

The Essential Role of Law Enforcement in a CCR
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with Marcus Bruning, Matt Wiese, Rose Thelen*
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Hello everyone and welcome back to you. Looking at this list of names, a couple of you I believe were on our session that we conducted about 10 days ago, May 6. The essential role of prosecution and today we are back together again to consider the essential role of law enforcement in a coordinated community response and I am delighted to have you with us. This session is part of practices -- Praxis attempt of the rural design content that complements your local efforts related to strengthening and enhancing your communities response to domestic violence. With that, I want to just touch briefly on a couple of things, details about how this webinar will work to ensure that you have a good experience today. We know that there is a possibility that some participants may be on the telephone only, and since the phone lines will be muted for our whole session today, we encourage you if at all possible to utilize e-mail to share your questions and your comments with us. Send a note to Liz at Praxis international .org and I will do my best to incorporate your comments into the discussion between our presenters today. For the rest of you who are using or are logged into the webinar platform, feel free to use the chat at any point. Myself and our presenters will keep an eye on your comments and integrate those things into the presentation. So if you have a specific question that you would like addressed today, you can chat that in now or anytime. I would ask you though please if you would, take an opportunity to tell us about your role. Where you are calling from today, your community, and your role within that CCR. The chat box is in the lower left-hand portion of your screen. If you move your cursor and click on that bottom rectangle, you will be able to chat in a little hello or if you would, tell us where you're calling from and what your role is. While you do that, I will just complete a couple of other suggestions for our session today.

When you chat in a question in the public tab, packet shared with all the participants on the webinar. If you have something you would like to chat with one of our presenters privately, you will see a great tab that says private. Click on that, and you will be able to open a direct line with that individual and communicate privately. Know that both of those things are options to you, and then finally we want to let you know that this session is being recorded and if -- it will be posted on the rural training page and if you happen to get this connected, just rejoined through your original process and that should get you back where you belong. With that, I will again say welcome to all of you, and to [Indiscernible] our presenters for today's session. Rose, I think you will kick us off.

Exactly. Thank you Liz and welcome -- welcome everybody today. I am just happy have Mark [Indiscernible] who is a retired St. Louis County Deputy Sheriff and CCR extraordinaire expert. And Matt [Indiscernible] from Marquette County Michigan was a prosecuting attorney there. As I like to call them [Indiscernible]. At any rate, we will bust into this topic for today, which is the central role of law enforcement and a coordinated community response and we have Matt on as well because as all of you on the line probably know, there is a strong relationship between what law enforcement does and what the prosecutor does, and definitely they need things from each other and so -- what we will be covering today is some of these features of what is going on. And how does law enforcement agency position themselves to be of greatest affect and impact in a coordinated community response and in relationship to responding to the crime of

domestic violence. Today we are going to talk about this changing role of law enforcement, we are going to address the context and history, talk a bit about advocate initiated response. Where going to be talked about assessing risk and danger, what the prosecutor needs from law enforcement, and then also enhanced report writing and supervision and features of that. And so to get us going, Marcus, I am going to put you on and would you take it away, talking to us about the changing role of law enforcement.

