## **The Malaysian Police and Domestic Violence**

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## **Abstract:**

The Malaysian police force has a history of poorly responding to domestic violence crime, but this poor response has never been academically discussed or studied. Interviews were conducted with Malaysian domestic violence victims, local women's rights NGO leaders, Malaysian social workers, lawyers, and police officers to better understand this problem, and this study seeks to identify specific problems and potential solutions. The problems identified by this study were rooted in poor understanding of domestic violence crime among the police force, and a systemic unwillingness to respond to the problem. The suggested recommendations come from social workers and domestic violence victims, and all highlight the role of the police force in domestic violence response and prevention in Malaysia.

### 1. Summary of Findings

## Problems

The Malaysian police force is not effectively responding to domestic violence situations. Poor understanding of domestic violence and how it should be combated among the police force is preventing victims from receiving help, and in some cases, is leaving them in even greater danger. Police inaction or detrimental action in domestic violence cases is preventing women from turning to the police, leaving them without legal recourse and forcing them to handle domestic violence themselves.

#### Recommendations

The police need to examine and change the way they handle domestic violence cases and work with domestic violence survivors. Some changes are legal and bureaucratic and will take time and great amounts of effort, but many changes are minimal, ideological, and could be changed quickly and individually. Recommendations are subdivided into three categories:

<u>Prevention:</u> Preventative work should be increased through partnerships with other governmental bodies and non-governmental organizations.

<u>Response</u>: Police should adopt a trauma-informed and survivor-friendly model of response and victim care.

<u>Services:</u> Police should comprehensively assist victims and offer easy and stress-free assistance to victims.

## 2. Study Limitations

The populations surveyed for this report were from a specific group of people that may have been predisposed to have difficulties with the police and police response to domestic violence. The women in WAO's shelter often seek help there because they have had problems with the police and need assistance with moving their cases forward. None of the domestic violence survivors interviewed had worked exclusively with the police, so that may account for some bias.

Only a small population of victims, lawyers, social workers, and police officers were surveyed for this report. No major widespread survey has been conducting to asses the effectiveness of police response to domestic violence, so there is only the information compiled in this report and the experience of WAO to attest to the scope of this problem. There are no numbers on how widespread the problem might be, and it would be very difficult to conduct a survey of such a sensitive nature.

## 3. Interviews With Women

The women interviewed are current residents of WAO's shelter and are all survivors of domestic abuse. The interview was conducted the 7<sup>th</sup> of September 2012, in a focus group of twelve women. Eight of those twelve women are also refugees.

### Interaction With the Police

Only two of the twelve domestic violence survivors interviewed had made police reports to report their abuse. The rest of the women were either unaware that they should make a report, or did not for a particular reason. Of these women that were aware they should make a report but did not, all expressed concern that the police would be uncooperative, unwilling to help them, and felt that the police would be unable to protect them from their perpetrators.

Of the two women that made reports, only one was assisted by the police. One of the women said the police were, "very friendly, very helpful" and that she had been satisfied with her interaction and their response to her domestic violence situation. The other woman that made a report was told by the police, "If anything happens the next time, come back," and the police offered her no immediate protection. They did not provide her with information on how to obtain an Interim Protection Order, and left her to handle the abuse herself. She said that she feels like the police should have taken immediate action to protect her from later attacks.

# General Perceptions of the Police

When asked if the police protect domestic violence victims, only one woman said yes. One of the women said, "They didn't come and do anything actually," describing the negligence of the police in following-up with her and her domestic violence case. Eleven of the women did not express any trust in the police's ability to help or protect them, but expressed a desire to be listened to and assisted by the police. They reported that foreign women or women that are upset are refused help because the police are unwilling to try to understand and help them. One of the women said that she was afraid to leave her abuser and go to the police because she does not speak Bahasa Malaysia and did not think they would help her.

When asked where they turn in domestic violence situations, the women reported that they try to endure the abuse for as long as they can, sometimes by hiding from their perpetrators, and that they seek the assistance of other organizations, like the UN. When asked what they would advise another woman in a domestic violence situation to do, the women recommended the hypothetical victim go to the police and make a report, but if the victim was afraid of the police they recommended the victim go to the UN.

