



Perceptions of Police Response to Domestic Violence in Puerto Rico: Law 54 and Human Rights

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Abstract

This article addresses perceptions of police response to domestic violence against women in Puerto Rico after police reforms in 2013. Puerto Rico has high rates of fatalities due to domestic violence and police practices preventing fatalities are found to be lacking. Authors address the intersection of domestic violence against women and the systemic failings of Puerto Rican law enforcement and resistance to handling of domestic violence incidents as required by law. The findings of an exploratory, qualitative pilot study with key stakeholders working with women survivors of domestic violence in Puerto Rico are presented. Using a human rights perspective, the study participants note an association between police response to domestic violence and machismo, patriarchy, and colonialism.

Keywords Domestic violence · Police response · Human rights · CEDAW · Law 54 · Machismo

In 2012, the U.S. Department of Justice (DOJ) and the government of Puerto Rico agreed to sweeping reforms to the island's police department. Puerto Rican law enforcement had faced intense scrutiny over the past several years culminating in a report by the American Civil Liberties Union (ACLU) that highlighted the Puerto Rican Police Department (PRPD)'s widespread abuses and violations of civil rights against poor people, black Puerto Ricans, and Dominican immigrants (American Civil Liberties Union 2012, 2015). The DOJ Civil Rights Division issued an earlier report based on a 3-year investigation that described the PRPD as systematically corrupt and needing to overcome a history of

discrimination and violence (United States Department of Justice Civil Rights Division 2011). The DOJ found that the PRPD lacked established policies and procedures regarding lawful policing practices and that existing operational structures were inconsistent and arbitrary. This report addresses officers routinely conducting illegal searches and seizures without warrants, attacking nonviolent protesters and journalists; discriminating against Dominicans, gay, and transgendered people; and failing to appropriately handle sexual assault and domestic violence cases (Savage and Alvarez 2012; United States Department of Justice Civil Rights Division 2011). The United States Department of Justice Civil Rights Division (2011) uncovered evidence that the PRPD frequently failed to police sex crimes and incidents of domestic violence and engaged in discriminatory policing practices that targeted individuals of Dominican descent. Both reports criticized the PRPD's response to domestic violence.

These policing practices constitute civil rights violations, especially in light of statistics indicating Puerto Rico has the highest rate internationally of women killed by their intimate partners (Esplugues et al. 2010). In a 2011 public response, the former Superintendent of the PRPD, Díaz-Colón, stated "deaths from domestic violence are activities that are not directly part of the functions of the PRPD. Possibly victims may be directed to other agencies that can work with them" (American Civil Liberties Union 2012). Although Puerto Rico enacted statutory efforts to address intimate partner violence against women in 1989—*Puerto Rico's Domestic*

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Violence Prevention and Intervention Law—commonly referred to as “Ley 54” (Public Law (P.L.) 54), the police and other law enforcement officials resisted enforcing this law (Roure 2011). After the DOJ investigation, the Commonwealth of Puerto Rico and the U.S. Justice Department’s Civil Rights Division agreed to police practice reforms that included better enforcement of Law 54.

This article addresses perceptions of police response to incidents of domestic violence against women in Puerto Rico after 2013 when police reforms went into effect. This topic is relevant for examination because it addresses the intersection of two significant social issues in Puerto Rico. One is the problem of domestic violence. The other is the systemic failings of Puerto Rican law enforcement, specifically in their handling of domestic violence incidents. There is scant research that studies police response to domestic violence against women in Puerto Rico, and no research that examines the efficacy of PRPD reforms enacted in 2013. The authors discuss the findings of an exploratory pilot study where they interviewed key stakeholders in Puerto Rico. Research participants include leaders in position of power, social workers, and advocates that work with women survivors of domestic violence. These experts voice their perceptions of domestic violence, the domestic violence law, its enforcement, and the policing practices after institutional changes were implemented in 2013. The study uses a human rights perspective that includes a discussion of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The findings have implications for social work policy and practice because social workers have a strong commitment and responsibility to advocate for human rights, human dignity, the elimination of discrimination, and the promotion of civil and social rights. Social workers can develop strategies for the prevention of domestic violence as they collaborate with police departments to ensure women’s safety is protected under the law. It is argued that social workers need to be part of the citizenry movement for transformation of police and domestic violence practices to occur. The knowledge gained from this pilot can be used in Puerto Rico and with cultural modifications can be used across US states.