Thank you very much. Thank you for joining us today changing role of law enforcement. And I worked as a police officer for 25 years Minnesota, Minneapolis-St. Paul and then elude the -- moved up to dilutes where a work for the Sheriff's office. For 20 years. I retired last September significant change. How we respond to domestic violence and crimes against women across our system. The Duluth is in domestic crisis and mention. And very successful and some things we learned a bunch and need to regroup. But overall it's a great opportunity to say more about the impact and decisions we're making as police officers and most importantly the impact of those decisions upon victims and victims children's. The Sheriff's office received a grant from the Department of Justice in the late 90s to write a model policy for the country and how to respond to domestic crisis. This was a huge task, took about three years for us to do that under the direction of [Indiscernible] and Praxis International to look at how we would want to respond as long for some across the nation. So they gathered some [Indiscernible] from across the country. And brought them together to look at our processes and the way we're doing business already. Which many of you are familiar with where we listed all of our services from call all the way adjudication over a three-year period. And then again identified some things and some things we needed to improve upon, and the policy, the Sheriff at the time decided he should have somebody from the patrol division on the policy committee because we were going to be most impacted and he selected me to come and work on this panel. From across the country. To think about how we respond. Quite frankly I showed the first day as a patrol sergeant taking about all I was going to respond and those I supervise but more importantly where looking at a project for the Department of Justice that will impact police officers across the nation and my major concern when I showed there the first day was that we were going to be strapped with a policy that was riddled with [Indiscernible] and my fear was it was going to take away what I think makes good police officers good please officers which is power of discretion were to make choices one I showed up there the first data was thinking I want to build to make all these choices but what I learned was if I'm going to asked to make these choices and make decisions, I needed to know a lot more about the impact of those decisions upon victims and this is what I was asking people to do. The biggest part of the changing role of law enforcement for me is to be thinking about as a police officer what is it that we are asking people to do? Wafer started as an officer we were in a situation where we would ask of it what you want to do. Press charges or not press charges and there was a pilot project that was done in Duluth where half of the Police Department was able to make that decision on their own on behalf of the state maybe arrest decision and we were not relying upon the victim and now is the first time in America that we started that shift, shifting the burden of holding the offender accountable from the victim to the criminal justice system and I will say that well more time because that is really where we continue to work today and everything that we do and every way that we operate. We want to try to do is to shift the burden of holding the offender accountable from the victim to the criminal justice system. The officers then in that study were starting to make the decision and as you all know all 50 states where it makes the decision with regard to prosecution of perpetrators of domestic violence. But where

we really dropped the ball was we were still reliant upon victims. Than relying upon the victims to come forward and testify. Relying upon the victims to fill out good written statements, relying upon the victims to not put in air quotes, to be cooperative with our criminal justice system when in fact we continue to rely upon the victim to hold the offender accountable.

The changing role of one enforcement, what we're talking was continuing to do that shift, holding the offender accountable and place that burden squarely upon the criminal justice system to make sure we're always focusing on the criminal that we are not focusing on the actions of our victim that's not what it is about. In order to achieve the victim safety. As an officer when they started to look at this earlier, it was eye-opening for me with regard to the burden of the changing role of me caring the burden, was that we had cases that went through the criminal justice system. Relying upon the victim to come forward and testify. If they didn't come forward and testify them and attempted prosecutor would deem them uncooperative. Prosecutor victim filing a false and I looked in the prosecutor. Similar to my friend Matt, what you need for me and so we are not realize relying on our victim with regard and we had negotiated no opportunity for that individual to Bill. And they were go in their initial appearance, they would've lead not guilty and the judge would be the exact same thing \$800 bill. For the victim or victim children whether they wanted or didn't want. We didn't ask her what she wanted to have happen. And not a police officer alive at some point in her career this is not going to involve resulted in domestic related homicide. And talk with them what could we wouldn't have done differently please officer said as I did it was going to have a bad ending. And prosecutor and and it wasn't going to have as the prosecutor and the judge they cap has a bad feeling is essentially worthless. I found to be the goal in question of law-enforcement for the rest of the system and the question is what do you need from me? What you need from me initially here? What do you need from me Mr. Prosecutor to argue they'll. And to have successful arguments not based on my bed feeling that using tools we have all learned to embrace know and we continue to embrace across the nation with regard to risk assessment and this is one of those cases and not just because I have a bad feeling that this is one of those cases because of this particular circumstance, because of this danger, because of this risk, very documentable things and they can present to the court to argue different conditions of bail. We also then started to think what would happen with regard to not only the prosecutor but what about probation when they get -- and probation historically where I was at probation generally looked at this person's flight risk or would they return to court again, and then what is this person's risk to society and as we all know, those of us in the field we know domestic violence is not a risk to society as much is his of risk to victims and children. As the probation agent what you need for me to be able to make an assessment that focuses on the correcting. When we move our way through this, where the players or the prosecutor in the defense of a judge and jury and probation and treatment program, the question is the same, what you need for me. To be able to have the same understanding I did. The burden upon law enforcement is that when I respond to a domestic violence call I am the only person who has an opportunity to see it, smell it, hear it, and feel it the way was and respond to domestic and it will never be the same. So the changing role of law enforcement is for me to recognize that all these other people are relying upon me to have that same understanding and if they don't have that same understanding, and I have dropped the ball. Somebody at the cases always available to testify and it's the place. Bouts with the changing role of law enforcement is.

