

Best Practice for Law Enforcement Response to Domestic Violence

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with Marcus Bruning, Retired Deputy Sherrif, St. Louis County, MN

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(relaxing music)

- **[Voiceover]** Your call is now live.

- **[Voiceover]** Hello everyone, and welcome to the first Building Block webinar offered by Praxis International and the office of Alice Gibson. Building Block webinars will feature the core components of effective rural, institutional, and individual advocacies that improve outcomes for victims and accountability for offenders. We're so glad you're able to join us today. My name's Maren Woods, I am Praxis' Rural TA program manager and I am subbing today for Liz Carlson who is on another webinar for one of our programs. I am your hostess with the mostess, maybe, (chuckles) some might say, for today's webinar, and I'll be monitoring your chat for the questions and comments. And I say I'm the mostess 'cause I'm also doing text duty today as well. So I'm gonna go over just a couple of tips for participating in today's webinar. The first is that all of the lines are muted throughout the call, so you don't have to worry about background noise, but we do wanna hear your comments and respond to your questions. So, if you're listening by audio only, some people may be, you can email your comments or questions to me at maren@praxisinternational.org. If you're listening using voice, or excuse me, if you are also using the computer and you can that you're connected to iLink through the webinar platform, you can chat in your comments or questions via the Public tab on your screen. So go ahead and practice chatting in now and why don't you go ahead and chat, and chat in anybody who's listening with you today as well, so you can say hello, and I have two people listening with me today or just me, whatever you like. Go ahead and chat that in now.

Some folks have already done that before we got started. It looks like people are being a little shy about the chat piece right now, but that's okay. If you have any technical problems or questions you can also use the Private tab which is just to the right of the Public tab in the iLink platform and you can choose to send a private comment to Praxis staff, that's me. I'll see that and I can respond to you that way as well. If for some reason you lose the webinar connection today, you can go back to that initial Join link that you received in your email from Praxis staff, or you can email me at maren@praxisinternational.org and I'll try to help you that way as well. And if you lose phone connection for some reason as sometimes happens, just dial back in, and if for some reason that happens multiple times, then you can try dialing back in by cell phone if you have that capability. Sometimes they say that can override problems. One other thing that I wanted to let you know about is that immediately following the webinar, as you close out of the webinar service you'll be linked to evaluate this session, and we do appreciate you taking just a couple of minutes to answer five short questions on that eval 'cause we use that information to improve our training events. Today's training will be an overview of current law enforcement best practices in response to cases involving battering. We're fortunate to have with us today Marcus

Bruning. Marcus is a retired law enforcement officer who served as a member of the St. Louis County, Minnesota sheriff's office for 20 years, and I think he was a law enforcement officer before then as well. Marcus retired as supervising deputy sheriff for St. Louis County. He was involved in developing a model policy for the country in rural agency response to domestic violence through a Department of Justice grant.

He's presented at several conferences across the country as a contract instructor for Praxis, domestic abuse intervention programs, the Federal Law Enforcement Training Center and the National Sheriff's Association, as well the Gender Violence Institute, on subjects related to domestic violence, sexual assault, interviewing, interrogation, and has been utilized as a subject expert nationally. We're really happy to have you with us today, Marcus. And Marcus you're muted, we'll just remind you to unmute yourself when you get a chance, and then I will pass this over to you to go ahead and take it away. You're still muted, I'll come over shortly. One moment.

- **[Voiceover]** That I did.

- **[Voiceover]** Try again.

- **[Voiceover]** Can we hear me now?

- **[Voiceover]** Yup.

- **[Voiceover]** All right, great. Well, people been tryin' to mute me for years so at this point it was my fault. For me and myself I apologize. In an office that I'm not normally in. I appreciate the opportunity to come in to spend some time with you today, and I most appreciate the work that you do and wanna make sure that you know that as a law enforcement officer I'm well aware of the challenges that we have throughout rural America, and throughout our rural agencies across the country. As well as the challenges that face many of you in your individual communities. As Maren said I had the unique opportunity to sit on a panel that wrote a model policy for the country on how to respond to domestic crisis, particularly, how to respond to domestic crisis in a rural setting. So this really gave me an opportunity to look at the way that I had been doing business as a police officer for many years, and also to really look at the impact of the decisions that we're making as police officers on the rest of the system. So today we're gonna spend some time talking about the best practices for law enforcement and give you insight into some of the training that we're doing through Praxis International to be able to better equip your team in responding to these type of incidents. We worked on the policy and I was very fortunate to meet Dr. Ellen Pense in about , and she really challenged me to think about what it was that I was doing as a police officer. And I've responded to thousands of domestic calls, but she was really the first person that ever had me take a deeper look at some of the impact of the decisions that I was making. Really what I had done was fallen into a situation where I was an officer that was used to responding to situations where I came to some sort of a resolution very quickly and would try to do something to resolve the situation. And over time of my career our response to domestic violence changed significantly. When I was first a police officer domestic violence was really considered to be a very private family matter, and we would go to a house and unless there was something just very egregious or some particularly nasty violence, we would tend to ask people to take a walk around the

block or to find someplace else to stay for the evening. But it really didn't do anything to address the problem and certainly didn't do anything to look at domestic violence in any more than just a snapshot. And by a snapshot I mean that I looked at it for the here and the now and that day that I had responded, and I really didn't have a better idea of how to look at that until I started to do this work with Ellen. As I went on in my career then we came to a point where we realized that making an arrest would be a positive thing, and I worked through law enforcement when we were relying upon victims to make decisions about what they would like to do. If they would like to press charges, or not press charges. And I certainly met some challenges in those days, and then eventually moved into the world, first in Duluth, Minnesota which is where my office was as a deputy, to make arrest decisions for victims, and really have that burden be shifted. Unfortunately when we shifted the burden of holding the offender accountable from the victims' system by making that decision for a victim, from the state's perspective, unfortunately there were many officers like me who really kind of quit at that point. Where I would make the charging decision but I was still relying upon a victim to go forward with my case and I'll explain that more as we go on this afternoon. But I really haven't done much to shift the burden from the victim to the system in holding the offender accountable, and that's what we're gonna be talking about throughout this session. Once we implemented our programs, and again they were funded by the Department of Justice, and the intention of the Department of Justice was not just to make our agency good, but to really look at rural law enforcement across America. Rural law enforcement makes up the majority of law enforcement in our country.

I mean there are thousands and tens of thousands of agencies across the country, and I've heard statistics of over % of the agencies in the US actually are in a rural setting or have 5 officers or less, and of those agencies, almost half of them have five officers or less. So once we finished this work and came up with a model policy, then the challenge really was how do we get this information out to rural America. Many times these agencies are smaller and don't have the budgets to be able to go forward and bring their department to a training at a location and hear national speakers and folks that are really up on the best practices. Fortunately many of you, through grant programs, have had those opportunities, but the most part across America, law enforcement doesn't have that opportunity. So Congress and the Department of Justice thought how can we get this information out to rural America, and they charged the Federal Law Enforcement Training Center, a division of the Homeland Security Department, with going out and training rural America. I was very fortunate to have an opportunity to go with them. And totally across the country I've actually trained officers in all 50 states and prosecutors in all 50 states, and I had an opportunity to meet people like you, people that were working very hard to make a difference in people's lives, working very hard to create a deeper understanding within our criminal justice systems, and really within our communities in how we could make a difference for victims with domestic violence as we moved forward.