Domestic Violence in Puerto Rico

Domestic violence is a global epidemic, which the United Nations defines as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (UN General Assembly 1993). In Puerto Rico, a woman is murdered every 14 days (Berrios

2018). After Puerto Rico experienced Hurricane Maria (a deadly category 5 hurricane) in 2017, organizations serving domestic violence and sexual assault survivors reported an increase in walk-ins, referrals, and phone calls asking for services (Tighe 2018). According to the Puerto Rican Governor’s Office of the Women’s Advocate (Oficina de la Procuradora de las Mujeres), the number of women killed by an intimate partner nearly doubled from 14 in 2017 to 26 in 2018 (Guzman 2019) which concurs with the World Health Organization (2002) finding that in the aftermath of a natural disaster the occurrences of sexual and intimate partner violence tend to rise. The WHO attributes this increase in violence to high levels of post-traumatic stress and powerlessness, the scarcity of resources, and the breakdown of social networks and social supports. Making matters worse prior to the storm, Puerto Rico was plagued by a national debt crisis of \$70 billion, a failing power grid, and an overburdened criminal justice system. These factors contributed to a non-existent emergency response system to incidents of domestic violence after Hurricane Maria.

Women in Puerto Rico are disproportionately victimized by domestic violence at the prevalence rate of 83–90%, when compared to men from 1997-to 2003 (Roure 2011). Research indicates that among all domestic violence cases in Puerto Rico, 55% of murder victims were killed in their home and even more alarming is the number of women who die at the hands of their intimate partners (Roure 2011). Puerto Rico has the highest per capita rate of women over the age of 14 killed by their partners: 107 women were killed by their intimate partners between 2007 and 2011 (American Civil Liberties Union 2015; Esplugues et al. 2010). In 2011, 30 women were killed by their partners, a rate six times higher than Los Angeles, which has the same population (3.7 million) as Puerto Rico (American Civil Liberties Union 2012).

Although women were going to the PRPD for help and reporting incidents of domestic violence, they were denied legal options and protection by the police’s inaction or failing to address sexual assault or enforce protective orders (American Civil Liberties Union 2012, 2015). Evidence demonstrates major systemic failings of law enforcement in Puerto Rico. For example, the American Civil Liberties Union (2012) investigated cases in which women were denied help repeatedly by the police department and were ultimately killed by their abusers. The ACLU data reveal that almost half (47.85%) of the women murdered in Puerto Rico were killed while they were in the process of separating from the offender (United States Department of Justice Civil Rights Division 2011). The population at greatest risk is women aged 25–34, which constitutes over a quarter (26%) of women homicide victims in Puerto Rico. Additionally, the PRPD has not adequately responded or investigated rapes as indicated by the significant underreporting of these cases (American Civil Liberties Union 2015). Most U.S. jurisdictions report rapes

four times the rate of homicide; however, in 2010, the PRPD reported 39 rapes and 1000 homicides. Based on U.S. police departments' data, it is estimated that Puerto Rico's rape statistic should be 100 times greater than reported (American Civil Liberties Union 2015). These crime statistics raise questions about how domestic violence cases are evaluated, if they are taken seriously, and if survivors of domestic violence are receiving the legal resources available to them (United States Department of Justice Civil Rights Division 2011). The data suggests that survivors' constitutional and human rights to legal and social protection are being denied.

The Spirit of Law 54: Protecting Human Rights of Women in Addressing Intimate Partner Violence

Puerto Rico has passed progressive domestic violence legislation in the last few decades. Law 54 is recognized globally as one of the most advanced legal efforts to address domestic violence through comprehensive legislation and social reform (Rivera 1995). Internationally, Law 54 is a model legislation because of its ambitious and comprehensive approach to domestic violence, its recognition of the seriousness of violence against women, and its criminalization components (Rivera 1995; Roure 2011). Law 54 defines domestic violence as

A constant pattern of conduct involving physical force or psychological violence, intimidation or persecution against a person by his/her spouse, former spouse, a person with whom he/she cohabits, or has cohabited with whom he/she has, or has had, a consensual relationship, or a person with whom a son or a daughter has been procreated, to cause physical harm to their self, their property, or another's self, or to cause him/her grave emotional harm. (Law 54, P.R. tit. 8, § 602(k); Rivera, 1995, p.4)

