

## *Domestic Violence Intervention A System Wide Approach*

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### Battering and the Impact

- A case caught on video.
- What made it different?
- The Judge actually saw it
- Who needs to see the incident in order to respond appropriately?

## The Changing Role of Law Enforcement

- Who are the players?
- Victim
- 911
- LAW ENFORCEMENT
- Advocacy
- Emergency Medical Services
- Jail

## Who are the Players?

- Prosecutor (Conditions of Bail)
- Release Agent / Probation
- Social Services (Child or Vulnerable?)
- Now Who?
- Civil proceedings?
- How about the trial and beyond?

## Who are the Players?

- Prosecutor
- Defense?
- Judge / Jury
- Probation (sentencing)
- Treatment Programs

## My Responsibility

- Paradigm shift
- What do I need?
- What do others need from me?
- I am not only responsible for my own role
- I now take responsibility for the case
- Not today's incident but the "incident" in the eyes of the victim

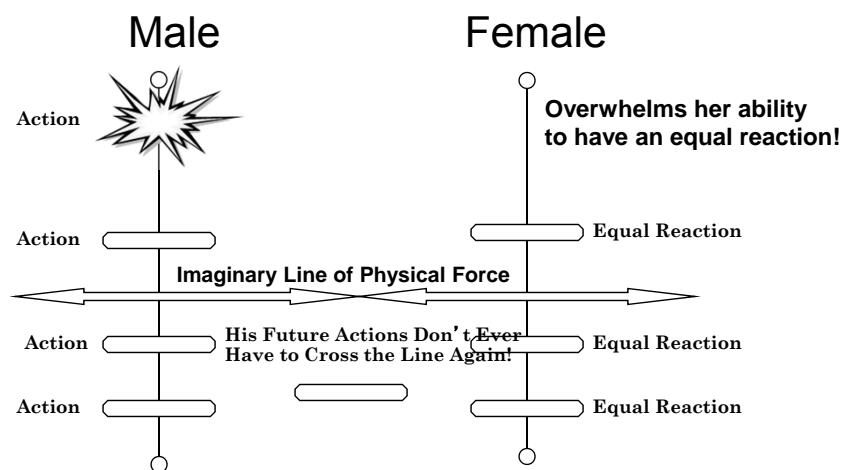
## Lethality

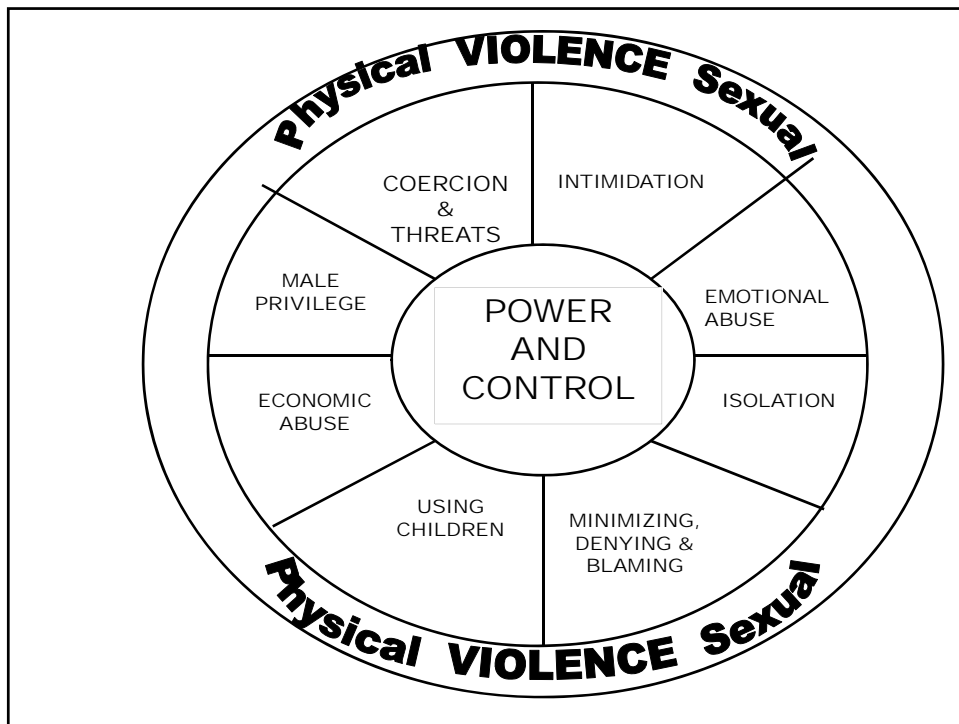
- How do I help others realize lethality?
- More about the violence (severity, frequency)
- Presence and Access to Firearms
- Use of Weapons
- More about Threats
- Does the victim believe he is capable of killing her?
- Eluded or Evaded Arrest?

