

Because the responsibility for addressing DV remains primarily with the government, this model has some critical advantages. It recognizes that states should continue to play a vital role in fostering the safety, health, and wellbeing of individuals — even without police involvement.

³⁹ See Emily Cooke, *Defund Social Workers: They are Often Cops by Another Name*, THE NEW REPUBLIC (Sept. 23, 2022), <https://newrepublic.com/article/167627/defund-social-workers>.

⁴⁰ See Washington, *supra* note 38, at 1103-06.

⁴¹ See Deborah M. Weissman, *Gender Violence, the Carceral State, and the Politics of Solidarity*, 55 U.C. DAVIS L. REV. 801, 857-58, 863-64 (2021).

⁴² See Anthony O'Rourke et al., *Disbanding Police Agencies*, 121 COLUM. L. REV. 1327, 1337 (2021); Friedman, *supra* note 18, at 993-94.

⁴³ For literature on private policing, see, e.g., David Alan Sklansky, *Private Police and Democracy*, 43 AM. CRIM. L. REV. 89, 91, 104 (2006); Elizabeth E. Joh, *The Paradox of Private Policing*, 95 J. CRIM. L. & CRIMINOLOGY 49, 91 (2004); Seth W. Stoughton, *The Blurred Blue Line: Reform in an Era of Public & Private Policing*, 44 AM. J. CRIM. L. 117, 150-51 (2017).

⁴⁴ See Friedman, *supra* note 18, at 990-91.

While some public safety officers responding to domestic violence incidents would still be armed, these alternative institutional actors would be different than police officers as they would prioritize de-escalating volatile encounters through alternative means that do not involve exercising any force and only turn to force as a last resort once those alternatives fail. Moreover, by designating social service providers as key institutional actors, this model draws on the notion of the supportive state, shifting away from carceral governance towards a social welfare state, imbued with social justice goals.

Yet, at least two shortcomings characterize this model. First, for those supporting comprehensive transformation of government institutions, this model is flawed because it continues to embrace the involvement of state agencies, which they perceive as coercive, unjust, and discriminatory.⁴⁵ Second, the model raises political feasibility hurdles given some jurisdictions' failed attempts to defund police by transferring some of their responsibilities to alternative responders.⁴⁶ Police reforms have met staunch opposition as some measures have been rejected by voters and others resulted in backlash to several states' adoption of "anti-defund statutes" to preempt local jurisdictions' reforms.⁴⁷

C. An External Non-Government Community-Led Model

Alternatively, a different type of external AFR model may be based entirely on community-led intervention, eschewing any government involvement. Non-reformist advocates, including DV grassroots organizations among others, vehemently reject any model that is reformist in nature due to its reliance on state intervention.⁴⁸ DV survivors from vulnerable communities, they argue, can never depend on the state for safety.⁴⁹ Any state intervention will continue to inflict systemic harm on marginalized survivors not only through the criminal legal system but also through the family regulation system's punitive responses.⁵⁰ The only equitable response to DV, advocates conclude, must rest on community-led AFR, which prioritize survivors' needs and preferences.⁵¹

Disentangling DV interventions from policing and other state agencies has clear advantages for those supporting an abolitionist vision, as community-led AFR aligns with their broader goal to abolish police.⁵² But

⁴⁵ INTERRUPTING IPV, *supra* note 5, at 4-9.

⁴⁶ See Rick Su et al., *Preemption of Police Reform: A Roadblock to Racial Justice*, 94 TEMPLE L. REV. 663, 664-667 (2022); Martin Kaste, *Minneapolis Voters Reject a Measure to Replace the City's Police Department*, NPR (Nov. 3, 2021), <https://www.npr.org/2021/11/02/1051617581/minneapolis-police-vote>.

⁴⁷ Su et al., *supra* note 46, at 664.

⁴⁸ INTERRUPTING IPV, *supra* note 5, at 40-43.