Marcus, I will give you a chance to take your breath. That's a great introduction. You're talking about this paradigm shift. That in the past obviously you didn't conceive of your role that way?

In the past I thought law enforcement historically what we do is we respond to a situation and gather basic information and come to a conclusion and fix things and we leave them and they are fixed. Domestic violence is not about today but a much bigger picture and when I need to do is recognize the tactics and tools I was utilizing were not fixing the problem but in fact it was just one tool of many but to have everybody else be able to work together not work within their own silos is relied upon the law enforcement side, and talk more about that later on in this call about the reporting but the burden really shifts, taking responsibility for the case. Not just where -- what I need but what other people need for me not only responsible for my own role but I am responsible for the case. If Matt doesn't have the same understanding for me, I have dropped the ball and probation doesn't have the same understanding. At the core doesn't focus on the right things are recognized the severity of this case where the specifics of this case that I really haven't done my job and that is how much my responsibility has shifted so significantly over the years.

I went up to Duluth long ago when you were all for starting to take a look at how can we change what we do in order to take this burden off the victim, because as you mentioned, how does this incident not only the incident that you are responding to but the very fact that you are being involved in the victim's lives impact them? I know one of the things that was very new was this whole concept that there would be a role for law enforcement to contact the advocacy program, the community-based advocacy program to provide this advocate initiated response. And so we are not going to spend a lot of time on this, we covered it last time but this is -- I think this is a real fundamental function whereby you can start to understand through the contact with the advocacy program what is going on in her life. What is -- does she not only need personally to get assistance, but what can she provide in terms of where the system can be enhanced. How does this all of fact her? We have the slide appear on advocate initiated response which is this whole concept of doing a written agreement with law enforcement and law enforcement is the one that context the advocacy program, it doesn't ask the victim, the officer doesn't have the victim if she wants to pass to an advocate and the officer doesn't just provide information about advocacy, they actually make the call, and then the advocacy program initiates the content with - - contact with the victim and in that way what we find is that we see a lot more women getting the help they need because in most cases, women will say 90% of the time if you asked them at the scene of a domestic do you want an advocate they say no, they don't know what that means. Once the advocate calls them after the officer has driven away in the squad car and an advocate calls them there like okay, what is next? What can you tell me? How me with this. What is going to happen next? We own a farm together. I can't have a no contact order in place, the cows will die. This is a frequent thing I heard in my central Minnesota community was I have to see him. Why can't I be with him and it's the -- against the law to beat me up but it's not against the law for us to be together. That was part of the discussion that advocates bring to the table in the criminal justice system and say what can we do here? And what we know is that there is this huge impact on psychological distress and [Indiscernible] as well. And then in terms of in minority women it even is a greater impact. Matt, you have been involved with this -- Marcus, I get these names mixed up.

I was going to say something but I will wait.

Jump in. Both of you, give me your take on this advocate initiated response and we will go into the specifics of the law enforcement prosecution response and working together through the court process. Matt, do you want to start?

I was going to say that link not only with the police, but then also have this link with the prosecutor's office and your community-based advocates because not every case there will be a connection. And so we have created a standard policy where the community-based advocate is at our office when we schedule the appointment with the victim. Encase that linkage gets missed with the police and the victim and the advocates on the night of the call, we catch up there and we try to get those meetings done within a week and we make phone contact with the victims within 204048 hours. And also if the police did have initiated response for the average it in the advocate got a hold of the victim it reinforces that community-based advocate

You are mentioning if a gets missed or Longhorn advocacy program is that the CCR as I was working to see it got missed at this time, how do we improve it so it becomes standard and routine for officers to do this kind of work. To contact the advocacy program and Marcus, you are a proponent of this particular mechanism. Because like you say, sometimes you leave and you go this doesn't smell right, I don't have a good feeling about this.