In meeting these practitioners I found people that had the same struggles and the same challenges and certainly the same celebrations for the things that were going right. And I learned a great deal from those people and traveled the country extensively, but always brought back information that I learned from people like you, back to our agency to try to make it better. I don't believe that the work was ever finished, I believe the work continues to go on in making a better response, and we'll, again, talk about

some of that this afternoon. In addition to meeting incredible practitioners and people like yourselves that are making a difference in the lives of victims I also had the opportunity to gain trusting relationships with victims and to really have a frank conversation with them about what it was that I was training police officers to do across our nation. And then more importantly, what was the impact upon those decisions and the impact upon those actions that we were taking, and to have these conversations and to contemplate those into the daily duties that I was doing as a police officer, and more importantly into the training that I was doing with our nation's police forces. Really thinking in a deeper level about the impact of the things that we were doing.

One of the most impactful people that I met was one by the name of Susan Still and I'm certain that many of you have an idea of who Susan is. But Susan lived in Rochester, Upstate New York, and lived with her husband for 24 years and had three children with her husband, and only the last two years of her relationship were physically violent. However, when she looks back upon that relationship she can see the controlling behaviors that you and I know beginning very early in the relationship and progressing throughout the relationship. But the last two years of her relationship became very physically violent, and the relationship ended on the night that I wanna describe to you, but keep in mind, again, it was only the last 2 years that were physically violent. But as the last two years progressed the violence became more severe and the violence became more frequent, to a point where, I'll describe the last situation. The last night that Susan was with her husband in New York he called what he called a family meeting, and that was the meeting with Susan and with her children, and basically it was the meeting in which he was gonna talk about what Susan had done wrong that day in front of the children. And it started out with verbally abusing her and calling her names and talking about the things that she wasn't able to get right, and became more and more aggressive and eventually became physical in front of her children.

This went on for a good long time, and punching and slapping and kicking and actually knocking her down to the ground and strangling her. And she said for the first time ever when she was looking up into the eyes of her husband who was physically assaulting her, for the first time ever she felt like she was looking into the eyes of not someone who loved her, not someone who is the father of her children, but looking into the eyes of a man who was going to kill her and very likely would move that aggression onto her children and kill her children. She had certainly been recognizing that it was becoming more violent and becoming more desperate for her to do something, to make herself safe, and she decided that that day was the day. And when she woke up the next morning he had very little contact with her. He was not working, she was working. She looked in the mirror and she had a fat lip and black eye and a broken eardrum it turned out to be. And she was very concerned that he was not going to let her go to work looking like that. But she put on an extensive amount of makeup, and again, he had very little contact with her that day which was unusual, but she kind of crept out of the house, got into her car and backed out of the driveway and knew that she would never ever be back. Her children had already left and gone to school. When she got into her workplace, that she's found certainly some support from her boss who asked her what had happened. And then Susan told her the simple words of "today is the day," and her boss went and called the police.

The police came and started to work with Susan and certainly they were very concerned that her husband's gonna find out about her taking some actions to escape and to get away and to be safe, and she put into place of a safety plan with an advocate that really started to help her figure out what she could do to make herself safe and to make her children safe. Both of her boys were picked up at their local schools by law enforcement and brought to the police department. And her daughter was approached by law enforcement to come to the police department to be safe, and her daughter was over the age of 18 and refused to go, and in fact called her father and let him know what was happening. That's really when it became a race against time to figure out what she could do to make herself safe, and to figure out what she could do to make her children safe. After quite some time at the department and thinking about how to do it, they did a phone call where Susan called her husband on a recorded line and they obtained some very solid evidence where he threatened to kill her, on this recorded line, if she didn't bring home her son.

So that was a good piece of evidence and law enforcement worked with Susan and with her advocate, and decided to put her into a place of shelter for the evening with her boys. She told me that she remembered about : in the morning finally, her boys were quite upset over what was happening, had finally gone to sleep and she was laying there on her back thinking, now what? What do I do now? I don't have any money, I don't have a credit card, I don't have a cell phone, I don't have any place to go, I don't have any family to turn to. What can I do at this time to make myself safe? A few hours later law enforcement showed up and tried to get additional statements from her, and she was offended by that, and thought this isn't what I need to be thinking about now. What I need to be thinking about now is how to keep my kids safe. But over time, working with an advocate, her advocate was able to gain her trust and to work her through what we needed to do to move forward in assistance to ensure that she was safe, and also to ensure that the offender, her husband in this case, was held accountable. The case was extremely interesting and I'm sure that many of you have heard of the case because about ten days later, after the law enforcement had started to intervene Susan revealed that there was a video tape of that family meeting from that evening that I first described. But she was afraid to tell people about the video tape because she thought that her -year-old son, who had taken that video tape, would be in some way in trouble for participating in what she certainly knew was wrong and potentially a crime. But once this video-taped evidence came forward law enforcement was able to put together, as you can imagine, quite a significant case, and also putting together with the video tape the audio tape that I described where he makes threats to kill. And it turned out that Susan's boss had been keeping a record in a calendar for a -month period describing any injuries that she showed up at work with. Law enforcement worked with her and with her advocate to come up with a timeline to identify all of these instances where there was physical assault.

The most interesting part of this is the case moved through the court system and her husband had several opportunities to take plea bargains but was so convinced that he could not only control Susan and her children, but that he could also control the criminal justice system. And he decided to go forward with the court trial. It ended up being a court in New York state with a judge who I would describe as a man who was approximately 65 to 70 years old, who had clearly been in the criminal justice system for most of his adult life, so probably 40 years that he had been involved in the criminal

justice system. There's a video tape of an interview with this man that a / piece was done with Diane Sawyer where she went and interviewed this judge, because this judge handed down a decision that was a -year prison sentence in the state of New York, in fact the most aggressive prison sentence that had ever been handed down on a domestic violence case that did not result in homicide. So Diane Sawyer went and interviewed this judge, and again, describing this man that's, not elderly but certainly he was seasoned and had been around the block and had been involved in the criminal justice system for a good long time. And when she started to talk with this man about the video tape of the incident, and it's very graphic, it goes on for 57 minutes long, the man calls her all kinds of names, certainly didn't call her by her given name, and physically assaulted her, knocked her around, and all of this in front of her children who were at that time 13 years old and -year-old boys. And as Diane Sawyer's talking with this judge in this situation, he begins to weep on national television.

What he said was is just the video tape is so devastating. And the next words that he said are something that I've worked on for the last good many of years of thinking about what I wanted to do with my training. But what the next words that that judge said was, "a case this unusual requires this unusual punishment." A case this unusual requires this unusual punishment. And I thought to myself as a police officer and as a trainer what made this case different? What made it different? She had a black eye and a fat lip, turned out to be a broken eardrum. But I thought of the thousands of victims that I've worked with that had at least that as injuries, that resulted in nothing even close to a prison sentence like this. In fact, many times resulted in zero jail time, but a misdemeanor or low-level convictions. What I thought to myself was what made this different for this judge? What made it different was for the first time in his 40 years in the criminal justice system, he had seen it, and I felt tremendous guilt, because I had seen it hundreds if not thousands of times. And I thought what could I have done differently in my investigation and in my report writing, and in my bringing this case forward to the criminal justice system? What have I been doing over these past 25 years that a judge took him 40 years to actually see it? And again, I felt what could I do different? I started to think about who else needed to see the movie, who else needed to have the same understanding as me? It really changed the way that I responded to calls, and it really changed the way that I started to think as the police officer as well. I just started to think about how victims were relying upon me as probably the only person who saw it the way it was. That day that I responded to that domestic call.