⁴⁹ *Id.* at 3.

⁵⁰ See ROBERTS, *supra* note 36, at 25. See also Roberts, *supra* note 37.

⁵¹ INTERRUPTING IPV, *supra* note 5, at 27-30.⁵¹ *Id.*

⁵² *Id.* at 37.

doing away with any police or government involvement has significant drawbacks. To begin with, the abovementioned political impediments apply more forcefully to a community-led AFR model given its complete rejection of any governmental role in addressing DV.⁵³

More importantly, insights gained from existing AFR to mental health crises are not fully translatable to AFR to DV because DV intervention is distinct from crisis intervention in other areas. Despite some similarities between mental illnesses, substance abuse, homelessness, and DV crises, key differences exist between responses to these distinct emergencies.

First, AFR to DV raise unique concerns because DV involves violent behavior towards third parties, whereas other social and health emergencies largely do not. Admittedly, not all DV crises pose serious risks for physical safety.⁵⁴ But many do involve violent behavior, endangering the lives of survivors and sometimes culminating in femicide, namely typically male batterers killing their typically female intimate partners.⁵⁵ Likewise, batterers' violent response may endanger not only survivors' safety but also first responders' and bystanders'.⁵⁶ Studies confirm that a significant number of police officers killed in the line of duty were responding to DV.⁵⁷

Additionally, the question of appropriate AFR to DV is connected to the nation's gun violence crisis. Guns are not the only tool that increases the risks to survivors' safety as batterers often use other weapons like knives or even their fists to physically harm survivors. But batterers' frequent possession of firearms requires first responders to de-escalate volatile crises, which often evolve quickly.⁵⁸ Some states enacted laws authorizing police officers to remove firearms from batterers' possession.⁵⁹ Community-led responders, however, will not be authorized to do that.

⁵³ See Su et al., *supra* note 19, at 1214-17.

⁵⁴ The definition of DV has originally centered on physical violence, but today's psychological, emotional and economic abuse referred to as coercive control, also amount to DV. See EVAN STARK, *COERCIVE CONTROL: THE ENTRAPMENT OF WOMEN IN PERSONAL LIFE* (2007).

⁵⁵ For discussion of femicide — the gendered killing of women — see *Commonwealth v. Paige*, 177 N.E.3d 149, 157–60 (Mass. 2021) (Cypher, J., concurring); Caroline Davidson, *Speaking Femicide*, 71 AM. U. L. REV. 377, 384 (2021).

⁵⁶ See Friedman, *supra* note 18, at 956-58.

⁵⁷ One report found that 14.1% of officers killed in the line of duty were killed while responding to DV. See Janet M. Blair et al., *Occupational Homicides of Law Enforcement Officers, 2003-2013*, 51 AM J. PREVENTATIVE MED. S188, S191 (2016).

⁵⁸ *ATF Agents Protect Victims of Domestic Violence by Enforcing Federal Gun Laws*, DEP'T OF JUST. (Dec. 15, 2020), <https://www.justice.gov/archives/ovw/blog/atf-agents-protect-victims-domestic-violence-enforcing-federal-gun-laws>.

⁵⁹ BATTERED WOMEN'S JUSTICE PROJECT, <https://www.preventdvgunviolence.org/assets/documents/legal-landscape/police-seizure-of-firearms-at-scenes-of-domestic-violence.pdf>.

A community-led AFR model thus raises significant safety concerns that require reformers to acknowledge that AFR must include at least one responder who is authorized to use defensive force if it becomes necessary.⁶⁰ Jurisdictions that consider adopting this model must ensure that some trained responder — be it a public safety liaison or a police officer — confirm that no immediate danger exists before other responders intervene.⁶¹ Regardless of the title, professional and organizational affiliation of the responder who performs this function, social service providers may only intervene once the scene is deemed weapon-free and physically safe.