The twelve domestic violence survivors also offered suggestions to help the police improve their response to domestic violence. These are detailed under the Recommendations section.

# **4. Interviews With Social Workers**

Four social workers were interviewed and all are currently employed by WAO. All of the social workers interviewed have at least a year of experience with WAO and working with domestic violence victims. The social workers were interviewed individually between the 31<sup>st</sup> of July and the 2<sup>nd</sup> of August, 2012.

# Police Do Not Take Domestic Violence Seriously

Some clear reoccurring issues with the police arose in discussions with the social workers at WAO about police response to domestic violence. Many of the issues stemmed from the idea that the police "do not take the cases seriously."

All of the social workers expressed concern that police officers do not consider domestic violence to be as serious as other crimes. In their experience working with the police, different officers had told many of their clients, "Ini adalah masalah keluarga," calling the domestic violence victim's abuse 'a family problem.' This constant dismissal of domestic violence as a family problem and not a serious crime within the police force illustrates the police force's unwillingness to take domestic violence and domestic violence survivors seriously. All of the social workers felt like their previous clients had been delegitimized by the police's unwillingness to take their cases seriously.

### Police Are Sexist

All four social workers reported that their clients, and they themselves, had been treated misogynistically and prejudicially by the police. They said that the police regularly attempt to dissuade their clients from making police reports because they assume the victims will make and then withdraw their police reports, resulting in more work for the police officer. A police officer working with one of our social workers described the domestic violence victims that filed reports as being emotional and unstable, and as not knowing what they want. The police officer described a victim's desire to seek action against a perpetrator as reactionary and uncalculated and assumed that women that made reports would inevitably withdraw them.

One social worker reported she had clients that had been asked by their investigating officer why they didn't report previous abuse in order to make them feel guilty about reporting present abuse and to prevent them from making a report at all. All of the social workers had experienced police officers denying their clients' abuse, especially in cases of psychological abuse, telling them that it was not abuse because "they could not see any physical evidence of it." This denial of psychological abuse occurred even after the Domestic Violence Act was amended to recognize psychological violence. Vi

The social workers said that while the police regularly demonstrate an unwillingness to help a female victim, male police officers are often willing to help the perpetrator if he is also male. They said that they have seen police officers become friends with male perpetrators and sometimes even assist the perpetrator in finding or contacting the victim. VII

### Police Are Not Survivor-Friendly

The majority of the domestic violence survivors reported that they felt like they were not treated in a manner that was sensitive and appropriate to a trauma situation, and all of the social workers interviewed expressed the same concern. One of the social workers said that she feels that the police see her clients as numbers and cases that they need to classify, instead of treating them as humans. While helping a client at the police station, she heard a police officer say in front of the client, "This woman [the client] is such a headache for me," which openly and needlessly insulted the client. However, another social worker said that she was seeing improvements in the way police officers interact with victims and while there used to be almost no sensitive police officers, that now approximately two out of ten interact with the victims in a way that is sensitive and appropriate. It

### Police Are Poorly Trained

All of the social workers expressed concern that the police are often not adequately trained in how they should handle domestic violence victims and cases. They reported that police officers are often unaware of the steps that need to be taken in

domestic violence cases to help the victim obtain protection. On an observational trip to the police station to make a police report with a social worker and a client, the client's investigating officer did not know how to write a referral letter to help the victim obtain an Interim Protection Order, or where to send the letter. The social worker had to provide the officer with a sample referral letter and the address of the welfare office. Without the guidance of the social worker, the investigating officer would not have known how to do his job and would not have been able to assist the client in obtaining protection.

The social workers had all experienced difficulties with obtaining Interim Protection Orders (IPOs) as well. They said that they felt the police were not aware of their role in helping women obtain IPOs, or that the police were unwilling to help women obtain the protection orders until half of the investigation was completed and they were sure the case would go to court.<sup>x</sup>

One of the social workers reported that the police she has worked with have been inflexible and unable to consider the different aspects of domestic violence cases and the different facets of the law. She feels that they could be more effective at protecting women if they approached the law more creatively and tried to consider different aspects of the law as well as different aspects of a crime. Inflexibility was also reflected in the social workers' concern for the way the police treated their foreign clients. They had all experienced previous clients being refused help by the police or having been discouraged from working with the police because they did not speak Bahasa Malaysia.