I started to think about how could I start to work more in a team, and certainly you're all well aware and working toward, if not already fortifying, your coordinated community responses, and moving forward in rural America and having that feeling of working together and what a difference we could make. And thinking about how could ask questions and elicit information from a victim to make sure that we're forming a positive response and meeting their needs and being received as somebody that understands what's happening within their household. How can we think differently as law enforcement? How can we go there and realize our burden of carrying the burden of making sure that everybody in the criminal justice system could see the movie the way that I seen the movie when I responded to those thousands of households. How could I build the relationship with Advocacy to make sure that we're working together as a team and as partners and to recognize that both of us have a sincere role in making sure that victims and children are safe. And both of us have a sincere role in insuring that offenders are held

accountable for their actions. And I thought about who else could I bring in as subject-matter experts or witnesses. I thought of emergency medical services and couldn't they be somebody that I could have help me bring that movie to the people within the criminal justice system to document signs and symptoms of injury, and signs and symptoms of things that were happening in households that only people like you and I really are aware of, and society just cannot imagine it. It made think about how could I make the jail a partner of mine to make sure that I don't just bring an offender to jail and lock them in to hold them accountable, but that jailer is also contemplating what are we doing to ensure that the victim is still engaged? Does the victim know what the next step is?

The victim understand how they can get protection from this individual? Am I doing what I can to ensure that my offender is not intimidating my victim? And the more research that I do on victim intimidation by batterers in particular, the more that I see that the only time that I wasn't aware that this batterer was making effort to intimidate their victim, was because it was working. Lemme just say that again. I became aware that the only time that I didn't know about victim intimidation efforts on the part of a batterer toward a victim is when it worked. So it's just almost universal and I started to think again, how could I work with the jail to ensure that we're holding this person accountable but that we're remaining a team, a force, a coordinated effort to ensure that we have engagement with our victim as we move forward. I thought about the prosecutors and I thought what could I do to show them the movie? Not in every case for them to come down and argue different conditions of bail. But every police officer in America has been to a call where you just have this feeling that things are not going to end well here. And this is one of those cases where the status quo of what happens every single time in a domestic case in your communities and in your environment, this is one of those cases where that's just not good enough. What did I need to do to be able to show the prosecutor a little bit more about what had happened to her, or essentially show them the movie of what had happened so they could argue for different conditions of bail. And how could I get probation to focus on threat and risk to this victim and this victim's children, rather than focusing on what typically probation does across America, is to focus on this person's risk of flight or focus on the offender's risk to society, when in fact domestic violence is so much different and domestic battering is so much different.

And that this person is generally not a risk to society, but this person is a risk to the victim and to the victim's children. So how do we get them to think differently about it? I need to start to ask them questions. The biggest question that I learned to ask was what do you need from me? So to ask a prosecutor what do you need from me to argue different conditions of bail? For the probation agent, what do you need from me to contemplate this case from the matter where you're thinking about the victim's risk and the risk to the victim's children rather than the risk to society or the risk of flight? To protective services or social services what do you need from me to have the same understanding as I do, essentially what do we need to do to make sure that you see the movie, that you can do your job? And it really entailed me thinking differently about the way that I respond, and about who else was looking for that movie. Isn't it true that a civil proceeding, if a person or a victim decides to get a protection order on behalf of themselves or their children, wouldn't it be good for that protection order, court, or magistrate, to see the movie, to understand it the way that I understand it? Wouldn't it be good for the trial and beyond? What I really recognized, what I certainly have found from law enforcement officers

across the country is there we're the very few people who has the opportunity to see it, smell it, feel it, hear it, and understand it the way it was. It will never be the same. It won't be the same tomorrow when the investigator comes up to do a followup. It won't be the same in an hour even after I leave or if I take the offender to jail. It just won't be the same from that point and it's really up to me to ensure that everybody else on my team has that same understanding and really sees the movie. And as we go to trial I want the prosecutor to have what they need, that they've seen the movie so that they can bring the understanding to a judge or to a jury to focus on the right things. Not on the victim's behavior, but on the offender's behavior and that they broke the law, and to not make excuses for what happened there but to recognize that to hold an offender accountable we've gotta have a sincere understanding about what happened. And as I started out a presentation this afternoon it's generally not what happened today, but it's what happened in the much larger picture about how it got started and how it go to be like this. And I'll talk with you this afternoon about some very simple techniques that we can ask the officers to do and have done successfully across the country to get them to think differently. How do we get the judge and the jury to see the movie, the probation agent for sentencing? What better opportunity do we have than to hold an offender accountable, to make sure that there are swift and sure consequences that make sense in this particular case? Not something that makes sense with any other crime, but in battering, in domestic violence.

In a situation where a person is holding their intimate partner under power and control and has incredible intimate knowledge of that person and abilities to control them. Very different than we have in any other case that you respond to in the criminal justice system or as really helpers or professions that are all represented here today on the call. And for people in treatment programs as well. What do we need to do, again, to hold this offender accountable and to keep the victim engaged as to how things are going with treatment or with looking at belief structures or we're looking at battering behaviors and making sure that a victim, and a victim's children, are being safe. So it was a tremendous paradigm shift for me to think differently not only about what do I need as an officer, and I'll talk with you about how I needed to look at it differently, rather than just today about a bigger picture, but really what do other people need from me? And as I described, I just really needed to learn that that question of what do you need from me. You don't need me to write a book, you need me to know what it is that you need to get your job done. You need me to know what it is that you need to have the same understanding as me so that we can move forward as coordinated community response throughout rural America and make sure that we're treating offenders in a way that holds them accountable, and that we're making sure that victims are safe, and their children are safe.

And that we're working to keep them engaged in a process as we move forward to ensure that safety and offender accountability. Really I take responsibility for the case. And I think now, and then I continue to work with Susan Still, who I described a few minutes ago, in fact I worked with her in Duluth not more than two weeks ago. She's doing well now. She has good relationships with her children. Her husband is in a prison in Attica, New York and will be for some time. But she's still very afraid. She's very afraid that he'll know where she is or that he has very long tentacles that she said, and that she has a website, and I have a website and he knows where we're travelling and where we might be. When I thought about my responsibility for the case it made me think about what does the case really mean to

somebody that's a victim that we're working with like Susan Still. Or a victim that probably all of you have in mind right now within your own communities across America. What does it mean to them, to the case? Is it over at the time of the arrest? Is it over when the law enforcement officers leave? Unfortunately, as law enforcement officers and myself included, I kinda felt like I was done when I had make the arrest.