No data is yet available on whether unarmed community responders would be able to address these safety concerns. It remains unclear whether they would be able to effectively respond to dangerous batterers and offer survivors necessary safety measures. It is also questionable whether unarmed community-led responders would be willing to intervene given these safety concerns.

Another difference between AFR to DV and other crises concerns the key role that batterers' accountability must play in the DV context. Mental health and substance abuse crises are health problems requiring medical attention, thus individuals cannot be blamed for any wrongdoing. In contrast, DV is a blameworthy behavior warranting societal condemnation.⁶² Abolitionists primarily draw on transformative justice and community accountability to hold batterers accountable in lieu of punitive measures.⁶³ Yet, these approaches have shortcomings and limitations, and they cannot always offer suitable solutions for all DV cases.⁶⁴ Arguably, a community-led model downplays the role of batterers' accountability for harming their partners, obfuscating the expressive message that society conveys by engaging criminal responses.⁶⁵

D. A Collaborative Model: Police and Social Service Providers as Co-Responders

The fourth typology offers a middle ground or a hybrid between the three previous models. Collaborative Co-Responder (CCR) models rest

⁶⁰ INTERRUPTING IPV, *supra* note 5, at 44.

⁶¹ *Id.* at 42.

⁶² See MICHELLE M. DEMPSEY, PROSECUTING DOMESTIC VIOLENCE: A PHILOSOPHICAL ANALYSIS 91-93 (2009).

⁶³ INTERRUPTING IPV, *supra* note 5, at 58-59.

⁶⁴ See Susan Landrum, *The Ongoing Debate About Mediation in the Context of Domestic Violence: A Call for Empirical Studies of Mediation Effectiveness*, 12 CARDOZO J. CONFLICT RESOL. 425, 438, 444 (2011).

⁶⁵ See Dempsey, *supra* note 62, at 206-08; *cf.* INTERRUPTING IPV, *supra* note 5, at 37.

on cooperation between different institutions to offer coordinated interventions.⁶⁶ The model rests on the premise that providing effective emergency services to survivors necessitates cooperation between a three-way partnership: police, other government yet non-law enforcement agencies, and community-led organizations.⁶⁷ This multidisciplinary approach acknowledges that institutional actors with different skillsets can deliver tailored interventions that support survivors' individual needs. The CCR model underscores the importance of responders' professionalism, namely, police specialize in handling potentially violent situations whereas other responders, including LCSWs, specialize in providing social services.

A main concern underlying the adoption of *any* AFR to DV is ensuring both survivors' and responders' safety given the potential risks embedded in emergency intervention, and the continued safety risks that survivors face after that intervention. Given these safety concerns, jurisdictions should prioritize crafting AFR to DV that center on multidisciplinary collaboration between various institutional actors. The CCR model's main advantage is that it responds to the other models' shortcomings as it centers survivors' safety. Another advantage of this model concerns infrastructure, mobility and accessibility. When social service providers accompany police, they arrive onsite and may immediately intervene.

Likewise, the co-responder model acknowledges that DV intervention sometimes requires the use of physical force to subdue dangerous batterers — a function that is currently exclusively reserved to police.⁶⁸ To facilitate public safety, any AFR model inevitably must include at least one armed first responder, either a police officer or a non-police yet armed public safety officer. But once police or public safety officers determine that batterers pose no risk of physical violence to others, their role as primary responders may end. Only then may other co-responders become *primary* responders to provide a host of social services including administering risk assessment questionnaires to determine lethality risk, information about social services beyond the emergency first response such as shelters and assisting survivors in leaving abusive relationships.⁶⁹

Furthermore, the CCR model recognizes that different types of DV call for distinct responses. Extreme cases of physical violence warrant criminal prosecution as dangerous batterers should be incapacitated and such cases are qualitatively different from milder manifestations of DV

⁶⁶ See Laura Johnson et al., *Motivations for Police Support of Domestic Violence Response Teams Implementation with Advocates*, 27 VIOLENCE AGAINST WOMEN, 1150, 1152 (2021).