The spirit of the law is to protect women from the fear of harm, promote autonomy and independence, and encourage full participation in society as an equal. The law provides women with legal shelter from intimate partner violence, especially from physical abuse, and the opportunity for self-development and self-empowerment through social service involvement (Medina and Rios 2011). One of the most important contributions of this law was that it defined domestic violence as a felony crime. The law places responsibility for the illegal conduct on the abuser and moved the discourse from a private issue to a matter of public safety (Rivera 1995; Roure 2011; Sack 2006). Law 54 requires police officers to make arrests if they have reason to believe that abuse had occurred, and write a complete report of all domestic violence cases—even those where charges are not filed—as

a monitoring measure of incidences (Sack 2006). The Legislative Puerto Rico Commission for Women's Affairs has oversight responsibility, authorizes initiatives, and implements preventive measures in relationship to domestic violence, under Law 54. This Commission has identified four categories of provision that it monitors in Puerto Rico: (1) *Educational*, to provide information on domestic violence and on the scope and applicability of Law 54 to the Puerto Rican community; (2) *Investigative*, to study, investigate, and publicize reports on domestic violence including an annual report to the Governor of Puerto Rico and the Legislature on the progress of Law 54; (3) *Program and Service Development*, to develop direct service projects and strategies to promote policy and procedural changes in government agencies, and improving agencies' efficient and rapid responses to domestic violence survivors (shelter, financial assistance, transportation, job training programs); and (4) *Service Provision*, to provide training and orientation services for counselors, concerning treatment and counseling of domestic violence survivors (trauma-informed treatment, crisis intervention, 24-h hot line).

Too often, individual bias against women and institutionalized gender stereotypes discredit and devalue women's testimony and lived experiences, which, in effect, trivializes domestic violence within intersecting social, political, and legal arenas (Sokoloff and Dupont 2005; Seelau and Seelau 2005). This legislation is a step towards fairness, gender justice, and protecting human rights by recognizing each woman's individuality and her entitlement to full participation in society as an equal (Rivera 1995). Furthermore, Law 54 was amended in 2013 to explicitly include same-sex couples in the statutory efforts to address intimate partner violence as a violation against the civil and human rights of all individuals (Brydum 2013). This amendment guarantees equal protection for same-sex couples under the law.

Human Rights and Gender Justice to Eradicate Domestic Violence

Unfortunately, there does not appear to be an international treaty ratified by the USA that protects victims and domestic violence and guides police response. Article 25 of the Universal Declaration of Human Rights (UN General Assembly 1948) asserts the right to health and well-being for all human beings. Though useful as a guide, this document cannot be legally enforced, as it is merely a declaration, not subject to ratification. Because domestic violence is an increasing global pandemic, there is an emerging norm in international law to be free from extreme and systematic forms of domestic violence. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Elimination of all Forms

of Discrimination against Women (CEDAW) are international treaties that, if ratified, are legal mandates. CAT specifically addresses, prevents, and prohibits torture, an inhuman degrading treatment in all circumstances. The convention compels governments who ratified CAT to investigate allegations of torture, bring justice to violators, and provide help to victims of torture (American Civil Liberties Union 2019). CEDAW advances concrete action steps to improve the status of women and end discrimination and violence against women. It focuses on discrimination in three areas: civil rights (voting, holding public office, equality in education, economics, and social matters), reproductive rights (maternity leave, shared child-rearing, reproductive choice, and family planning), and gender relations (addressing modes of behavior and thought which describe the public realm as a man's world with primary power and privilege (patriarchy), equal rights in employment; Lowen 2018). Notably, the USA has ratified CAT but remains one of only a handful of countries that have not yet ratified CEDAW (Al Shraideh 2017).

CAT's definition of torture refers only to violence "committed under the color of the law" (Garcia 2009; Roure 2011, p.794) and appears to exclude domestic violence in intended scope and practical application. CEDAW, on the other hand, focuses specifically on women's rights, and there has been some movement through the CEDAW Committee's General Recommendation 12 in 1989 and General Recommendation 19 in 1992 to discuss domestic violence explicitly (Englehart, 2014). General Recommendation 12 requires states to include information on violence on women and legislative measures taken to fight gender violence in reporting to the committee. General Recommendation 19 requires state parties to fight gender violence based on the definition of discrimination of the Treaty, and that victims have access to appropriate services. It is important to note that these recommendations are binding for CEDAW states (Englehart, 2014). McQuigg (2018) highlights there are major limitations to approaching domestic violence through CEDAW's anti-discrimination framework. An anti-discrimination framework overlooks domestic violence as a gender justice violation of one's "right to bodily integrity; the right to be free from inhuman and degrading treatment; the right to be free from torture; and in some cases even the right to life itself" (McQuigg 2018, p. 306). Yet, the CEDAW Committee interprets CEDAW to denote that gender-based violence is a violation of women's fundamental human rights. Because of the CEDAW Committee's advocacy efforts, attention has been focused on the various forms of discrimination against women and required action to be taken when there is gender violence. It articulates that gender violence is a severe form of discrimination and a human rights violation (General Recommendation No. 19; UN CEDAW 1992). An Optional Protocol (CEDAW OP) has been added to this convention which allows individual women to petition CEDAW when

domestic relief is exhausted, and allows the CEDAW Committee to investigate systemic violations, including violence against women (Roure 2011, p. 794). From a human rights perspective, domestic violence is a gender justice and equality issue under the law that requires socio-judicial, political, and inter-relational public and private interventions. As a U.S. territory, Puerto Rico cannot enter into international treaties and, consequently, cannot benefit from CEDAW's human rights protections (Roure 2011). The absence of protection from international law makes the passage and enforcement of local legislation, such as Law 54, all the more important to eradicate gender-based violence through a human rights perspective.

