

**PERFORMANCE AUDIT REPORT**  
**REVIEWING THE EFFECTIVENESS OF THE**  
**DOMESTIC VIOLENCE LAWS IN KANSAS**

***Executive Summary***  
***with Conclusions and Recommendations***

A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
March 1997

# ***Legislative Post Audit Committee***

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## ***Legislative Division of Post Audit***

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March 21, 1997

To: Members of the Kansas Legislature

This executive summary contains the findings and conclusions, together with a summary of our recommendations and the agency responses, from our completed performance audit, *Reviewing the Effectiveness of the Domestic Violence Laws in Kansas*.

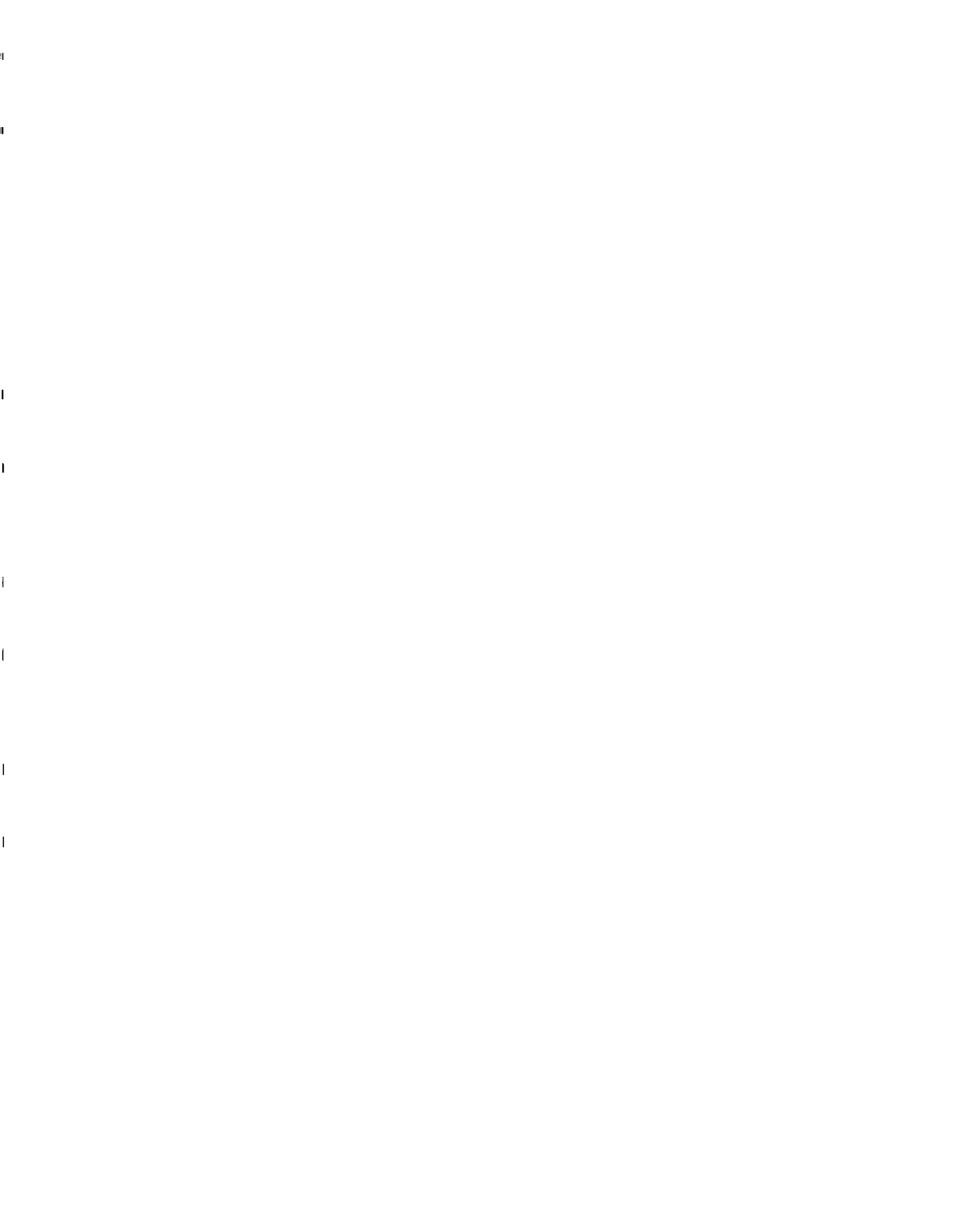
The report also contains appendices showing the summary of surveys returned by law enforcement officers, program directors of domestic violence victims' advocacy groups, and victims of domestic violence, and a list of member programs of the Kansas Coalition Against Sexual and Domestic Violence.