## Responding to the Call

# Scale of Relationships

## Scale of Relationships





## Use Of Force

- Did the officer use force to protect himself or another from imminent bodily harm?
- Was the force used "Reasonable"?

## Self Defense Test

- Did the subject use force to protect themselves or another from imminent bodily harm?
- If so, was the force they used reasonable?

## Predominant Aggressor

- Custodial Issue Only
- Only utilized when both players fail the Self Defense Test

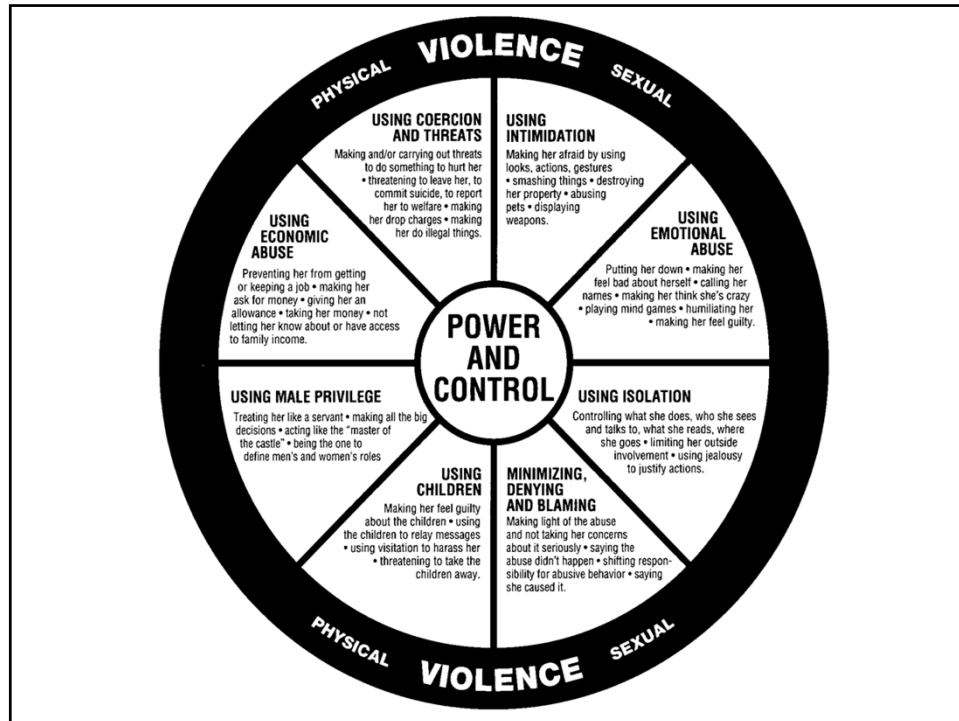
## *POWER AND CONTROL MODEL*

- Batterers seek to gain and maintain power and control over their intimate partners by the use of *actual* and *assumed* power.
- Power takes the form of strategic, abusive tactics (physical, sexual, verbal, emotional) to reinforce this control.

## *POWER AND CONTROL TACTICS*

- Physical and sexual
- Emotional
- Intimidation
- Coercion and threats
- Economic





## *BARRIERS TO WOMEN LEAVING*

- The dynamics of domestic violence, coupled with a community's inability to help keep battered women safe and hold offenders accountable, create barriers to women leaving violent relationships.

Lola

■ Lola.mpg

*BARRIERS TO WOMEN  
LEAVING* cont.

- Key Point: A victim is the best expert at determining her own level of safety, and therefore is the best expert at determining how to survive a violent relationship, even if that means staying in the relationship.

## *BARRIERS TO WOMEN LEAVING* cont.

- Relentless behavior of batterer
- Fear of what batterer might do
- Fear for children
- Financial dependence
- Conflicts with religious beliefs
- Isolation/lack of support
- Access to the batterer

## *BARRIERS TO WOMEN LEAVING* cont.

- Culture
- Shame – making excuses for his violence
- Self-Esteem
- Immigration Issues
- Love

## *BATTERING*

- Key Point: For the batterer, the violence is about power and control. Looking at the victim's behavior as an explanation for the violence takes the focus off the perpetrator's responsibility, and unintentionally supports the abuser's violent behavior.