Methodology

This qualitative pilot study explored the problem of domestic violence against women in Puerto Rico and the response of the police to women survivors of domestic violence after the Puerto Rico reforms of 2013. The objective of the study was to gather information about police compliance with domestic violence protocols, their response to women in general, and their treatment of women from historically oppressed groups. Three main research questions guided the study: (1) What was the perception of police responsiveness to domestic violence protocols after the reforms? (2) According to experts in the field of Domestic Violence, what were their perceptions of the disposition of police officers toward women victims of domestic violence and their enforcement of Law 54? and (3) How did police officers respond to women victims from historically oppressed groups—poor women, Black women, women in same-sex relationships, and immigrant women?

The sample was purposive and consisted of six professional women with supportive service, administrative, and advocacy experience working with women survivors of domestic violence in Puerto Rico. Participants ranged in age from 27 to 55 years, and all had college education. In order to be included in the study, participants had to have more than 5 years of work experience in domestic violence services in Puerto Rico since 2013, when the government implemented policy changes and reforms to domestic violence.

Data Collection and Analysis

Data were collected through a semi-structured interview of eleven questions conducted in an open-ended style. Interview questions and protocols were developed and piloted by the principal investigator of the study prior to its administration. Researchers utilized a research case study approach with the six participants at different geographic locations in Puerto Rico that could draw on multiple perspectives on the topic (Padgett 2017; Yin 2018; Stake 2005). The interviews

were conducted in Puerto Rico by authors (two are bilingual in English and Spanish and of Puerto Rican descent, and the other is a non-Spanish-speaking graduate student). Research questions addressed participants' knowledge of Law 54 and specific knowledge regarding police practice protocols and attitudes towards survivors. For example, in addressing women from historically oppressed groups, the participants were asked: "How do you view police officers' treatment of immigrant (foreign-born) women versus local women in a domestic violence situation?" When necessary, probes were used for further explanation and to get a richer understanding of themes and meanings, for example, in the area of Law 54 enforcement, police bias, and gender stereotypes (Table 1).

Interviews were recorded and transcribed, and data were analyzed through thematic analysis. To increase the quality of the data, researchers' notes, documented observations, peer debriefing and recorded interviews were compared to identify common themes or patterns across qualitative interviews. To develop a coding strategy for thematic analysis, researchers coded recurrent themes, patterns of points, and meanings across data sets (Miles et al. 2018). Next, researchers identified the relationships among the codes and collapsed them into larger themes from the text to form the basis of key findings.

Findings

Key Themes

Knowledge and Perceptions of Law 54

All six participants understood that Law 54 was created to protect women against violence in romantic or emotional relationships through "judicial tools" and provided them with basic resources.

This law was created to protect women in a relationship. Not only in the relationship but in the past relationships with a person... any person that she had any emotional contact ... and through this law the woman can go the court and say... you know... I want a protection order... (participant 3).

According to participant 4, Law 54 was important because it provided orientation, special assistance, transportation, safety plan advice, needed services, and shelter services. All participants perceived that the law improved women's rights—to be able to obtain an order of protection, make a criminal or civil charge, initiate a call to the police regarding a domestic violence assault, get protection during a domestic dispute, and receive information about a court proceeding. Participant 1 saw Law 54 as the tool created to eradicate different types of

violence: physical, sexual, and emotional. She noted that the law was an important resource to agency workers in encouraging the women by providing reassurance to the survivors by meeting basic needs. For participant 3, one value of the law was that it "...opened doors for grants through the Women's Advocate Office." According to participant 6, Puerto Rico is the first country of the Americas [sic Latin America] to have a law against domestic violence. She noted it is an "advance-ment because it states we will not tolerate domestic violence against women any longer because of gender, stereotypes, machismo... there are consequences -arrest and jail. Domestic violence will stop by legally protecting women." All participants concurred that the police understood the intent of the law but needed better training around its implementation. Service providers and women needed more education about the scope of the law.

Perceived Police Response to the Law

According to participant 4, there are "interagency protocols" the police needs to follow when they are called into a situation. Mainly, they must refer victims to the police department's specialized unit, which is tasked specifically to handle domestic violence cases. Additionally, "the police officer at the scene has to give some orientation to the victim such as a safety plan – advises victim to be prepared to leave the house and stay in another place." She warns that the ability of the police to serve survivors adequately is limited by excessive workload.