I definitely am a strong advocate for advocating response. If you ask any police officer, anybody in the systemwide you do what you do, we are all going to say we do this because we want to help people. The benefit of being an officer or officer the court not only that we're helping people but also holding be offender accountable. So all of us are working for victim safety and offender accountability but the issue for me and for many of us to understand was to recognize that making the arrest was not necessarily going to be providing what the victim needed. Learn more and community-based advocacy. Took him social mission. And my computer went back. Have an advocate there we are talking about Amanda Marcus. To August through some of us. Some of these best practices like looking at history and those sorts of things. Bring that in

I can sure do that. Very fortunate to have been able to then police officers and work with prosecutors in all 50 of our state I just wanted to give take this opportunity to talk about some of the ways we are working with law enforcement the investigation we're doing. And only about the way we are doing our job. We have across the country to hit the burden of holding the offender accountable from the victim from the criminal justice system. And one of the if you will faulty that is come out of this. You'll find an agency or some laws that up and ran that force the police officers to look for physical signs of injury rather than people that have committed crimes. I know for fact for myself I was a police officer at first, I would go into a domestic and if somebody had an injury, the other person was going to go to jail. Many times thing to somebody who had used just to say to them I have no choice but would you leave a physical sign of injury I have no choice but to make an arrest but what we have learned in a criminal system across the nation is that if we tie the hands of our officers in policy, laws, or otherwise, physical signs of injury. Many times we will get the arrest wrong that own use of force. Imminent bodily harm. Circumstances and situation where I needed use of force. Person who makes a determination on the way they force us. . What if the officer left a mark. Clearly the investigation is done. Subject to policy and procedure across our nation. Anytime an officer uses force and an outside agency

to determine which is legal. Whether that force was used they knew and bring me officers into a situation. The officer is amazing another person is posturing and such experts in order to get the or quote another. And stopped the video and asked them what will you be judged upon? Judged upon did it will violate policy procedure? Judged upon, used to protect yourself from imminent bodily harm and all of those will be -- determine whether the force that uses readable or not. And if they forces reasonable it is not a crime that is been committed. I get the mall to agree upon that and I think their actions through and to think about when police use force and how that investigation takes place and asked them what if you used force and somebody came in to make an assessment whether you're force was reasonable and not based on whether you left a physical sign of injury or not. Officer should think about it a bit differently and that would be fair to me, not looking at the totality of circumstances. Not looking at reasonably or legally used to protect myself or another from imminent bodily harm, it's not recognizing my expertise in reading the individual and protecting myself from him. And they will generally and immediately agree that this is not a fair way for them to be -- and then I will turn on them and say you think about that and did the officer used force to protect themselves from imminent bodily harm and if so was the force they used reasonable? Asked them to use tool that exact same question in the self-defense test that I have on the slide now. The police officer when they respond to a call is make an assessment when somebody uses force, to protect themselves or another, from imminent bodily harm and if so was the force that they used reasonable. And I will add to that is so the force they use reasonable for them. Officers to think about differently methods of delivery Mark but if so, the force that was reasonable, generally that is not a crime and a crime has not been committed so it a way for us to be thinking about it and going into situation to have a Mark. And your thoughts on that. What took place as to why a person did what they they were sprinting at the time. And trying to determine if self-defense attempt to defend themselves even if it's a portent that self-defense. May be pushed into a corner. Or walk into it slapped the assailant try to get out of the circumstance. I think that is important why they use the force what was in their mind. Of the person using, the violence to defend themselves even if they're perception is broad. It's based upon what they perceive is a -- do they feel they are subject to an imminent threat of violence.