That my job is done here. Maybe I need to go to court in two or four or six months ahead. But my job is done, when in fact it most certainly is not done. I needed to think differently about what the case really means to this victim. The case for Susan Still, as an example, will go on forever. That it will never be over for her. And I continued to worked with her and she continues to work with Advocacy and she continues to think about what she needs to do to keep herself and to keep her children safe as she moves forward. It's really not today that we're contemplating. It's not today's incident that I'm responding to as an officer, but this is an incident that's been brewing for a good long time. And the more than an officer can understand it, the more that they can back away, step away from today or the snapshot as I call it, and think much more globally about the totality of circumstances, and to not shut a victim down who's gonna tell them about the worst incidence of violence, or about how it got as bad as it is today. But to let that person explain how it got to be the way it is now and why there's so much fear involved, and what sort of terroristic things are happening within that home of a batterer that you and I all know so well. It's in the eyes of the victim and contemplating what an incident really means to that person as opposed to the way that I did it as an officer before. Anybody has any chats that they wanted to come or send in, we'll just take just a minute break here. Questions or comments.

- **[Voiceover]** Go ahead and chat in any questions or comments you have at this point. Marcus in the background, I was getting PowerPoint sent out to people. It happens occasionally that they can't see the slides for some reason if they didn't fully download the new application. I think iLink did some updating in their system so I was sending out the slides. But I think everybody has them now, but go ahead and chat in any questions or comments so far. Really appreciate you sharing the example of Susan Still. I haven't seen her in a while, it was great to hear an update about she's doing. So thanks for sharing that story, Marcus.

- **[Voiceover]** Welcome. You'll have other opportunities to send in a question, and I appreciate I got a couple of comments, that's good. We'll continue to move forward. Again, I have some other opportunities for you to send in questions or comments and certainly send me email afterward if you have additional information that you're looking for. Certainly all of us are familiar with the power control wheel that was so smartly developed by talking with a couple hundred women in Duluth about what's really happening in their lives. And I hear countless stories how people in Advocacy that work with women and sit down and look at this power control wheel and get a better understanding about what had happened there. And I thought wouldn't it be great to be able to bring this in a different way to law enforcement? To recognize these power control things that are occurring and to get me to think differently about the questions that I even ask, and get me to open up a little bit rather than just a snapshot of coming in and looking for violence, or in many communities coming in just looking for physical signs of injury, in many cases, and then arresting whoever caused that injury. And I'll give you some examples about how we're working with law enforcement to get them to think a little bit

differently about it. But I just think it's such a powerful tool and every place that I go it's so well recognized as the standard of what power and control really means and about what battering really means. This isn't about violence in the home, this is about battering in a home between two intimate partners. That's generally physical and sexual violence that establishes that power and control. But then really recognizing for me all the things that were occurring once that power and control had been established. The way that he would be able to minimize and deny and blame her for everything and really to the point where she in many cases believed that it really was her fault why things weren't perfect anymore.

He had her completely believing that, and completely minimized everything that he had to be responsible for, that it was always her or always the kids or look what you made happen here. And the isolation and emotional abuse and the intimidation and coercion and threats and the privilege and the economic. Really what it did was to get me as an officer to think differently about it in the ways that I responded and the way that I asked questions and the questions that I asked. Again, I'll give you some examples here later on in the presentation to be very simple to get the officers to think differently about it. But whatever you can do to make the members of your team recognize and understand this power and control and just what it's all about at the center and on the edges, and the tactics that a person is able to use once they've established that power and control. I told you that I wanted to talk a little bit about officers and how we can get them to think a little bit differently about it. And as I said, many of the places that I respond to, the officers are used to an environment where they'll go in and they'll look for injuries. And if they find an injury, then they feel compelled to make an arrest of the person who made the injury or who caused the injury.

So this officer's use of force is a tool that I'll use oftentimes with police officers across the nation and give them a scenario where generally I'll play a video vignette for them where an individual is not being physically violent to them, and by that I mean they haven't punched them, kicked them, done anything to them physically, but the person is very aggressive. The person starts off just being verbally aggressive and calling the officer names. Then the person, who's quite large I might add, kinda squares off into a fighting stance and has a bottle of alcohol in their left hand that they're drinking from, and then moves that bottle to their right hand and holds that bottle in a manner that an officer interprets as a weapon. I'm always amazed at the powers of observation that the officers have in reading people, particularly in reading aggression, and I fully attribute that to me being in law enforcement for 25 years and retiring with all my teeth, which was my mission, by the way. And learned to read people's aggressions and to read those in a way that kept myself safe. I point out to the officers what experts they are at keeping themselves safe and what experts they are at reading aggression. It's interesting as this video goes on the officers began to escalate their uses of force.

Where initially they use verbal commands to tell the person to put the bottle down and stop, police officers stop, don't come toward me anymore. Sometimes the officers will move up the scale of force that they'll use and maybe use a chemical agent or mace and spray that person with mace. Or maybe do something else where eventually the officer has to cross this line of physical force and physically do something to stop this person's aggressions toward the officer. Keep in mind that the person who is being aggressive has not done anything physical. He certainly threatened to be physical toward the

officer with the bottle and with their other motions, and with fists and coming at them. But the officers, no matter where I go across the country in rural America, will always take some physical action. And this is the thing that is certainly not something that I enjoyed doing in my career, but something that I was certainly very well trained to make sure that I could take care of myself physically and take physical actions. And I can assure you with no pride whatsoever, that I left a mark, and I left a mark on more than one occasion. That wasn't my intention to leave a mark but my intention was to keep myself safe, to stop the immediate threat, to stop the eminent threat toward myself. This video that I show the officers most of the time results in the officers eventually using what I would call lethal force or deadly force, where they end up using their firearm to stop this individual.

And what they often start doing is I put them into a situation where they are able to describe that they are in imminent fear of great bodily harm or death from this individual, and they've done everything else that they could to exhaust their efforts to stop this advancement of this person toward them. Again, I have to be quite honest, where I set 'em up in a situation where they really don't have any other choice but to use force and they caused this individual harm. And then I point out to the police officers that this individual that they caused harm to never did anything to cause them any physical harm. So what would happen if these officers was involved in a deadly force situation or they used lethal force against this individual? And I can tell you first handedly what would happen is that an outside investigation or an outside agency would come in to investigate the situation where I used deadly force. I think about what that investigating agency would look for. They would certainly look to see what were my impressions. The Supreme Court weighed in on a decision on a case called *Graham versus Connor*. With *Graham versus Connor* the Supreme Court said that law enforcement, when they use deadly force, the courts of our land are not able or allowable to look back with / hindsight, but are to only contemplate the present sense impression of that officer.

By present sense impression what they said was to take into account everything that that police officer knows or knew at the time of that incident. So an officer knows that this particular area of town that he or she is responding to is particularly violent. He or she knows that people that are around that area are not likely to be friendly to law enforcement. He or she knows that this person has a history of being aggressive toward police officers in the past. And that's all part of that present sense impression. Moving forward in the present sense impression that's additionally added to by the officer's perceptions of the actions on the part of this individual who's being aggressive toward them. A clenched fist, moving the bottle to the right hand, squaring off into a fighting stance. Even the person's gaze or look or where they look at on the officer when they become more and more aggressive and his or hers response to the police officer's commands and actions to try to get the situation to diffuse or to deescalate. And this outside agency will come in and make this investigation to determine whether where the officer used that force to protect themselves or another from imminent bodily harm, and if so, then was the force that they used reasonable? The Supreme Court went on to say was the force that they used reasonable for them?