We know that sometimes we give them too much work. But the state wants the victim to be well protected and if that means we have to work harder. We'll need to do it. So... but I can say that yes, the police, in general, they are doing... what they have to do.

Participants 1 and 2 stated that enforcing Law 54 was not a uniform process due to the lack of police training on domestic violence. She noted: "police don't know much about the law, the processes related to the law, unless they are trained in domestic violence like the specialized unit." Both participants' understanding of the law was that the police should take a more active role in educating and guiding women about the legal process that will follow. They expressed many police do not have the skills that are important for these duties. Most importantly, all participants stressed that the police "do not know the danger a woman puts herself when calling them for help." They both highlighted the need for police to "... listen to the woman, take down what happened (need for appropriate documentation and evaluation), then guide her to the appropriate unit." Another stated theme was that police and prosecutors were not informing women survivors of their entitlement to resources. Participants 2 and 4 highlighted how

the inclusion of social workers in the specialized unit in 2014 made a difference: “Women are not feeling ...heard and well received...but when a social worker is involved, it flows.” All participants expressed that social workers added expertise to the specialized units—“they engage, listen, address gender violence and advocate for the survivors’ legal protection.” A loophole identified by three of the participants in protecting women was that the law has not kept up with linking technological advances and domestic violence related to texting, emailing, stalking, cyber-bullying, cell phones, Facebook, and other social media. In their opinion, technology creates “a barrier in executing an order of protection for the police.” They discussed their own domestic violence cases in which they were involved where there was a lack of consistency among the police when responding to physical, emotional, and sexual abuse via technology. Many police did not take seriously complaints about gender violence via technology.

Response to Women in Domestic Violence Relationships

It was the perception of all participants that police response to cases of domestic violence was influenced by *machismo*. They were passionate and had rich descriptions about machismo as “male bias and a belief system that men are superior to women, ideology that emphasizes superiority that a man thinks he has over the woman because he is a man, he has these privileges.” Participant 4 referred to “police machismo” as a cultural value that promotes a gender stereotype and is “manifested by their toughness and stoicism” in relationship to domestic violence. When the participants addressed machismo, they explained that this value reflects an aspect of the Latino culture intrinsic in Puerto Rican society. Participant 5 went further to describe machismo and patriarchy as one of the “great wrongs” in Puerto Rico that they and other activists must work to dismantle. Participant 4 thought that in many gender violence cases, machismo was a barrier to appropriate responses by police, but the situation was changing: (She laughs and adds “slowly”).

We are a Latin culture... and you know that the men here tend to be more rough... But that’s something that the police department is working towards [changing]. They are trying to give the precinct some ... workshops to be more empathic.

Participants 1 and 2 highlighted that machismo limited police’s understanding of the women’s experience and their reality. Most participants (1, 2, 4, and 6) stated that police machismo functions to justify gender violence as a private family issue. They explained that many police do not understand the mental processes and experiences of women, especially the emotional instability/vulnerability of a woman during the trauma. Police often come with a patriarchal mentality or

machismo that often leads to victim blaming. Participant 1 stated: “A police officer said to the abused woman, just don’t say anything that will get him angry.” She further stated that another dynamic of machismo is to attribute a voracious sexual appetite to men. She shared a case study where she observed the police “romancing” a survivor who was in court and in crisis. This participant’s role shifted to protect this survivor from the police officer’s sexual flirtation. She feared leaving the survivor alone with the police because of this threat. This behavior had been witnessed by other victim advocates in the past, who had made reports to his superior. Participant 5 alerted the need of addressing the power inequities between men and women created by machismo and raising awareness even for women:

We even have to educate, even our women, because it is very marked in our people... even the women’s roles are so ingrained to believe in this ideology of the superiority and privilege of males.

Lastly, participants 2 and 4 referred to machismo as a reason for discrimination against gay, lesbian, and straight male survivors of domestic violence. Participant 4 stated, “same sex couples are treated with less sympathy [not taken seriously] because of the macho culture that exists in Puerto Rico. This is especially true for gay men and even more for the transgender population.” Similarly, participant 2 noticed that police do not pay attention to incidents in which women are the abusers against men “because they believe that the man should be strong; he should be..., you know, macho.” This participant went on to explain: “...there’s always been the stereotype or expectation of women to be [...] weak [and] not the role of being dominant or abusive. They [the police] often joke and laugh about it.” Participants stated that often police respond to same-sex couples, in which women are the abuser by not documenting the abuse. Therefore, prosecutors cannot press charges.