Police officer had this skills. To get them to be thinking about that is very productive for law enforcement and then talked about where somebody might be using one example I use some time is the victim the gets pushed into the corner and then possibly the assailant then strangled the victim. There's been a great deal every research with a great deal of -- and visible Marxist regulation about 60% of the cases. 84% that show no physical sign of injury yet if happens to scratch the arms of the assailant, scratch his face, from imminent bodily harm. That person because that was a victim of strangulation by a criminal justice system rather than look for people who broke the law

I think that's a good point. Victims getting invested you are both suggesting problematic. Physical science, it was reasonable force they were using

Victim if the real victim is getting arrested that causes a chilling a on the unemployment strangulation is spot on. I have a case that just happened two weeks ago where there weren't any visible signs until hours after the assault and her eyes became bloodshot from being strangled. And this officer have been trained on how to assess for strangulation and the assailant did have

scratches and was claiming that she was attacking him but he ended up rightfully getting arrested and going to jail and the victim was not.

Excellent. They shall make an arrest. And our statute said the site of injury and family or household member. Knows that she was ever written or had the intention. That allows for or suggests or recommends the arresting of somebody who has not broken the law. What's really important is that we train our police officers to not go and look for physical signs of injury but we go in and train our police officers to go in and look for people who broke the law and that will take a little bit different skill than they have used in the past. Not that they don't have that ability but to get them to think differently about these investigations rather than being an injury detector but I am suggesting is they become a person who looks for crimes that a been committed and holding those offenders accountable. Moving into predominant, predominant aggressor, this is an area problematic notions take a step come after we determine if somebody is broken law. Self-defense assessment to predict themselves from imminent and if so is the force the use reasonable? They have not broken the law and predominant aggressor in the rare instances that particular instances that are broken law. To be used in two to termination action are going to take with regard to these people that are broken law. I will point out to officer during training that about 84% of the calls that they respond to in a year regarding domestic violence there is only one person who used force. View it as self-defense test for that new one person. To that one person use force to protect themselves or another from imminent bodily harm and if so is the force they used reasonable for them. If they asked that no crime, if they fail that test I would like to say they go to jail. Pass no crime, fail go to jail. It about 14% of those calls that we respond we arrest both of them. Or who started the fight. Person one from imminent bodily harm and since the force pass no crime but a 1.5% of the time. That fill the test. We have broken the law. As we do we take into custody. Both players have failed the self-defense test. People are confused by this notion of starting about was the most aggressive or who started the fire or who was the one that most drunk or who is the one the most irritating for the please. But the matter is just who we are going to take into custody and the other person was going to go ahead and charge them criminally that's what predominant aggressor assessment is about and that is what our state statute are intended to do is to discourage and avoid dual arrest but to make a custodial arrest for one individual and the way that a trainee officers to make this assessment is looking at the situation through your investigation, to people who broke the law but what can I take out of the situation to accomplish what I want to accomplish and what the victim wants to accomplish and that is to stop the violence. Who can I take out of the situation to stop the violence? I second question is who can I take out of the situation to ensure the children in this residence are in a safe and sound environment? It is designed to minimize or completely eliminate [Indiscernible] but it is to take somebody into custody to essentially correct if you will almost a temporary fix to stop the violence from occurring in this residence. Too many times this predominant aggressor thing much too soon and I will get calls from across the nation today saying cops are arresting too many victims here. And I will say what you think problem is and they are doing poor predominant aggressor assessments when in fact what I find is the police have not been trained adequately and don't have the full understanding of making a self-defense assessment prior to getting to the point of predominant aggressor assessments. Your thoughts on that Matt?