For them. For that officer with that malice that they had at that time, with the present sense impression that was developed by their experience, by their training, by their knowledge, by their observations. And I get the officers to all come into a good understanding about this investigation toward the officer and

the use of force is not about leaving a mark, it's not about causing physical harm, but it's about an officer who used force to protect themselves or another legally by using force to protect themselves or another from imminent bodily harm. And the second part of that test is to whether that force that they used was reasonable for them. And it's interesting that I'll ask the officers, is that about right, is that about how things go? And that's certainly come to some good discussions and some good resolution and agreement. No matter where I go in all of the states that that's the focus of the investigation, when an officer uses force. It's not about who left the mark. It's about was the force reasonable. Not about physical signs of injury. Then I'll challenge the officers, but yet there are many places that I respond to where the officers go into a domestic violence call and look for physical signs of injury and arrest the individual who caused that physical sign of injury. What I would propose to you today and what I propose to officers across this nation, is your job is not to go in to seek physical signs of injury, your job is to arrest and focus on people who break the law.

And there are certainly opportunities that law enforcement have where they use force against other individuals, and even leave marks against other individuals, where they have not most certainly broken the law but they have used that force in a way to protect themselves or another from imminent bodily harm. And I propose to the officers and propose to you here today that the more that we understand about a victim of domestic violence, the more that we need to contemplate the situation and how it got started, how it got to be like this. And if a victim of domestic violence in a home lashes out to protect him or herself, or her children, in an effort to protect themselves from imminent bodily harm, as long as that force is reasonable for them. Again, I had a need to have a deeper understanding about what's happening in their worlds and in their lives, and never making up any sort of an excuse for them but certainly looking at, not did this person leave a mark, but did this person in some way break the law? So the officers, what we're training them to do in a self defense test, and we'll talk about this for a couple of minutes and then take another opportunity to take a break to maybe send in some questions that you may have.

What we're training officers to do across the country is to not to go in and look for physical signs of injury, but respond to a situation in which a person has used force. And if the person used force then you need to do self defense test. To the person that used force, did they use that force to protect themselves or another from imminent bodily harm, and if so, was the force that they used reasonable. This is a very familiar test to an officer and identical to the test that we have by the US constitution in all states, supported by the Graham versus Connor decision of the US Supreme Court. It's exactly the same language that the Supreme Court is saying. And what we've added is what the court added, was this force that they used reasonable for them? For that officer in the Graham versus Connor, and for the individual who they're making assessment upon as you travel and respond to a domestic violence call. So the self defense test, if we have one person who used force, it's gotta be, did this person use force to protect themselves or another from imminent bodily harm, and if so, was the force that they used reasonable for them? And to get the officers to think a little bit differently about it, this would be my first example on how we can train the officers to do it, and something that they certainly engage in and recognize as a good tool to assess what happened there. Rather than to walk in, look for a quick fix or a snapshot, and to make an arrest based on who caused harm. When it comes to women using violence,

and we can certainly spend days talking about this, I welcome the opportunity in the future to do another one of these round tables to maybe talk about women's use of violence. But it's to really think as an officer differently about women's use of force, and not whether it's against the law or not against the law, and we'll get to that part of it, but to really think about the woman's use of force and what is their intent.

What's the intent, what's the effect. And I can tell you as a 25 year police officer, I have never walked into the home of domestic violence situation and had a man cowering in the corner, terrified, crumbling, crying, so glad that I was there, not know where to turn next because they're so afraid of the person that they lived with. The intent and the effect is so much different in women's use of force. Does sometime it break the law? Absolutely. And we'll work with officers to make that determination, and then certainly be thinking about how we treat that offender, in this case a woman who's used force against her batterer, a woman who's used that force, to how we're gonna treat that person once we make that arrest. When I left Duluth last September I can tell you that domestic violence calls that the Duluth agencies respond to arrest women in about % of the cases. So again, please don't think that I am unaware of women using force that would meet the test of being illegal or unreasonable. But of that % that make the arrest nearly half of them find themselves in a crossroads program or a program to really be thinking about the intent and the effect and the belief structures that are in place, and what is it that this person was trying to do. Instill fear? Or reestablish themselves into a hierarchy of being equal. Or to stop the violence against themselves in many instances or they've just had enough of it. And many of things that again, we could spend a day talking about women's use of violence, but really it's to get the officers to be thinking differently about the outcomes and what makes it different.

And the belief structures. And again, the intent and the effect of this violence that they're responding to. So we work very readily with the officers and have them have a good understanding about a good self defense assessment, but then the next topic and the next best practices that we'll discuss is this predominant aggressor. I think unfortunately, many agencies and many practitioners across the country have had this wrong, to be quite honest. I think they have it wrong in a way that many times they'll look to predominant aggressor assessment before they even do a self defense assessment. If you are in that sort of a mode of looking for a predominant aggressor when you respond to a domestic abuse, what you are doing without question is trying to decide who started it, who to blame, and who is the worst, and that's not the way our criminal justice system works. Our criminal justice system is designed to hold people who break the law accountable. What I propose to the officers across this nation is to do a self defense assessment first. Did that person use force to protect themselves or another from imminent bodily harm, and if so, is the force that they used reasonable for them? If that person passes that test, if they did use that force in a reasonable manner for themselves, they did not break the law. Similar to the officers do not break the law when they use force against an individual, even if it left a mark. So first we have to determine whether somebody broke the law because the criminal justice system is designed to focus on criminals, not to focus on the behavior of victims. So we need to make sure that the officers are doin' a good self defense assessment and determining who broke the law. A predominant aggressor assessment only comes into play if you have two or more people within a household who broke the law. So as you can see, we clearly have to do a self defense assessment first to determine who broke the law,

and then if two people broke the law, we're gonna do a predominant aggressor assessment not to decide who has held consequence or who were held accountable for their actions, but only utilize when both players fail that self defense test to decide who it is that we're gonna take into custody. So now you have the officers not deciding who started it, and not who is the biggest jerk or who used the worst words or who was the whatever that night that was most offensive to the officers. But now you're getting the officers to contemplate and to realize that a predominant aggressor assessment is to decide who can I take into custody tonight to make the violence stop? Who can I take into custody tonight to make sure that the children in this home are in a safe and sound environment? And certainly arresting both of the people is something that should be certainly frowned upon, should be shunned upon in most state statutes in where I work it's even discouraged within the statute. You should know that a dual arrest, arresting both persons, results in a less than % successful conviction rate. It's just a terrible set up for us to move forward. It's working with your officers, or practice working with your officers, or me working with your officers to get them to think differently about this predominant aggressor assessment, and it's only to get things under control right now.

As I said, both people broke the law so we've gotta have means in place where the officers would still be able to charge the other person, and that's gonna take some work within your coordinated community response. Again, predominant aggressor is not about who started it, predominant aggressor is only about custody, and once you've done a good assessment to decide who broke the law. I think just briefly about what if we don't get it, if we don't understand it, if we underestimate how serious it is, if we take the easy way out, if we write a report that you could cover with two fingers I call it a two-finger narrative. If we drop the ball where is the victim of domestic violence or domestic battering going to turn? If they turn to the system or somebody on their behalf turns to the system and some officer like myself shows up there, and we let them down, or you in your role let them down, where will they turn next? And when I think of that, it drives me, and drives my passions to continue to make a difference in the way that we respond, and to make a difference in the way that we're dealing with both victims and with offenders and holding them accountable. Take another opportunity to chat in questions or comments or concerns.