This report includes several recommendations to help decrease domestic violence in Kansas, including suggestions for legislative changes. We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

If you would like a copy of the full audit report, please call our office and we will send you one right away. We would be happy to discuss these recommendations or any other items in the report with you at your convenience.

A handwritten signature in black ink that reads "Barbara J. Hinton". The signature is written in a cursive, flowing style.

Barbara J. Hinton  
Legislative Post Auditor



**Reviewing the Effectiveness of  
Domestic Violence Laws In Kansas**

**EXECUTIVE SUMMARY**

**LEGISLATIVE DIVISION OF POST AUDIT**

**Question 1: What Effect Have Domestic Violence Laws Had  
On Domestic Violence in Kansas?**

**No reliable and complete information is available Statewide or ..... page 7  
at the local level to show how the number of reported domestic  
violence incidents, arrests, or repeat offenses has changed since  
1991.** *After July 1, 1991, law enforcement officers were required to  
complete a standard offense report for every domestic violence call—  
whether or not an arrest was made—and to submit that report to the  
Kansas Bureau of Investigation. However, a change in the reporting  
requirements between 1992 and 1993 means that the 1992 information  
isn't comparable to other years. In addition, the State's larger law en-  
forcement centers didn't report domestic violence information to the  
Bureau for 1993 and 1994 because that information couldn't be reported  
electronically. The Bureau has only recently begun entering the data it  
received from law enforcement centers for 1995 and 1996 into its comput-  
er, but it is only entering limited information, which may make that informa-  
tion incomparable with past and future years. Even if the Bureau had  
complete information, the numbers likely wouldn't be comparable because  
law enforcement agencies have different definitions of domestic violence.*

**In the absence of any comparable, reliable statistical data, we ..... page 11  
were limited in this audit to obtaining anecdotal evidence about the  
effect of domestic violence laws.** *We interviewed the chief of police and  
county sheriff in each of the cities we visited for this audit—Emporia,  
Leavenworth, Overland Park, and Topeka. We also surveyed police  
officers in those cities who handle domestic violence cases, and we  
interviewed judges, prosecutors, defense attorneys, probation officers, and  
directors of domestic violence advocacy groups. Finally, we surveyed all  
program directors of domestic violence victims advocacy groups in Kan-  
sas, and a random sample of domestic violence victims across the State.*

**People we spoke with told us the number of domestic vio- ..... page 11  
lence calls hasn't changed since the laws were changed.** *There is no  
"before-and-after" information about domestic violence calls. Officers we  
spoke with told us that the new law had very little impact on the frequency  
of domestic violence. In addition, they said they are seeing repeat situa-  
tions with the children and grandchildren of earlier offenders and victims of  
domestic violence.*

**Changes in the law have resulted in an increase in the num- ..... page 12  
ber of arrests.** *This is largely because of the mandatory arrest provisions  
of the law. Most people we talked with said law enforcement officers are  
doing a good job handling domestic violence cases, and view domestic  
violence as a crime, not a family matter. Although law enforcement  
officers say they are being trained with the perspective that domestic  
violence is a crime, about 60% of program directors we surveyed indicat-  
ed that officers aren't adequately trained in this area. In addition, about  
28% of victims we surveyed indicated that police officers didn't provide  
information about services available to them, as required by State law.*