Response to Women from Historically Oppressed Groups

Participants were asked about their perceptions of police treatment based on the survivors’ immigrant status, nationality/phenotype, socio-economic status, sexual orientation, and homelessness. Based on the participants’ responses, nationality/phenotype was a critical factor for discrimination against immigrant women. All the participants stated that they had witnessed or heard about police treating women with lighter skin color “more appropriately” (helpful, following protocols) than women with darker skin color. Equally important is where the survivor lives—“her geographic location.” All participants felt that skin color, neighborhood, and immigrant status were factors in how police responded to survivors. Immigrant status evoked the strongest responses from

participants, all of them described discrimination against Dominican women. Police bias was expressed as a resistance towards working with immigrant women, especially if they are undocumented. Participant 5 shared case studies and stated: “When the women look for help, the first thing they [police] ask is their immigration status. Police assume they are using the abuse to try to get citizenship papers.” In some cases, she explained:

They just would take her straight to immigration without dealing with the issue of domestic violence. So, they are basically handling the cases of domestic violence as immigration cases. At the same time, there’s also a fear on the part of the women that they may be deported if they report that they are being abused because they are undocumented.

Other expressed concerns with immigrant women is that the necessary documentation of domestic violence is missing in the police report, and if the abuser is a Puerto Rican male, the police tend to favor them against the woman “because they are male and from Puerto Rico.” In these case studies, police often fail to follow domestic violence protocols. Most participants acknowledged that discriminatory practices have decreased since the ACLU lawsuit, but the improvement has been minimal and differential treatment towards immigrants still occurs. Most participants expressed the idea that Puerto Ricans’ prejudice towards Dominican immigrants is a “reflection of our colonialism.” A participant conveyed that Puerto Ricans have internalized the xenophobia and racism they face from stateside Americans and have externalized discrimination to “the other.”

In relationship to police treatment of same-sex cases, participants 2, 4, and 5 asserted that there is discrimination against women in same-sex couples. This discrimination manifests in police resistance by reporting same-sex cases. Participant 2 illustrated a case where the police came, questioned the survivors, and left quickly. “So, I had to follow the police. I had to go after them and tell them to do their job basically.” All participants commented that most police officers treat same-sex couples differently—“rougher, less empathetic, and prejudiced.” According to participant 6, this negative treatment of same-sex couples is related to two factors. First, the police were unaware of the 2013 Amendment to Law 54 which gives same-sex couples equal protection. Second, machismo and stereotypes were a factor in police treatment of victims in same-sex couples: “I have also heard that they mock women. It’s like ‘Oh what are you trying to be, a man?’” Participant 2 explained that there are positive experiences where all agencies work together in cases involving same-sex cases and they have been able to help. Several participants mentioned that Puerto Rican society is still progressing towards accepting same-sex domestic violence

and integrating their human right to a judicial, protective process.

In relationship to socio-economic status, most participants stated that many of the survivors who seek help are low-income women. Participant 3 indicated that women with wealth confronting domestic violence “are more likely to move to a different location or hire a lawyer.” In incidents where police are involved, they respond differently because upper- or middle-class women have legal support and resources and are usually highly profiled in the media.

Participant 5 stated that “often police do not want to assist with protective orders and there is differential treatment between low-income women and wealthy women.” Participant 4, who acknowledged that police treatment was different for women of different socio-economic classes, suggested that police officers are reacting to the environment in low-income neighborhoods, which they perceive as more hostile to police officers. This participant explained that police officers may feel that “they are a target in low-income communities and they may conduct a shorter investigation in order to leave that area quickly.” In contrast, when they are in wealthier areas, they are concerned about aggression, “they are more relaxed and take more time with the investigation.” Overall, the participants did not discuss much differential treatment between women who are homeless and women with homes.

Response from Police in Specialized Units

A prevalent theme that emerged from the interviews was the role of the specialized unit within the police department. These police officers receive specialized training to respond to incidents of domestic violence. All participants commended that the specialized units’ reporting and response to domestic violence incidents are proficient. Participant 3 expressed that the unit has made a tremendous impact on the problem of domestic violence in Puerto Rico, stating “When the specialized units came, that was a great advancement” [referring to the protection and safety of women]. All participants praised the training the specialized unit received after the release of the DOJ Civil Rights Division report as a major strength. For example, one participant stated that police officers in the specialized unit do not wear police uniforms and are dressed in civilian clothes when responding to domestic violence cases. The participant argued that this makes a big difference for survivors who may be concerned about drawing attention from neighbors who see police officers in their homes. It is also relates to community policing-making police officers seem approachable and less intimidating.