# 5. Interviews With the Malaysian Police

The police officers that participated in this study were interviewed in a focus group. A division chief was interviewed, as well as two investigating officers, and another two senior officers. The interview was held on the 19<sup>th</sup> of September, 2012 at the police headquarters.

## Police Opinion of Response

The police offered their perspective on how they respond to domestic violence. They reported that all police officers are adequately trained in handling domestic violence crimes. The police personnel interviewed felt that all police officers have a good understanding of domestic violence and protocol, and said that police officers receive inservice training to continue their domestic violence education and ensure they are informed about new developments in protocol.

### Responsive Training and Protocol

The police officers walked through the protocol they have in place to help shield domestic violence survivors from greater trauma while they are dealing with the police. The police officers reported that all police are "sensitized" during in-service training to help them relate empathetically with domestic violence survivors. They said that

Investigating Officers for Domestic Violence cases are 90% women and they wear civilian clothes and drive unmarked cars while working with domestic violence survivors, to put them at ease and make working with the police less stressful. They discussed some initiatives they are working on to reach out to domestic violence victims and help them comprehensively: a victim care centre with a psychologist and collaborations with NGOs and other branches of government to offer other services, but these efforts are not widespread and are only reaching a very small population. The collaborative efforts with NGOs and other government branches are also select and limited.

### Police Attitude Toward Domestic Violence Cases and Survivors

The investigating officers reported that domestic violence cases are more difficult to investigate than other cases and require more work of the investigating officer. They said that domestic violence cases are "more emotional" and procedurally more complex because they have to work with other government bodies to help women obtain Interim Protection Orders and to investigate. They said the cases are more work because women often lodge reports and retract them. When questioned about how this affects the police, their superior reported, "When faced with this [women lodging and then retracting reports], it is quite frustrating as a human being."

When questioned about police cooperation with domestic violence survivors, the police said that there is mandatory reporting for domestic violence cases and that if an officer refuses to report a domestic violence case, they are subject to disciplinary action. They reported that their police officers "try to persuade them [the victims] to take action [against the perpetrators]." They said that women that retract their police reports do not retract them out of fear of the perpetrator and an uncertainty that the police would be able to protect them from their perpetrator. They believed that women withdraw reports for personal emotional reasons only, one of the officers adding, "Women don't think, they only use their hearts."

There is no current collaborative effort between the police and domestic violence survivors to discuss police protocol and address potential issues and solutions. When asked about the limited nature of the police efforts to respond to domestic violence, and the unfortunate circumstances that have arisen from police negligence, a superior told me, "It is impossible for us to sensitize all the police on the Domestic Violence Act," contracting her statement about training earlier in the conversation, and demonstrating a refusal of police leadership to take responsibility for police failings.

## **6.** Consequences of Problems

The police force response to domestic violence is an important issue for the police, but the direct recipients of police action or inaction are domestic violence survivors. They are the group most strongly impacted by police response to domestic violence, so it became relevant to explore what happens to domestic violence survivors that experience poor police response to domestic violence.

## Police Denial of Domestic Violence

Each of the social workers with was able to recall a client that they had helped that had been turned away by the police, or had been so discouraged by the police officer from making a police report that they left the police station without making a report. All of them had previous clients that had been told that domestic violence "is a family problem" and not a crime, and all of them had previous clients that were made to feel delegitimized by the police's denial of the violence they had experienced. The police that refuse to recognize domestic violence as a legitimate crime discourage or even prevent victims from reporting the crime, getting protection orders, and prosecuting their perpetrators. This delegitimizes the suffering of victims, and when victims know that they are not likely to be helped by the police, they are less likely to go to the police for help. This keeps victims from receiving the justice they deserve. \*\*iii

# Police Insensitivity and Unprofessionalism

One of the social workers said that a previous client had been asked by a police officer upon arriving at the police station to file a report, "Is it okay to put your husband in jail?" She feels that the police officer asked this question to intimidate the client and discourage them from making a police report, and that the police officer's insensitivity prevented her client from getting the help they deserved. This insensitivity to timing and language especially impacts victims that do not want their perpetrators prosecuted or are afraid that their perpetrators will seek revenge for prosecuting them. They are already worried about the outcome of the investigation and are not convinced the police will be able to protect them, so they are dissuaded from making police reports when the police tell the victim they will punish the perpetrator before the investigation starts.