- **[Voiceover]** Marcus, just as you transitioned away for the last break for questions and comments I'll ask a question that came up in the chat. And other questions that folks have please feel free to chat them in now. I know this distinction between self defense and predominant aggressor is a very important distinction, and I think you're right, there's misunderstandings across the nation about what that distinction is. So thank you for clarifying that. But the question that came up in the chat earlier as related to this, what would you call it, sort of new dialogue and discussion around trauma-informed services. And the question was, how do you get the movie, like you referring to, when a victim is traumatized and doesn't remember things the way law enforcement asks questions. So it's helping law enforcement to understand the way that information comes out over the course of time throughout an investigation process, let's say.

- **[Voiceover]** I think that's really an interesting point and another tactic or technique that I'll use with the officers to think differently about it, again, not to harp on the officer-involved shootings, but. Best Practices or International Association of Chiefs of Police or the National Sheriffs Association, when an

officer's involved in a shooting incident the day of that incident that the officer's involved in the shoot, and the agency is to get very limited information from that officer. Just a very basic statement as to what happened. But not to rely on or to push on that officer to have total and complete recall about what occurred during that very traumatic event. In fact, the Best Practices policies of both the International Association Chiefs of Police and the National Sheriff's Association is to wait for two sleep cycles. So then for that officer to have two sleep cycles to come in and then give a complete statement, and that's just human physiology and human psychology because it's been such a traumatic event for that officer. And I can tell ya that sometimes it takes a day or two for me to really understand what happened in that situation. But yet here we are questioning a victim of domestic violence or battering who's had this traumatic, incredibly traumatic situation within their friends or within their partner, their intimate partner, and then asking them to give a complete and total statement at the time of the incident. Or being shocked, if you will, that additional recall occurs within a day or two later or two sleep cycles, if you will. I think it gets the officers to think differently about it. And I appreciate the question. I think that's a good way to think about it. Another question that I saw was, is there a policy method for assessing self defense? And really I think it's just working together as a coordinated community response to look at some of the Best Practices through some of the materials at Praxis or with the Blueprint project that took place in St. Paul. And I'll give ya an example of some of the questions that they ask in the Blueprint and that we did as well in our model policy. It's just incorporating those self defense things, working together with your partnerships to incorporate those self defense assessments in every single community. And that's what's gonna help to hold offenders accountable and that's also what's gonna do a great effort toward engaging our victims to let them know what's going on. There is a model policy that we wrote is available and I'm quite confident that Maren will talk about it at the end of this session today.

- **[Voiceover]** Yeah, and I'll include a link to some of the Blueprint for Safety specific material on assessing for self defense and predominant aggressor determinations, too. I'll put that in the chat rather. So now we're on slide for those of you who are following along on a hardcopy version of the slides. Go ahead, Marcus.

- **[Voiceover]** So the next thing that we're gonna talk about is victim engagement and why do we need to keep a victim involved, and why do we need to do that or do we need to keep a victim involved in the process. Again, I think of the people like you that I've talked with about the experiences of working with a victim of domestic violence, or some of the people that I work with with batterers even, and the way that they think and their belief structures and their hierarchies in their heads. Accountability for actions that occur before the incident that I responded to, and accountability for an offender, and for the system toward one another and a system toward a victim after the first time that we're involved. So it's keeping that victim engaged. One time I had an individual say to me, what do you expect, Marcus? You make an arrest of an individual, you take that person to jail, and you have decided too that everything is completely done with and over. And then the person that you arrested goes to an arraignment hearing the next day and the judge issues a no-contact order from the bench. This is true in the environment or the area that I worked throughout my career. Whether the victim wanted it or not, from the bench, the judge made a decision that they were gonna have a no-contact order. Eventually, usually quite quickly,

the offender was released, generally that same day, on a very limited bail, and sometimes released on their own recognizance. And again, without any contact with the victim to find out what it is that they need to keep themselves safe. Or what is it that they need to support from the offender that I arrested the night before, and what is it that we can do to work together to move forward in this case and making sure that the individual I arrested is held accountable, and the victim and her children are safe? So this person said to me, what do you expect? You make that arrest and you feel like it's over and then two or three months later, you contact her or the court contacts her and asks her to come forward and participate in the criminal justice system.

Absolutely not, was her response. Because now I found myself in a place where I'm safe, I have an arrangement, I have a deal. I'm feeling safe, I've got some money, I've got a situation where it's not the greatest but I'm working with my advocate to find a safe place, and the worst thing that I could do would be to drag all this back up again and to go back into court and explain what happened on that night. It was just very eye-opening to me and really made me think about this victim engagement piece and practice at a really nice job in the Blueprint project in St. Paul to really think about victim engagement and why we need to keep a victim involved. The examples of that, how different would've been for me had I maybe arrested that offender and the next day a systems-based advocate contacted that victim and said, how's it going? Here's what's happening. The person's going to be released. This is most likely what will happen next. This is what your options are. These are the things that are available to help you. And I want you to contact me anytime that he tries to make an effort to contact you. Just think of the intimidation that I might've been able to get, or evidence of intimidation by having that victim engagement, to let a victim know what intimidation even is, and to let them know if you get an apology letter, I want it. I wanna know about it, and I wanna know about how our interventions are goin'.

Some significant time later if the offender is in some sort of treatment program, how is that goin'? And I once had a probation agent say to me, to do domestic violence right as a probation agent, I should have more contact with the victim of domestic violence than I have with the probationer or the person who I have on paper. That's victim engagement, and finding out how things been going and keeping them involved in the process and being part of the solution, rather than being this nagging thing of where do I go next. What we know about domestic violence that makes a continuous engagement so important is that this is not a one time thing, this is a patterned crime, and the more I understood that the more that I changed the way that I do business and the way that I think. It's rarely resolved in the first intervention and most of the time the system, the officers like me, would just respond on that single incident. The single thing that they responded to. But it's usually part of a pattern of coercion, intimidation, threats of violence. It's a continuing set of violent actions over time. And to get the officers to think differently about it is gonna make those interventions look different.

Victims need timely help, they need to know that our actions are not gonna create even more danger for them, they need some degree of control. Again I'll point out to the officer that's exactly what they needed during those times of crisis. Continued support, swift and appropriate justice, needing to be heard. And most of all they need to be safe and they need to gain some sort of help for the offender. If I ask the victim, what do you want? What do you need from me? It wasn't that I want 'em to go to prison

for 36 years, it's I want it to stop. I wanna be safe. I want my kids to be safe. I want him to get the help that he needs, or her to get the help that she needs for that offender. To make our lives stop being this crazy. And the officers, and all of us really, on the call you've got to recognize that this is really probably the only chance that we have to reach that victim. We've gotta do what we can to get them into the lifeboat and move forward as a system to keep them engaged. If we're doin' it right, what happens is that our intervention is gonna counteract that batterers' power. That we become a person who's involved and we're gonna hold that offender accountable through swift and sure consequences. We have to understand the reality of living with the battering and what that would be like. And what we can do to be a part of the solution rather than be part of the problem that I know for so long in the first part of my career especially, that I was part of the problem as I relied so heavily upon that victim to move forward and didn't recognize that it was a much bigger deal.