Most participants stated that the specialized unit police are respectful, provide transportation, collaborate with advocates, and know protocols and process. Participant 6 described how, unlike the general police, “the specialized unit is trained to investigate, evaluate, inform survivors of court proceedings

and report. They calm the victim or see for signs of being afraid, of being scared.” Another positive feature of the specialized unit was the collaborative practice of social workers on the team. As stated by participant 5, “Since 2014, social workers respond to the call and join the police officer in working with the victim. The social worker will assist with orientation, support, and linking survivor with needed services.” However, participants noted that a major drawback of the specialized unit is that it has resulted in a dearth of domestic violence training for the general police. As a result, the general police are ill equipped to handle domestic violence crimes, which, in practice, they are often required to do. Participant 6 pointed out that not training all police on domestic violence was deeply problematic and argued that police should be “capable of serving a victim in the event that a member of the specialized unit is not available.” In her opinion, the specialized domestic violence unit should be eliminated, because its existence has affirmed the premise that not all police officers need to be trained to respond to domestic violence incidents.

Discussion

Although the participants regarded Law 54 as a “judicial tool” that protected women against violence, they felt that the police do not uniformly enforce the letter of the law. Police’s lack of responsiveness to survivors of domestic violence and their resistances to enforcement of the law is best understood in terms of police gender bias influenced by machismo and patriarchal ideology. The participants gave rich accounts of machismo as an ethnicized construction of hypermasculinity that fuels misogyny and sexism in Puerto Rican society. According to Manne (2017), misogyny is a “property of social environments in which women are liable to encounter hostility due to the enforcement and policing of patriarchal norms”—male dominance, power, and entitlement (Hirsch 2018). Women are expected not to threaten or challenge the patriarchal social order. Women are to be complicit in upholding men’s power, needs, and desires. Manne (2017) frames misogyny as the enforcement strategy of the patriarchal system and sexism as a set of beliefs that justify it. In this study, participants expressed the need to dismantle the systems that promulgate misogyny and sexism. Manne (2017) acknowledges that by continuing to honor male dominance, power, and privilege, society values patriarchy over women’s agency. She has coined this power dynamic as “himpathy” and explains that within a patriarchal society, we fail to protect the lives of women victims from their aggressors.

According to Roure (2011), the gender-based nature of violence against women and its linkage to subordination, inequality between women and men, and discrimination led to its categorization as a matter of human rights. Domination resulting from colonialism has shaped women’s experiences

and racialized women’s bodies in the conquest of the “other” (Mollett, 2017). From the perspective of these six domestic violence professionals, the most prominent human rights violations of police are manifested by discrimination against women survivors in the Dominican and LGBTQA+ populations. The participants overwhelmingly reported that survivors from these groups are treated in a discriminatory manner, resulting in the police’s failure to document and report domestic violence incidents and to advocate for protective orders.

Another repeated theme was that the discrimination, prejudice, and bias that exist in the police force (such as patriarchy, machismo, and xenophobia) are reflected in the culture of Puerto Rico. It follows that a change in Puerto Rico’s cultural attitudes towards gender justice may need to coincide, if not precede, a change in police culture. There was a sense among these professionals that Puerto Rico police are aware of the scrutiny they are under from the DOJ and ACLU lawsuits and investigations. This awareness has motivated them to more consistently complete the required paperwork, but this may also mean that reforms have fallen short of deeper and more meaningful change in gender relations. According to the participants, positive reforms will only happen when Puerto Rican society evolves from a macho, patriarchal, and colonial status to a just nation that promotes equity and equality for all.

Katz (2006) furthers this discussion by introducing the Macho Paradox to explain the multiple meanings, with both positive and negative connotations. In traditional Puerto Rican society, macho has positive attributes—a macho “real man” is well-respected and embodies courage, honor, pride, humility, and responsibility (Katz 2006). The positive characteristics of the Spanish word *macho* have been lost in mainstream English usage, where macho is used almost exclusively to refer to hypermasculine aggression. Katz acknowledges that colonial exploitation and cultural domination of Latin America by early European and later U.S. imperial powers led to the negative connotation of macho. Thus, Katz (2006) chooses to use the positive, traditional characteristics of macho to associate men’s potential for leadership in the ongoing struggle to end men’s violence against women. He believes that transformational social change will only occur if a critical mass of men views domestic violence as a male issue. For example, a macho will call out sexism and misogyny when he sees it because he has the courage to take responsibility for controlling sexist or violent behavior in his community. Katz (2006) holds men and boys responsible for the paradigm shift needed to eradicate gender violence.