All of the social workers interviewed cited specific cases where police officers were untactful and insensitive, which scared their clients and often prevented them from making police reports. One of the social workers took a client to the police station and the police officer used vulgar language while questioning the victim. The social worker described the police officer's language as offensive and as demonstrative of their blatant lack of concern for the client's comfort or their stressful situation.<sup>xv</sup>

One of the social workers reported that she had just visited the police station to file a police report. The client had previously gone to the police station to file a report but was unable to file a report because she does not speak Bahasa Malaysia fluently and no one at the police station was able to help her in English. Without the assistance of the social worker, the client might not have made a police report and begun the investigation of her case. Her social worker said that the police's method for dealing with women is "inhumane" and demonstrates a lack of respect for the women. She and all the other social workers had helped multiple clients make police reports that had been turned away by the police because they were foreign and didn't speak Bahasa Malaysia, or because they were crying, or in some way challenging to assist. When the police are inhospitable and refuse to help women that they consider to be difficult, they are

preventing women from receiving protection and perpetrators from being held accountable for their actions.

Police insensitivity, inflexibility, unwillingness to help victims, and widespread police denial of domestic violence as a crime keep domestic violence victims from getting the help they need. The police reputation for being unwilling to help domestic violence victims is keeping victims from even attempting to make police reports, which is further diminishing the police's effectiveness in responding to domestic violence. \*\*viii\* Police attitudes and lapses in protocol and training are preventing women from receiving help, which is hurting an already vulnerable population.

## 7. Recommendations

This section proposes some recommendations to begin the conversation about how the police can improve their response to domestic violence and offer women the help they want and need. These are to be used as conversation points, to begin to talk about what a more comprehensive and mutually satisfying police response to domestic violence would look like for victims and for the police.

### Prevention

Domestic violence is an enormously difficult crime to prevent because it is such a multi-faceted and complex crime, but steps toward preventing domestic violence should be increased. Studies have shown that exposure to domestic violence can negatively impact a child's perception of violence as an appropriate means to resolve conflict, and can increase their willingness to engage in violence themselves. An increase in preventative measures could lessen the prevalence of domestic violence cases for the police in the future.

There is already some counseling in place for victims of domestic violence, but further steps should be taken. \*xi Education and treatment for victims and persons at risk of becoming abusers could help to reduce the prevalence of domestic violence. Programs could be established through partnerships that already exist between the police, the educational sector, other government sectors, and NGOs. These partnerships could be used to augment the energies of the police force and to offer services the police force is unable to provide. An increase in the commitment and effectiveness of these partnerships could allow for more collaboration, which could offer victims more comprehensive care, and because abuse is often learned through family behaviour, treatment for children and victims could prevent future abuse. An example of this could be the establishment of male treatment facilities for abusers and centres for abused children that could be run by an NGO and supported by the police. \*xxiii\*

## Response

One of the quickest and most feasible things the police could do to improve police response to domestic violence would be to change police inaction in domestic violence cases. Domestic violence cases are difficult for police, but if there were some small improvements in the way cases are received and handled, it could help a lot of victims obtain protection, and move forward with their cases, and would make domestic violence cases easier for the police as well. This section begins with the specific requests of the domestic violence victims interviewed, and then explores those and other ideas in more detail.

## Suggestions for the Police from Domestic Violence Victims:

The women said that the police should be helpful, should make full and timely investigations, and should hold the perpetrators responsible for their crimes. They said that they would like the police to assist women in making police reports and to be helpful in the reporting process, to "really write down what the woman says," expressing a desire for collaboration between the victim and police. They want to be listened to by the police officers even if they are foreign or are emotionally shaken from their abuse. One of the women said, "If someone is crying and telling you a story, you must try to help that person."