⁶⁷ TRANSFORM911, *supra* note 21, at 8.

⁶⁸ See Slobogin, *supra* note 20, at 200.

⁶⁹ See Sarah L. Desmarais & Samantha A. Zottola, *Violence Risk Assessment: Current Status and Contemporary Issues*, 103 MARQ. L. REV. 793, 794-99 (2020).

where the criminal legal system's responses might be unjustified.⁷⁰ The CCR model leaves open the possibility of arrest and subsequent criminal prosecution of batterers — at least in severe cases of violence where engagement the criminal legal system remains not only appropriate but also necessary. By contrast, a community-led responder model does not leave any room for criminal responses, even when societal interests justify them.

Like the other AFR models, the co-responder model also has some drawbacks. It is inextricably linked with police as social service providers are relegated to secondary responders, who intervene mostly pursuant to police response. For non-reformists who completely reject law enforcement involvement in providing intervention to DV crises, the co-responder model is inherently flawed because police remain a key player.

CONCLUSION

Acknowledging the harm and ineffectiveness of policing shifts societal responses from existing punitive measures towards a social welfare state that prioritizes survivors' preferences and needs. Mapping AFR to DV into four typologies paints in broad strokes alternatives to policing. Elaborating on the models' strengths and weaknesses exceeds the scope of this Article, but classifying AFR along several axes provides a blueprint for legislatures in evaluating reforms.⁷¹

While some jurisdictions have begun to incorporate AFR to DV in place of — or in tandem with — police, most reforms are in experimental phases, and sufficient empirical studies on the efficacy and safety of AFR to DV are lacking.⁷² More research is necessary to identify which DV emergencies are appropriate for diversion from law enforcement, and to assess whether AFR to DV prove more effective and less harmful than policing.

Each model has its drawbacks and no single model offers a problem-free solution. A few features, like prioritizing safety, are crucial for any model. Emergency intervention should also be provided onsite by mobile teams, and LCSWs should play a more robust role in providing social services to survivors. But the type of AFR must be tailored to the specific features of the local community it serves. For example, while the community-led model might be appropriate in responding to DV in BIPOC communities, eschewing state involvement altogether poses challenges in

⁷⁰ See GOODMARK, *supra* note 1, at 142-43, 150 (acknowledging that some cases of severe domestic violence justify criminalization and incapacitation of batterers “while the prosecution of each individual act of intimate partner violence, however small, may not appreciably benefit society”).

⁷¹ I will elaborate on these issues in another paper titled “Alternatives to Policing Domestic Violence.”

⁷² See TRANSFORM911, *supra* note 21, at 8.

closed religious communities who are prone to shielding wrongdoers from accountability.⁷³

After considering the pros and cons of each model, I conclude that in theory an external government agency which re-envision DV survivors' safety and needs offers a superior model. Jurisdictions should aspire to craft public safety departments where not only armed responders are used as a last resort, but whose vision shifts away from carceral responses to DV towards equitable interventions that are rooted in social justice goals.

While this aspirational view is a laudable goal that lies in the horizon for a more equitable society, significant practical barriers cannot be ignored. First, it requires a long implementation process given a lack of adequate infrastructure, especially in rural communities and small towns, that provides effective dispatch of alternative responders on a 24/7 basis. Second, political feasibility concerns impede its immediate implementation and hinder an overhaul of police functions.⁷⁴

Since operationalizing transformative changes in policing takes ample time and political will, modest reforms that draw on the CCR model should be prioritized in the interim. For the transitional phase consisting of a gradual, incremental move away from policing towards a more holistic vision of public safety and health, expanding the role of co-responders alongside police is a warranted direction.

⁷³ See Amos N. Guiora, *State Complicity and Religious Extremism: Failing the Vulnerable Individual*, SSRN (May 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3843155.

⁷⁴ See Su et al., *supra* note 46, at 667.