And a much bigger space of time. And probably what I was responding to was merely the tip of the iceberg. It's gotta be partners that are working together in that coordinated community response, and to let a victim know that I am here to help you. And I don't care how long it takes. I'm not gonna make you do anything, you're the expert at knowing what you need to do to keep yourself safe. But I'm gonna be here with you and be with you here til the end. And I put this quote in, if you have the slide with you now, we're on slide . This is a statement that a police officer made. Basically what he says if you don't have this available to you, the officer's saying, if I treat her with respect and let her know I'm concerned the first time I meet her, when it happens again she's more likely to take my call or even call me. If I get frustrated and angry because I need her in order to get him, and I throw up my hands and say fine, you wanna live that way, go ahead. Then I'm just one more person slappin' her in the face. This is one of the tough looks I had to take with my own way that I responded. Was I blaming that victim? What are you doing still here? Why did you drop the protection order? Why didn't you follow through? Why did you recant on the stand? Why are not willing to see what you need to do to help yourself? All I'm doin', all I was doin' was slappin' her in the face. So we're gonna talk a bit about this risk and lethality and we've got about 15 minutes left of the call, so I wanna move forward and be thinking about what we could do to recognize that there's been some tremendous work in risk and lethality and identifying ways to be able to explain with some quantified feeling, quantified number, research-based understanding about how much risk is involved in these cases.

Again, I can remember many cases that I responded to, and again there's not an officer in our land that hasn't responded to a case at some time or another that thought, this is just not going to end well. Unfortunately, when I had that feeling going to the prosecutor and saying, boy, I just don't feel good about this, I got a bad feeling about this, wasn't good enough. I couldn't tell the prosecutor that I had a bad feeling in the gut, that the hair on the back of my neck stood up. But in fact if you look at fatality reviews from across our nation, in a fatality review where there's this related homicide and you get the team of practitioners together and look at that incident from the time of death backwards as really we responded to the system. And look at it in a way where you're not accusing one another but really think what could we do differently here? What can we learn from this situation? In any one of those fatality reviews that you look at you will see that the police officers always say the exact same thing. And what the police officers say is, I knew it. I knew it. I knew this was not going to end well, I had that bad feeling,

but I couldn't be that officer that went to the prosecutor and said I got a bad feeling about it. So I found myself back, as we described earlier, asking that golden question, what do you need from me? To the prosecutor, what do you need from me?

To know that this is one of those cases where not just to say that I got a bad feeling, but to really identify from things of risk and identify some things of lethality and show the prosecutor and the judge and the jury and probation officer, show them the movie. Show them the full story so that they can understand it and move forward in a way where you're asking the victim for the whole picture. As I mentioned before, this is probably just the tip of the iceberg that we're responding to, but to get the officers to think differently about it, to get the officers to tell us, or the victims to tell us differently about it is gonna take some skill on the officer's part. And I'll talk about how we can do that. So these risk factors that now are identifiable, again through some solid research that's occurred across the nation and some good programs on the East Coast, and some good programs in Canada. And even one state now that is implementing a requirement of risk assessments on any domestic violence call that law enforcement responds to. But it's coming up with a way to not just say to a judge or a jury or a prosecutor or a probation agent that I have a bad feeling, but to identify these behaviors. Such as stalking and strangulation and threats to kill the victim. Threats to kill what the victim believes to be true or threats to kill that are conveyed to other people.

Threats of suicide, forced sex, pressuring sex when separated. Serious injuries. The person has access to firearms or carries a firearm with them. Violence outside the home, this person doesn't care where this violence is occurring anymore, they're doing it in public. Aggression toward the interveners like the police and other people within the system. Abusing animals, killing pets, damaging property, but not the property of the person who is the damager, but damaging the property of the victim and that's just one case where I'll point out to the officers how very much in control this batterer is. And the more I recognized how in control that batterer is the more that I recognized that he was most likely manipulating me as well. And what I'm talking about is victim's property that's damaged. Where you go off into a house that just trashed where a person you would think would have to be completely out of control. And then I start to look at what it is that's damaged. It becomes very apparent to me in many cases that what's damaged is her goods. Her things are destroyed, but his baseball collection is just fine, or his fishing gear is just fine, but that takes control. A person then offends the batterer who has the belief structure that talking to his victim in a way where he can't remember or even use her name but is willing to go physical violence and scream and shout and yell. But then when I knock on the door, particularly when they don't know that I'm coming, when this big police officer wearin' a cowboy hat knocks on the front door of that house, and he comes over in a complete cool and calm and collected voice, "Well, officer, what's happening? Why doncha come in and I'll tell ya what's happening here today. You see my wife over there is completely crazy."

Think of the control that that takes and for officers to recognize that it becomes very rarely apparent to them that it's about control, and they have very much in control. Not an out of control individual. Additional risk factors like when the pregnancy exists or the victim is pregnant, if she has children from previous relationships is another one. Really what I'm looking for is increasing frequency or severity of violence, drugs and alcohol. If the victim is attempting to leave and we know that that's probably one of

the most dangerous points for a person is when they're attempting to leave that relationship. Because he knows that he's losing complete control of where she goes, what she does, who she talks to. And going on with a history of estrangements, or separations, and reunions, they've gotten back together. And unfortunately, it's when the system or prior interventions have failed. In a situation where, and I'm confident that I was this officer at one time or I was the officer that walked into a situation and arrested somebody who had caused the injury. And I know for a fact, and somewhat horrified by, making an arrest where I walked in where a woman had used force to protect herself or her children and I arrested her for using that force. Because I was of this mindset, if it left a physical sign of injury, I have no choice but to make an arrest.

Man, as I started to think about what would happen from that point forward. What if there's another incident? And you and I know there will be. What's gonna happen next time? Who is she gonna call next time if this time she called and ended up being arrested? What if she says to her batterer, stop, stop this behavior or I'm gonna call the police. He's most likely gonna say, did you want me to dial the number for you? So we've enabled him even farther and made it more difficult. And certainly that's gonna increase the risk for my victim. Certainly a victim who stays despite severe abuse and who recognizes that this violence is becoming more and more frequent and more and more severe. My abuser is completely controlling or jealous, or when there's some mental health issues and again that's a small percentage and not something I wanna blame it on. But we need to be thinking as law enforcement officers to quantify that gut feeling that I've talked about. That hair on the back of my neck thing that just doesn't feel right for me. But learning to ask the question of your prosecutors and your judges and your probation agents and your child protection workers and you social workers, and everybody else that's on your team and your coordinated community response, what do you need from me? How do I paint that full picture for the prosecutor? For the judge, for the probation? And information about the contacts and the severity, all of that's gonna have a tremendous impact on the prosecution and if they move forward. I put for you up on your screen an example of a report, and I'll read it for those that don't have the ability to see this visually.

And I want you to think about this report or what you think would happen within your local jurisdiction. Officer Jones and I met the victim. She told me her boyfriend accused her of cheating on her and they started to argue. During the argument, he pushed her and caused a scratch on her arm from the doorway. He also threw a picture frame at her and she had to jump out of the way. I saw a small scratch on the victim's arm and another officer arrived who took photographs. So you think about this example of a report and think about this case being charged. Think about bail being set. Would the suspect be held accountable? Think about how that would go within your jurisdiction. I wanna give you some examples of how we can open this up and think differently about how the officers responded. I'm gonna pose to you three questions that we could ask to get more information about this and a much bigger picture. But all of you are thinkin' now about this case bein' charged, I can tell you in my jurisdiction this case is probably not going to get charged.