## *BATTERING* cont.

- The victim has *no control* over the batterer's violence.
- Many perpetrators repeat their pattern of control in all their intimate relationships.

## Victim' s Goals

- Safety (self and children)
- Stop the Violence

## What are we asking her to do?

- Women who leave violent relationships are 75% more likely to be severely injured or killed in the next few days
- Over 50% of women killed in the U.S. die at the hands of their partner
- How many times will she leave?
- (green light)

## Investigations

- Looking Beyond the Obvious

## Interviewing the Victim

**The law enforcement officer's responsibility is to ensure that he or she gets the *most accurate information possible with the least amount of trauma to the victim.***

## **Interviewing the Victim *cont.***

- **While the investigation is routine for the officer, it can be traumatic, degrading, and life changing event for the victim.**
- **The officer sets the tone for the investigation:**
  - **The victim will assess body language, demeanor and verbal language for reaction and understanding.**

## **Interviewing the Victim *cont.***

- ♦ **Let the victim know that you are concerned for her safety. Your tone of voice, eye contact and the words you use will convey this message.**
- ♦ **Think of other investigations you do.**

## Our Goals

- To develop a picture of the scene
- Interviews of involved people
- Physical evidence of the case
- Lethality assessment
- To provide safety for victims and children

## Children

- Primary and/or secondary victims
- Biographical and relationship information
- Children living at home not present during incident for follow-up purposes
- Spontaneous statements
- Individual interviews
- Emotional state
- Injuries
- Consider having children draw pictures if they cannot write





## Group Exercise

- Have you ever been involved in or responded to a call that you knew was not going to end well no matter what actions you took?
- How did you know?

### *Asking victims for the whole picture*

- This incident is perhaps the tip of the iceberg or it may be the whole story (we recognize that not every case is part of a pattern!)
- Most of what the victim is going to tell us will come out just after an incident...so we need to ask the right questions.

Risk Factors: Acts or threats of violence  
associated with risk and lethality:

- Stalking
- Strangulation
- Threats to kill the victim
- Threats to kill that the victim believes
- Threats to kill that are conveyed to others
- Threats of suicide
- Forced sex or pressuring for sex when separated
- Serious injury
- Carries, has access to, or threatens to use a weapon

Risk Factors (cont.)...

- Violence outside the home (in public)
- Aggression towards interveners
- Animal abuse or killing of pets
- Damages victim's property
- Violence when victim is pregnant

## Risk is higher when accompanied by:

- Increase in frequency, severity or type
- Frequent use and/or impairment by drugs or alcohol
- Victim attempting a permanent break
- History of estrangements, separations, and reunions
- Failure of prior interventions
- Victim who stays despite severe abuse
- Abuser is controlling and/or jealous
- Abuser has mental health issues

## Assessing Risk and Lethality

- Law enforcement's role
- How do we quantify that "gut feeling?"
- How do we paint the full picture for prosecutors, judges, probation?...

*Information about context and severity can have a profound impact on prosecution.*

## Report Example:

“Officer Jones and I met the victim. She told me her boyfriend, John Doe, accused her of cheating on her and they started to argue. During the argument he pushed her and caused a scratched her 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 victim’s arm. Off. Tim arrived and took photographs.”

## Impressions?

- Will this case get charged?
- Will bail be impacted?
- Will the suspect be held accountable?
- What more might we want to know?

## Three Risk Questions

- (1) Do you think he/she will seriously injury or kill you, your children, or someone else close to you?
  - What makes you think so? (or, Why not?)
- (2) How frequently does he/she intimidate, threaten, or assault you?
  - Is it changing?
  - Is it getting worse? Is it getting better?
- (3) Describe the time you were most frightened or injured by him/her.

### **Excerpt from St. Paul Police report:**

"I asked [the victim] the Blueprint questions. She said she and [the suspect] have been together for 17 yrs. and have 2 children together. She said the physical abuse started about 2 yrs ago. The time she was most afraid was last Christmas when he punched her so violently 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 police he would go after her family."

## Exercise

- What risk factors are present?
- How can this additional information impact the case?