**People told us the requirement to make an arrest in domestic violence situations has brought some problems with it.** ..... page 14  
*“Dual arrests”—arresting both parties—is a problem law officers blame on the mandatory arrest policy. Officers told us it’s oftentimes extremely difficult to distinguish between the offender, or “primary physical aggressor,” and the victim. They also explained that sometimes both parties are engaged in “mutual combat” when they arrive on a domestic violence scene, or the fighting has stopped but both parties show signs of physical abuse. Another problem cited with the mandatory arrest policy is that some areas of the State have limited available jail space.*

**People told us the courts’ increased involvement has provided some benefits in dealing with domestic violence situations.** ..... page 15  
*Judges and prosecutors told us that, generally, the sentence for first-time offenders is diversion or probation, which includes some type of counseling program. However, very few counseling programs across the State deal with power and control, which many people we spoke with thought was the basis for many domestic violence actions. In addition, recent changes in the State’s battery law mandate harsher sentences for repeat offenders, including making a third conviction of domestic battery a felony. But this new law may not be as effective as intended because offenders are plea bargaining to a lesser crime to avoid a felony charge. Finally, a court record helps establish an offender’s criminal history regarding domestic violence, which can help the judge in deciding the offender’s punishment.*

**Most people we interviewed thought the courts had improved their handling of domestic violence cases, but pointed out that judges need more training in understanding domestic violence.** ..... page 16  
*People we talked with said some judges dismiss domestic violence cases that come before them because they have a hard time understanding why victims wouldn’t testify, and think victims may share the blame. The general feeling among prosecutors, law enforcement officers, and program directors we spoke with was that judges need additional training to better understand the actions of victims of domestic violence, including an understanding of the “battered woman syndrome”—the psychological dependency that keeps a spouse trapped in a violent relationship, repeatedly forgiving the abuser and even sometimes blaming herself or himself for the attacks.*

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## **Question 2: Have Victims of Domestic Violence Fared Better Since Domestic Violence Laws Were Passed?**

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**Program directors reported that victims of domestic violence have been faring better.** ..... page 20  
*The director of the Kansas Coalition Against Sexual and Domestic Violence and the program directors in the cities we visited for this audit told us that, even though domestic violence still occurs as frequently as before the changes in State law in 1991, overall things are getting better for victims. They cited such things as improved handling of domestic violence cases, stricter laws, more services for victims, and more intervention programs for offenders. However, we also were told that the mandatory arrest policy may not be getting the intended results.*

**Because some victims of domestic violence don't want the offender arrested, they don't call police.** ..... page 20  
*About 40% of police officers answering our survey indicated that, over the past five years, victims of domestic violence have been less likely to call the police for help. In addition, about three out of every 10 domestic violence victims we surveyed said they didn't call the police regarding their most recent incident of abuse. Further, about one in five of those who did call the police indicated they didn't want the offender arrested. Some indicated they just wanted the abuse to stop, some were afraid of what their abuser would do if they called the police, some were afraid they would be arrested, and some were afraid of what would happen to the children.*

**Program advocacy groups offer shelter and services State-wide to victims of domestic violence.** ..... page 22  
*Programs set up to help victims are generally non-profit, community-based organizations operated by staff and trained volunteers. These centers are located Statewide; however, in the more remote areas of Kansas, a network of program staff and volunteers either will travel to meet with the victim, or will provide information about available assistance over the phone through a direct-link, toll-free phone number. The centers provide services to people who've been abused and who seek their help, including listening to victims, providing support, identifying the victim's options, and helping the victim understand the cause and effects of relationship violence and sexual assault. Funding for these centers comes from federal and State grant moneys, as well as local moneys from United Way, city and county general funds, and private contributions.*