I agree with that. 100%. This is -- it is a confusing area and talking to other players that are coordinated community response about first you have to do self-defense and then you go to

predominant aggressor. To determine who should be arrested. And you are talking about the two people, and what is going to be safer, what will stop the violence if there are children, who is the better one to be there for the children. And another way that a look at that when I am talking to law enforcement about this is if you put one of the to in jail, will the violence stop number one. And most of the time they can say yes, we can identify who that would be and that is the one that needs to be put under the controls of the criminal justice system to calm the situation immediately. And then when there is this dual arrest, it makes it a really untenable case for us to prosecute because you have all kinds of issues that come up there, including both defendants knowing that if they don't cooperate, they can bail each other out, you may have somebody who is really a victim who then is put in the same category as an aggressor or a batterer, then you have all kinds of cross examination if it were to go to trial on the police and you couldn't even figure out who was the most at fault here. And then in a lot of states like Michigan and many other states the prosecutor ultimately decides what charges are to be issued based upon the desolate the please have done. If I'm looking at two people arrested, and they only charge one, then the defense is that the police thought they were both bad. They arrested both of them. It doesn't make for a real effective criminal justice intervention, and when I see those numbers going up, we will do a little bit the spot training, either through a memorandum or update training or whatever to talk about this issue, and address exactly the things you're talking about.

I appreciate where you are at, we've got a prosecutor like yourself that is on the ball and understand these issues and is willing to get actively involved but too many times for me I recognize the impact and decision that I was making is frankly for a while I was a police officer, going back to the same place and at some point I got to the point where I arrested both people and let the courts figure it out. But what happens when I was making an erroneous arrest or self-defense assessment and I'll give you two examples. I arrested a woman and let's say I was the individual I arrested that woman who scratched a partner who was strangling her. What she is going to do, she spends the night in jail in our system, what she will do tomorrow morning is plead guilty to that offense and a think about the impact of the guilty plea it's going to impact her ability to seek a protection order and Family Court. It will impact her ability when it comes to child custody matters. Should CCK dissolution of marriage? We'll damage your credibility should she ever call one person in the future. The impact of that is tremendous. And I haven't thought about the impact not to mention what you spoke of earlier is you can't rely upon the criminal justice system for help so now where does she turn? Then it it becomes arrest both people and that courts figure it out by historically what happens is the next morning she pleads guilty. An attorney who tell us him that less than 2% successful conviction rate across our nation or multiple arrest and not guilty, she does not come forward and the results are exactly the same. We need to be so careful about it and as I mentioned a prosecutor like yourself who understand the issues, involved in what is happening will go down there and not allow this to happen. I will not allow you to plead guilty. You can speak even to the charges, but in so many places people wash their hands of it and I don't think they recognize the impact and decisions and the impact upon her life.

I am handling our domestic violence cases right now, and when I look to the history, there is a history in almost all of them where she was the suspect. She was arrested. On these repeat call cases. When I've talked to a couple of victims, in particular in the last couple of weeks, one of them came in with the attitude what is the point in me being here? When I started to dig down

deeper as to why she had this attitude, previously, strangulation victim. And once we got through some of that you could just see her whole demeanor changed when I said I don't care about that particular your strangled here.

Most definitely certainly a different I made mention for and does thinking about the cases and we can see this train wreck coming in some cases. Again, if you think about what guides and drives police officers those of you that are not officers him, police officers are driven by local or state law and case law instruments and we were driven by those opposed to what we thought should have happened. If you're in a position to think about writing policy and if you look the model policy as I mentioned before from the Department of justice, all those are going to afford your officers discretion with regard to arrest and discretion with regard to actions they take and as long as your officers have a deep and thorough understanding of the actions they're taking in the impact of those actions they are taking, we want to them policy agreements and [Indiscernible] work together where we just knew, things were not going to end will no matter what we did. And how we knew I made mentioned before. I have that feeling the hair on the back of my neck was standing up and I had just for some reason I knew this wasn't going to go well. And for the most part police and practitioners represent the call today there well aware and they are accurate in those assessments. It's imperative in our investigation is represented today. You're asking engaging the victim. Let them know it's probably not about today. And this will take training. Used to responding to a domestic. And it's fixed. But in this case. Probably started long ago. I went to a domestic service go where now I know months earlier this woman had been strangled to the point of unconsciousness and since then now Montag on by including had occurred. About six months ago she started to tell me the story. And more afraid I put up the stop sign. I need to know what happened today my job is to find out what happened today but really in this domestic violence case it's not about today. This is part of a pattern. At least six months ago. Research would suggest many of these half of them what we need to do is be thing about to be thinking about now more than just today. And I would like to also think that we also need to give a victim permission if you will to talk about things more than just today. They're interest, what you want to have happen here? I wanted to stop. I want to be safe. They will tell you about what happened today but it is not about today so it's getting people to think differently about it and giving that victim permission to talk about things other than today. Giving me full picture. That whole picture, that history is so important because many of us have the ability in prosecution to file the other evidence type of emotion to bring in the history of domestic violence and many states like Michigan, we have a statute that says prior acts of domestic violence are admissible on a current case. And so the police do have to not only give permission but be willing to look for that history because it can be very helpful in prosecuting the case and I have had instances where prior history, which was much worse than why the police were there today resulted in a separate charge. So these are really powerful tools that we have in prosecution if the police get this history.