The women also expressed a desire for the police to give each domestic violence victim a full investigation and take immediate action to protect the victim and hold the perpetrator responsible for their crime. They felt that the police should offer correct direction to victims and sound advice to help them decide what to do next, and the women felt that if the police were unable to fulfill any of these duties that they should refer the case to someone else that would be able to give them assistance and a fair investigation.

### Improvements in the Understanding of Domestic Violence:

Establishing a police-wide precedent that domestic violence is a crime and should be investigated like one could change the urgency with which police officers investigate domestic violence cases and police willingness to assist domestic violence victims. If victims and perpetrators knew their case would not be dropped or stalled without their prompting, but knew instead that it would be investigated thoroughly in a timely manner, more victims might be willing to turn to the police for assistance, and more perpetrators might be deterred from committing crimes they know they will be held accountable for.

### Improvements in Protocol:

Misdemeanours are not seizable offenses under the penal code, but if the police understood domestic violence to be as serious as any other crime, and arrested perpetrators of more serious domestic violence crimes xxiii the way they would arrest perpetrators of comparable non-domestic violence crimes, that would do a great deal to instil public confidence in the police. XXIV Mandatory reporting, while protocol, is not widely practiced. If it was universally adopted, it could help the police help victims by giving the victim confidence in police involvement, even if they do not choose to

prosecute. Reports could also be used as evidence in later court proceedings, which could help victims offer a more comprehensive picture of their abuse and assist them in obtaining justice.

# <u>Improvements in Survivor-centred Care:</u>

An increase in trauma sensitivity among the police could also go a long way to improve police response to domestic violence victims. An increase in collaborative policing where the police work with the victims and the victims feel engaged and listened to by the police officer would increase victims' confidence in the police and make them more willing to engage with the police force. The police should set the precedent of engagement and sensitivity because they are on the front lines of combating domestic abuse. xxv Very simple measures, like making sure victims feel like they are being heard, could drastically increase police rapport with victims, which could influence victims' desire for police involvement and in turn, prevent police reports and domestic violence cases from being withdrawn.

#### Services

## Survivor-friendly Services:

Improvements in police services could also increase the police's effectiveness in domestic violence response by eliminating obstacles that keep victims from engaging with the police and obtaining protection. Under the current system to get an Interim Protection Order, victims must obtain a police report and a referral letter, physically take the letters to the welfare office, and then take their reports and their case file from the welfare office to court to go before a magistrate. Ferrying paper from one office to another is not a survivor-friendly process, and places additional unneeded stress on victims. It also poses what could be an insurmountable obstacle for victims that do not have the financial resources to go from place to place. The police should send their reports to the welfare office electronically and should devise a recording system that works for both making a police report and for the welfare office so victims are not required to go to many different offices and repeat the same information over and over.

### Language Services:

The police should also make an effort to employ translators or police officers that are able to speak multiple languages to assist victims that cannot speak Bahasa Malaysia. Malaysia is a multi-cultural nation with many people that do not speak Bahasa Malaysia and to only operate in Bahasa Malaysia prevents non-speakers from receiving assistance. The police cannot expect victims to accommodate their language preferences; they need to be accommodating to the victims.

# **Collaboration with Other Agencies:**

An effort to work with NGOs and other government offices to surround victims with a wide rage of comprehensive care could also augment the police's effectiveness in assisting domestic violence victims, especially immediately after the crime and during the investigation.

## 8. Conclusion

The police are not responding to domestic violence in a way that is helpful for the victim. This systemic inability to effectively respond to domestic violence is a serious issue because the police are not doing their job, but more importantly, because domestic violence victims are being affected. Domestic violence victims are unable to rely on a police force that they feel will not help them or will even discourage them from getting help. This is leaving a vulnerable population even more vulnerable and is taking away what could be the victims' strongest ally.

Positive police action and attitude is so important because it is the power of the victim. Without it, the victim is left with no recourse to right what has been done to them, and is trapped as a victim. When the police act justly in favour of victims of domestic violence, they give them power to seek protection and justice, but without the police, they do not have the power to protect themselves. If the police would take a hard and honest look at the way they are responding to domestic violence and would begin the conversation with survivors, NGOs, and other authoritative voices, it could help everyone move forward toward making the police an effective tool that satisfactorily serves domestic violence victims.