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## **Another force at play...**

Victim Intimidation and Manipulation



*Before arrest, execution, and beyond...*

## **Victim Intimidation Evidence**

*It is crucial for law enforcement and prosecutors to keep in mind: The power and control dynamic does not end with arrest! It typically continues and often increases throughout the prosecution.*



So Why Do We Need To Stay In Contact With Our Victims?

Group: What Do  
You Think?



Remember, this may be the scariest thing they've ever attempted!

1 Big Reason:  
Because Our Suspects Are!



## Compare to Organized Crime

Public perception often focuses on gangs and the 'mafia' as unique to:

- coerce witnesses
- bribe witnesses
- blackmail witnesses
- threaten witnesses
- batter witnesses
- murder witnesses

## Victim Intimidation

- Victim/witness intimidation affects nearly every category of crime and is, itself, among the most under-reported crimes.
- In cases of domestic violence, witness intimidation is "near universal."

Kerry Murphy Healy, National Institute of Justice, *Victim and Witness Intimidation: New Developments and Emerging Responses*, Research in Action, Oct. 1995.

*Knowing this.... How do we counter-act the abusers intimidation tactics?*

- Positive victim engagement, consistently sending the message to victims that we care about her safety and are there to help.
- Faster prosecution
- Educating victims on what intimidation tactics look like.
- Asking the right questions to draw this information out.
- **Forfeiture by wrongdoing motions.**

## “Forfeiture by Wrongdoing”

- Applies when Defendant engages in conduct designed to prevent a witness from testifying or otherwise cooperating with law enforcement.
- Defendant forfeits his “right to confrontation” under Crawford because it’s **his** actions which caused the witness to be “unavailable.”

What kind of “wrongdoing” are we talking about?

- Letters encouraging the victim not to testify
- Significant influence
- Intentionally giving victim misinformation
- Earlier abuse, or threats of harm, intended to dissuade the victim from seeking outside help

### *Other kinds of manipulation...*

- Sometimes more powerful than active intimidation tactics.
- Letters of apology, calls, gifts



I'm sorry  
if i hurt you..  
but, i want you  
to know this...  
I love you...  
i really  
really do...

## Ask the victim:

- Fear of reprisal
- Has your partner ever threatened you, your children or your family for participating in the prosecution of this or other crimes?
- Are you afraid for your safety or the safety of your children or family because of the criminal justice system's involvement?
- Why?

## Importance of a Well-Written Report

- **Multiple readings and uses of the report.**
- **Documentation in domestic violence incidents.**

# Multiple Uses of a Domestic Violence Report



■ Report is used by many different groups.

■ Report information is used for many different purposes.

## Law Enforcement Agency



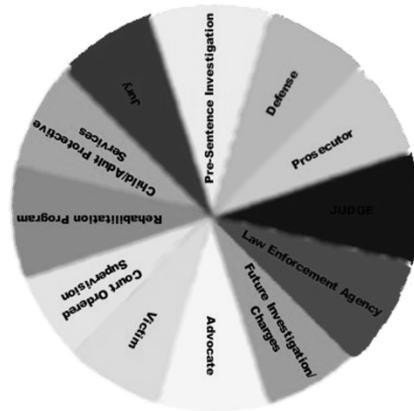
How a Domestic Violence Report is used:



■ Decisions about further investigation or action.

# Judge

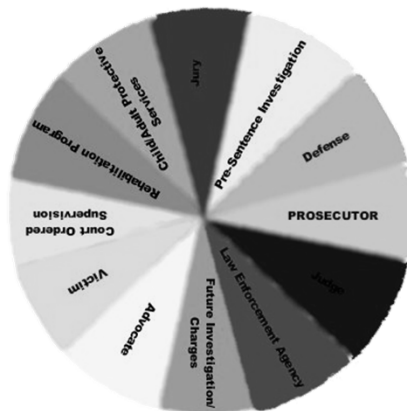
How a Domestic Violence Report is used:



- Conditions for pre-trial release
- Setting bail
- Sentencing

# Prosecutor

How a Domestic Violence Report is used:



- Charging
- Priority of case
- Plea agreements
- Ability to proceed based on evidence and report data

# Defense Attorney



How a Domestic Violence Report is used:

- Advice for client based on strength of case



# Pre-Sentence Investigation



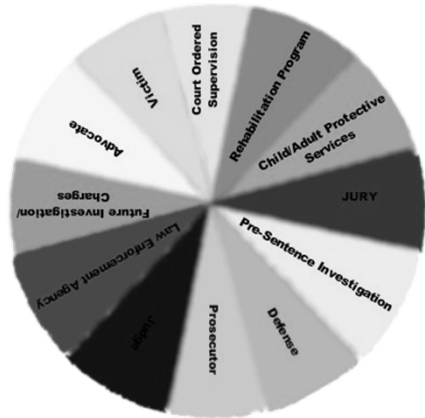
How a Domestic Violence Report is used:

- Seriousness of incident
- Lethality factors
- Substance abuse treatment





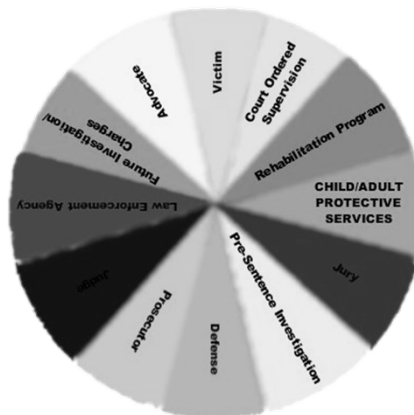
# Jury



How a Domestic Violence Report is used:

- Understanding of the case and evidence
- Is the defendant guilty?

# Child/Adult Protective Services



How a Domestic Violence Report is used:

- Determination if services or protection is needed for the children, elderly or disabled members in household

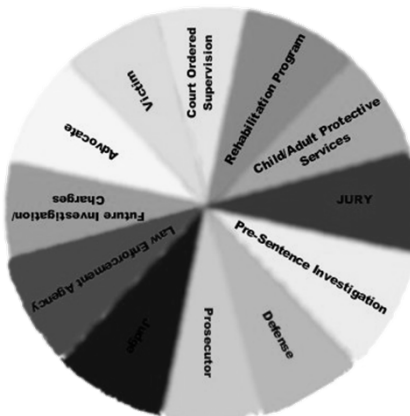
# Pre-Sentence Investigation



How a Domestic Violence Report is used:

- Seriousness of incident
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# Jury

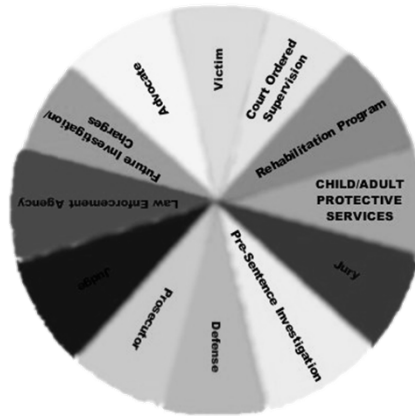


How a Domestic Violence Report is used:

- Understanding of the case and evidence
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# Child/Adult Protective Services

How a Domestic Violence Report is used:



- Determination if services or protection is needed for the children, elderly or disabled members in household

# Rehabilitation Program

How a Domestic Violence Report is used:



- Circumstances of this abusive incident
- Level of violence used and past violence
- Substance abuse issues

## Court-Ordered Supervision



How a Domestic Violence Report is used:

■ What level of supervision is needed?

## Victim



How a Domestic Violence Report is used:

■ Protection orders  
 ■ Civil actions  
 ■ Child custody issues

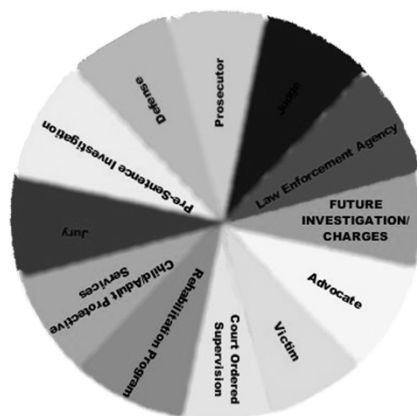
# Advocate



How a Domestic Violence Report is used:

- Safety concerns and planning
- Follow-up advocacy

# Future Investigations/Charges



How a Domestic Violence Report is used:

- Historical record for future use

## Goals

- Officer and victim safety
- Offender accountability
- Increased effectiveness in investigation, intervention, reporting, and prosecution of domestic violence crimes
- Evidence-based prosecution and investigation
- Increased communication and partnership between law enforcement, prosecutors and other criminal justice personnel, advocacy agencies, and community members.
- Full Faith and Credit

## My Role

- My true responsibility is to the case, not merely my role in the case.