If it did, it probably would be plead if it even moved forward at all. Would there be bail set? Certainly people don't know that there's any risk involved in this case anymore than the other case, and the suspect most likely is not going to be held accountable. We think more about what we wanna know

about the context of violence, about the history of it, and about what's going on there. These three questions that I put up on the screen are the first step in getting the officers to think differently about it. It's to get the officers to think differently about it by thinking that it is not about today. That it's about a much bigger situation. That it's about a pattern of domestic abuse. That it's about a pattern of battering. And increasing their understanding about how battering gets started and how it got to be like this. And the impacts of the things that they do with our interventions and our actions as a system, as a system as a whole. So the first question that we came up with in the model policy and also reiterated in the Blueprint project in St. Paul, the first question the officers will ask is do you think he or she will seriously injure or kill you, your children, or someone else close to you? What makes you think so? What makes you think not? What a golden opportunity then for a victim to say, I'm afraid, and the officer then to follow up with additional questions about why. Why are you afraid? What makes you think that he or she will seriously injure or kill you? Again, it's just that opportunity to open the golden door, if you will, for the officers to be thinking differently about these cases, and that officer that I was before, what I would refer to as a snapshot cop.

The second question is how frequently does he or she intimidate, threaten, or assault you? Is it changing? Is it getting worse, and is it getting better? Again, you're forcing the officers to think about it differently. It's not about today, but it's about the pattern of abuse, it's about the pattern of behaviors, about the patterns of coercion, and to give a victim permission, if you will, to talk about things other than today. And the third question I believe just to be solid gold, is describe for me the time that you were most frightened or injured by him or her. This is not about today. But it's about the pattern, about how things are, and how things got to be this way. And I give an example of that exact same incident once the officer asked what they call the Blueprint questions. Those three very questions that I just showed you. I asked the questions and she said that she and the suspect had been living together for 17 years and had two children together. She said the physical abuse started about two years ago. The time that she was most afraid was last Christmas when he punched her so violently that it left a scar on her cheek. That's when she tried to leave him. He would not accept her leaving. She says the violence is getting worse and she believes he will seriously injure or kill her.

He follows her when she goes out. Two days ago he attempted to pour boiling water on her and told her if she called the police he would go after her family. This is the same case but think how differently people have seen the movie. Think how differently this would make for people and really answer that question of what do you need from me to argue different conditions of release? What do you need from me to know that this is the case that is very violent and here's why. It's not my gut feeling, but it's things like pouring boiling water. It's her feeling that he's going to kill her and why he thinks that. And when it has been so violent in the past and really even describing injuries that occurred long, long ago, but that's still about the incident to her. It's just so much different a way for us to look at it as a system by merely asking those three simple questions. Do you think that he or she will seriously injure or kill you or your children? What makes you think so? What makes you think not? Describe for me the worst incidence of violence. And the third question, again, is just golden, tell me more about the history. Tell me more about the past.

Tell me more about the most frightening incident to you. And let's have a better understanding about what's happened in your relationship and get the officers to think about it, not about today, but about the incident in a whole. So certainly we identified what those risk factors would be and how that would impact the case, and again, all we've asked the officers to do is to ask three simple questions, and it made a complete difference in the way that St. Paul responds. I can tell ya from my friend who's a prosecutor in St. Paul with regard to domestic violence that that's made the difference. We're not looking for different conditions of release in every case, but what we're looking for is to know when those cases exist, when this is just a bad one, I've got that gut feeling and it's much more than that. But it's identifying risk. So all of this work that I've been talking about over the last hour really makes us think about shifting that burden for holding the offender accountable from the victim to the criminal justice system. It's not relying solely upon her to press charges. It's not relying solely upon the victim to come forward and testify. It's not relying solely on them to carry the ball or carry the burden or all the weight of this.

But shifting that burden back to the system in holding the offender accountable. It's the criminal justice system's responsibility to focus on criminals. Not focus on the victim's behavior, but focus on criminals as we move forward. So, what I'll encourage the officers to do and I'll provide this wheel for them, and basically what it is is getting the officers to think differently about writing a police report. And I would encourage you in your coordinated community responses across rural America to work together with your partners, to think about all of these people who are indicated here on the wheel of how they're going to read a domestic violence incident report, and I would ask you to ask that golden question. What do you need from me? What do you need from me to see the movie? To have the same understanding as me? And to be thinking of it in terms of an advocacy, what do you need from me? What does the victim need from me? What does court-ordered supervision need from me? What do the rehab programs need from me? Child abuse, child neglect, child adult protective services, what do they need from me? What does the judge and the jury need to focus on the right thing rather than on the victim's behaviors?

What do we need from me on the presense investigation, and what is the defense attorney even looking for me, from my police report? But to be thinking about it in a different way especially with the prosecutor and the judge and the victim. What do you need from me? Be able to focus on the right things and to make sure that we shift that burden of proving the offender accountable from the victim themselves, to the criminal justice system. What I would pose to you and what I pose to police officers across our country, and to prosecutors across our country, is that that standard when you learned to ask that question of what do you need from me is to answer this question. To make sure that the team, who are not on the scene, must be able to read your investigative report and complete their job as if they were on scene with you. They have to see the movie. And that's the difference in the way that we're responding, and I appreciate the opportunity to chat with you about Best Practices in law enforcement and our response to domestic violence, and turn it over to Maren to wrap up.

- **[Voiceover]** Thanks so much, Marcus. We're just barely scratching the surface really and giving you an overview of the key practices. We do offer support, more customized support to you, in considering implementing any of these practices that Marcus talked about today in your own communities. And you

can contact me or Liz, or ruralta@praxisinternational.org to get some customized assistance on this. We also have a lot of resources as you saw me chatting in on these practices that Marcus was going over. Thank you so much, Marcus, for sharing your breadth of experience, breadth and depth of experience. (speech garbles) So, just a couple of things to feature. I'm sorry about the problems with the Powerpoint presentation, we're gonna keep troubleshooting with iLink about how we can make those slides visible. We thought we had a solution and I think maybe we didn't (chuckles), but we'll keep exploring that. Our webinar next month is on May st. Another Building Block series on the crucial role of the community-based advocate in rural CCRs. And I will chat now a link to register for that particular webinar. Also wanted to feature that, there's two plus weeks left to submit an application to be part of Praxis' Advocacy Learning Center. We're accepting applications until May th, I believe. And I'll also send a link for more information about the Advocacy Learning Center. We've had many rural advocacy programs go through that -month course and really benefit from that. I think that's all for now. We are so happy that you're able to join us and because it was our founding director, Ellen Pense's birthday yesterday, she would have been if she hadn't passed a couple of year ago to breast cancer, I'll end by saying, just remember somebody out there probably loves you and if it's not your mother, you can get over it. (laughs) I always like to honor her in that way because she was so good at telling those jokes and I don't have the same delivery as she did, but I like to honor her in that way. Thank you very much, Marcus. Hope to hear from you again soon on one of these webinars, and take care everybody. Hope you're surviving the extended winter as we are getting snow as we speak out our window. Take care. Bye bye.

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