<sup>i</sup> The majority of the women interviewed are refugees that are working with the UNHCR, or the UN Refugee Agency, to return to their home countries. The UNHCR is a major resource for these women, which is why so many of the women said they would go to the UN or UNHCR.

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ii Sivanyanam, Y. (2012, July). Personal interview.

iii Sivanyanam, Y. (2012, July). Personal interview.

iv Devi, U. (2012, July). Personal interview.

<sup>&</sup>lt;sup>v</sup> Devi, U. (2012, July). Personal interview.

vi Act A1414 under Section 2. Act was amended in February 2012.

vii It should be noted that sometimes this assistance is secured through pretense. The perpetrator may lie about the situation to employ the help of a police officer in finding or contacting the victim.

viii Sivanyanam, Y. (2012, July). Personal interview. The client went to the police station right after she had been attacked. They would not provide her with water and treated her in a way that was insensitive to her traumatic experience.

ix Devi, U. (2012, July). Personal interview.

<sup>&</sup>lt;sup>x</sup> Wong, S. (2012, July). Personal interview.

xi Sivanyanam, Y. (2012, July). Personal interview.

<sup>&</sup>lt;sup>12</sup> Sivanyanam, Y. (2012, July). Personal interview.

<sup>&</sup>lt;sup>13</sup> Sivanyanam, Y. (2012, July). Personal interview.

<sup>&</sup>lt;sup>14</sup> Devi, U. (2012, July). Personal interview.

<sup>&</sup>lt;sup>15</sup> Sivanyanam, Y. (2012, July). Personal interview.

<sup>16</sup> Sivanyanam, Y. (2012, July). Personal interview.

<sup>17</sup> Sivanyanam, Y. (2012, July). Personal interview. Devi, U. (2012, July). Personal interview. Wong, S. (2012, July). Personal interview.

<sup>18</sup> Interviews with women: Only 2 out of 12 women made police reports, and those that did not make a report chose not to because they did not think that the police would be willing to help them.

<sup>19</sup> Grogans, B. (2012, August). Personal interview.

<sup>20</sup> Melissa M. Stiles, M.D., University of Wisconsin-Madison Medical School, Madison, Wisconsin Am Fam Physician. 2002 Dec 1;66(11):2052-2067.

<sup>21</sup> Prevention is most effective when it is addressed on three levels: Primary, secondary, and tertiary. A primary solution would be to train community members to be more prosocial and intervene when they believe violence could occur (or "bystander intervention": http://www.know-your-power.org/about.html). A secondary solution would stop violence from happening again, like immediate care for victims to prevent future harm in an emergency centre. Tertiary solutions would be to offer therapy to redirect offenders, and long-term care for victims. Harwell, C. (2012, September). Personal interview.

<sup>22</sup> For example, the Men's Project, where men who were victims of violence as children are given comprehensive treatment that includes addressing their own violence, substance abuse, and trauma reactions. (http://www.themensproject.ca/Home) Harwell, C. (2012, September). Personal interview.

Not necessarily implementing a mandatory arrest policy, which may deny the autonomy of the victim and disempower the victim from dealing with situations of violence, but implementing a "pro-arrest" policy. A pro-arrest policy and responsible prosecution of domestic violence perpetrators would take into account the wishes of the victim while holding perpetrators responsible for their crimes. UN Development Fund for Women (UNIFEM), Domestic Violence Legislation and its Implementation: An analysis for ASEAN countries based on international standards and good practices, June 2009, available at: http://www.unhcr.org/refworld/docid/4c299f652.html

<sup>24</sup> Misdemeanour domestic violence crimes can also lead to more violent domestic violence crime. Effective police forces are taking misdemeanour crimes seriously and doing threat assessment with victims to determine the likelihood of future violence. In the event of a domestic violence related death most jurisdictions in the US have death review teams that critically review the multidisciplinary response of all system agencies to learn from their own region's mistakes so that future victims are not failed. Harwell, C. (2012, September). Personal interview. <sup>25</sup> Sivanyanam, Y. (2012, July). Personal interview.