I wanted to just mention that do you think that while law-enforcement knows about domestic violence cases have shifted now and in a lot of cases, I don't know if this is accurate law enforcement traditionally thought what's good for the goose and good for the gander. And she does stuff to. As I have worked with both of you and seeing these changes in how law-enforcement in prosecution relates, on parchment prosecutor, allies because you are getting it that it isn't just a fight, she would stop irritating him and you are really getting at -- control going

on here. There is not just equal combatants. I bring this up because in a lot of places we still see a lot of this neutral arrests. Them both into it and they're both bad at the relationship. Result of changing what officers do result in results what's going on what's going on.

Battering and what battering is about. And totality of circumstances as much different. How your thing about it. Everybody has at one time in what she said or did. And you get a judge or jury to focus on the wrong thing which is her behavior. Should not push the buttons or she is a [Indiscernible] or she pushed us, but that is not what is on trial. We have a case went to trial were dilutes is and the jury found an offender not guilty, when the prosecutor asked the jurors why did you make this because without she was a -- that is not against the law to be a [Indiscernible] in Minnesota. I think we need to continue to recognize what is a crime and anytime Miller to a victim's behavior, and without question you're focusing your attention away from what we're supposed to be focusing on which is the criminal. That's with the criminal justice system as well. I often remind police officers you don't go to a burglary call and say to the homeowner, you live in a crappy neighborhood and that locks and no street lights. We focus on the criminal and we have to make sure we continue to do that in these cases and recognize that it's not about them getting along, them having a disagreement and certainly anybody that is been involved in an intimate relationship that had a disagreement with their partner. It's what makes it illegal is the reaction to the disagreement where they crossed that line and do something to use physical force or threat of imminent physical force or cause some harm or controlling nature. That crosses the line of being criminal is what we need to focus on. Any times an individual would say to me and say that I've got a wedding ring on and say you are married, you must have disagreements with your wife and would you be upset?

It was your reaction to being upset is why I'm here. What you did is against the law and it's not okay and it's really time or beyond time that we as a society stand up and say that is enough. That behavior is not tolerated and not okay.

Marcus, as somebody who has worked with batterers and groups, that was such a powerful motivator for the batterers I worked with. They hadn't heard that for many people in their lives, that it wasn't about her. That they had to make a change and they had to stop using violence that everybody could relate to having disagreements and relationship. But not every man doing whatever they felt was necessary to make her stop. Such as using force or doing other things that created risk and let's transition here to this whole question of risk, because this seems to be like the sensation that is sweeping the nation. Everybody is shifting their focus into what are the risks? Who does what to whom with what impact? When I leave the scene, if I do nothing, who is going to be at greater risk? And so I am just going to put this slide up. We went through last time. But this comes from the Jackie Campbell fallacy research that says these sorts of -- if you got these elements involved in the incident were you are responding to when there is risk of lethality, even one of these, when you take a look at having more than one or if you look at the ones that have the red *-asterisk on them, five times more likely that the violence will become fatal. And in some cases you might just be responding to a slap and all these other things are going on. So in some areas we are using modified risk assessment from the Jackie Campbell research, and the Maryland model in particular uses a modified shorter list like this to get at the lethality involved with the particular incident that you are responding to, but what you talk about a lot Marcus, and mats, is this whole open-ended idea of taking a look at the risk. Marcus, say

something about that in terms of the law enforcement role in the three risk questions that you asked.