In spite of their discussion of these concerns and the need for further work, the participants revealed a prevailing sense of optimism. They reported that police response to domestic violence survivors has improved. They attributed this progress not only to recent reforms but also to agents of change within the community. There is a palpable spirit of activism in Puerto Rico by social service providers and advocates to produce

positive change regarding police response to gender violence. Social service providers have a three-prong strategy: meeting with police on a monthly basis to discuss gender justice, providing workshops to inform police of trauma-informed best practices, and educating immigrant women of their rights. In relationship to advocates, after Hurricane Maria, the *Colectiva Feminista en Construcción* (Feminist Collective in Construction) led the way in building a mass movement and declaring gender violence a public health state of emergency in Puerto Rico (Alcantara 2019). People of all genders and ages (children included) marched in protest against macho violence and pressured the governor to sign an executive order proposed by La Colectiva against gender violence. Their message was clear: “respect our existence or expect resistance. Sign Ricky (governor) sign!” After 3 days of protest, the police met protesters with batons, tear gas, and pepper spray. The governor did not sign the executive order. Months later, La Colectiva demanded and succeeded in getting the resignation of the governor of Puerto Rico after the publication of e-mails containing misogynistic, sexist, and homophobic remarks by him and his cabinet members.

Conclusion

The authors’ perspective is that all women have the universal right to live a life without violence, intimidation, fear, and free of bias and discrimination. The study examines the ways that immigrant status, nationality/phenotype, socio-economic status, sexual orientation, and compound women’s experiences of oppression influence their lives (Crenshaw 1991). Women have a right to equality and security, a right that should be safeguarded by the law. In a patriarchal society, women often occupy a lower status in families and society and feel pressure to sacrifice their individual well-being for the solidarity of their family unit. Often women stay in intimate partner violent relationships because of internalized oppression and to be complicit to the prescribed social order of male dominance (Manne 2017). This study underscores the importance of going beyond police training to challenging cultural beliefs, norms, and institutional systems that promote misogyny, sexism, and male dominance. Today, La Colectiva has created a movement and a platform for women as leaders and real men to join in with shared responsibility to reduce gender violence. Using Manne and Beard’s frameworks, Puerto Rican women, including these study participants, will dismantle patriarchy, machismo, and colonialism that is pervasive in a gender violence culture. Reichard (2019) describes the women’s collective movement:

Women have been silenced for too long, but now the daughters of this crisis are standing up to the government and saying ‘enough.’ Men join this fight because

of women. Join our movement of love and justice for all. We are building another life, a permanent revolution. For us to create a new reality, and radically transform society, it’s going to be a lifetime commitment.

It is important that social work and leaders go beyond Law 54, and anti-discriminatory U.N. treaties to create social change. Transformation is about the collective, the citizenry, and becoming involved to change societal values and belief systems that justify inequality. Social workers can raise cultural awareness, but they also need to take action to change the harm of misogyny, sexism, and patriarchy. Within their practice in diverse settings—schools, community centers, behavioral health organizations, child welfare agencies—social workers need to challenge the patriarchal power differential, social structures, and inequalities that minimize the worth of girls and women. The time to change the status quo is now by giving voice and power to the lived experiences of the many survivors of gender violence. Beard (2017) argues that girls and women do not need to emulate masculine power. “To Power” needs to be a verb, that is re-defined to what women and girls naturally have—the ability to be effective and to make a difference and the right to be taken seriously. Boys and men need to be included in the national discussion to break the silence and make social movements stronger and more expansive by paying attention to the women who originate them.

It is important that social work have a micro and macro lens in questioning and re-dressing the structural arrangements that prevent equality in all its forms—lack of police responsiveness, police-gendered bias, machismo, Latinx cultural bias, and resistance to domestic violence as a public health problem. When domestic violence is perceived as private, violence becomes a hidden personal crisis. Because the survivor’s personal worth is discredited in the violent relationship, families affected by domestic violence experience much harm. Domestic violence violates the integrity of families and is a serious threat to the well-being of all society’s members. Social workers need to engage boys and men to change the paradigm in their communication to be respectful and equal. In Katz’s (2006) words, domestic violence is a man’s issue because they are committing the crimes and perpetuating misogyny, sexism, and patriarchy. Transformational change will take place when men understand that it is healthy for them to reduce the level of men’s violence against women.

Although the findings from this study are not generalizable, this exploratory study supported what has been previously documented in the literature and illuminated several areas for further research regarding police response to gender violence. There remains a need to examine the mass movements in Puerto Rico by women and the effects on gender violence. As society changes its views from controlling, dominating, and silencing women, will the PRPD change their cultural

values of machismo, patriarchy, and colonialism in relationship to gender violence? Can studying the specialized police unit's structure and challenges better inform police responsiveness in eradicating domestic violence? Ni una mas! Not one more! (La Colectiva slogan).

Compliance with Ethical Standards

Ethics and research approval was granted by the institutional review boards for the protection of human subjects at the investigators' educational institutions.

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