**People we spoke with offered numerous suggestions for trying to address the domestic violence problem more effectively.** ..... page 23  
*All those we spoke with said domestic violence couldn't be "corrected" through more legislation. There were, however, suggestions for minor changes or clarification in State law. In addition, other suggestions for improvements were more broad-reaching, including developing new resources for victims, offenders, and children, increasing training and education regarding domestic violence, and providing additional staffing resources and jail space.*

**Conclusion.** ..... page 26  
*Domestic violence is a problem that can't be legislated away. However, what the Legislature can do is make sure that the laws reflect society's view that domestic violence is criminal behavior and won't be tolerated, The introduction of mandatory arrest regarding incidents of domestic violence was a major step in that direction. However,*

officials in the communities we visited indicated additional statutory clarifications could be helpful in addressing certain domestic violence situations, and in improving the enforcement and prosecution of domestic violence laws. They cited the need for additional training for judges, prosecutors, and law enforcement officers as part of this effort.

In addition, community officials expressed a need for more resources to provide such things as counseling programs specifically designed to address domestic violence that would help offenders, victims, and children, and training and job skills that victims need to become independent. Currently, the federal government, the State, and some local city and county governments are helping, but community representatives indicated that more is needed to stop the cycle of domestic violence in Kansas.

**Recommendations.** A brief summary of the report's recommendations, together with a summary of applicable comments from the agencies, is presented below.

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We recommended that the appropriate legislative committees such as the Joint Committee on Children and Families should review the suggestions for legislative changes made in this report to help make State law more effective in addressing situations of domestic violence, consider hearing testimony from interested groups, and decide whether legislation should be drafted.

We also recommended that the Kansas Bureau of Investigation continue working with the Criminal Justice Information System Advisory Board and local law enforcement agencies to develop systems that will allow all law enforcement centers to submit information electronically to the Bureau. This would help ensure that needed information is available, and that large amounts of data don't have to be rekeyed.

In addition, we recommended that the Office of Judicial Administration and the Attorney General's Office identify areas where law enforcement officers, prosecutors, and judges need additional education and training to more effectively enforce, prosecute, and interpret the laws related to domestic violence.

Finally, we recommended that the Attorney General's Office continue to work with community representatives to develop or obtain the resources they need to more effectively address the problem of domestic violence.

The Attorney General's Office, Kansas Bureau of Investigation, and Office of Judicial Administration generally concurred with the audit's recommendations.

The Kansas Bureau of Investigation also concurred there is a lack of complete, reliable, and timely statistics to adequately compare the annual number of domestic violence calls. Bureau officials cited two reasons for lack of comparable data: the lack of a uniform definition for domestic violence, and the lack of sufficient staffing to process the volume of data received each year from law enforcement centers across the State.



*Officials at the Office of Judicial Administration stated they would continue to offer judges education on the subject of domestic violence.*

*The Kansas Coalition Against Sexual and Domestic Violence indicated it viewed the audit as a baseline from which communities can begin to address this issue. However, the Coalition expressed concerns that the sample communities in the audit may not be representative of the State or the problems faced by domestic violence victims because the sample communities didn't include extreme rural areas or programs with primarily minority populations. In addition, the Coalition had concerns that the audit's scope was too narrow because domestic violence has an impact on other social problems including juvenile crime, child abuse, elder abuse, and the like. Finally, the Coalition suggested that the report's information should be considered within the context of domestic violence dynamics so that any action or legislative changes or clarifications would yield the intended results.*

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This audit was conducted by Trish Pfannenstiel, Barbara Coultis, Tracey Elmore, and Jill Shelley. If you need any additional information about the audit's findings, please contact Ms. Pfannenstiel at the Division's offices. Our address is: Legislative Division of Post Audit, 800 SW Jackson Street, Suite 1200, Topeka, Kansas 66612. You also may call (913) 296-3792, or contact us via the Internet at: [LPA@mail.ksleg.state.ks.us](mailto:LPA@mail.ksleg.state.ks.us).