I think this list you had up if I can put the list up again, risk posed by the batterer, I made mentioned before, to say I have a bad feeling about this, not saying to me what am I supposed to do with that? Format to make arguments about I have a bad feeling about this and here is why your honor. The victim was physically abused, guns about, history of estrangement, the batterers currently unemployed, use of weapons, he has made threats to kill that she believes are credible. And just on and on the Jackie Campbell research identified these risk factors and also the likely outcomes when these risk factors are present. So what it is is really quantifying that gut feeling that I made mention of in the call were I've got a bad feeling about the situation. How do I paint that picture for the prosecutor in a way that is usable and that is doing, assessing a good risk assessment and assessing risk and lethality and the way that we did that in our model policy and through the blueprint for safety policies is to ask risk questions. There've been other questions that are been added by other organizations and I encourage people to get together with their prosecutors am whole community response and think about what those additional questions might be that they ask. The first question is do you think you are she will seriously injured or kill you or children or someone else close to you and what makes you think so? Two things are happening? One, for the police side, is that by incorporating in policy, asking this risk question, this first questions you think here she world injury or kill you or someone else close to or what makes you think now him. You're getting the officer to think about situations and scenarios that are beyond today. One outcome is the police now are not snapshot, they're not just focused on today to hear the now or how do I fix us immediately but the police are looking at a much bigger picture because the answer to this for that woman I made mention about before, she will say how do I think or do I think that he will seriously injure or kill me or my children and what makes me think so? Yes I think he will because six months ago he strangled me to the point of unconsciousness and is that if the person we use that tactic. The result is the police are thinking differently about it and a much bigger picture. The second part about it, what happens with asking the question is you have given the victim permission if you will. You have given them permission to talk with law enforcement or anybody in the criminal justice system about things other than today. Other than the immediacy of what has gone on. The second question how frequently, what we're looking for is the things I listed on that list that was previously displayed. How frequently did your sheet intimidate you or threaten you. Is a changing and getting worse or some of these other tactics coming into play, more violent or more frequent? Those are things that we will be able to use to be able to assess accurately risk in this particular situation. Third question is describe for me the most time that you are most right frightened by him or her. As is flat-out giving the opportunity for law enforcement to think about things other than today and it's giving permission yet again to that victim to talk about the things that she is afraid of, the thing she is in fear of, that things have occurred prior to today. You're giving the victim an opportunity to talk about the totality of circumstances rather than focusing upon the immediacy of the emergency we responded to.

Marcus, I am doing some continuing education for police here locally in the upper Peninsula and I did a two-hour block yesterday on domestic violence and sexual assault to talk about some new trends and things that we can be looking at. And IUDs couple of slides here and I used this one because as you know we are trying to adapt a blueprint in market County -- Marquette County

and these three questions, really brought up a lot of discussion in a room of 24 or 25 cops about this. And looking at how you get the whole history context type of thing and the same questions are being used now with our prosecutors victim witness court Nader when she is contacting victims within 24248 hours after there has been an arrest and we get the paperwork. And I am incorporating them in my discussions with the victims and I think the more the players in the system do that, the more we are going to get a better understanding of what is going on in the history context and severity.

Matt, you said you brought up a lot of discussion about what kind of discussion? What were people saying?

First of August talk about the early days where we have the side up about the tip of the iceberg and the first cop that spoke up said I've been to so many domestics and I am not really even sure that other than maybe a few Oriental that I have never really had a situation where there was a true batterer. It is usually the same old people, drunk, fighting, the usual suspects. And them by the time we got to this slide, you could see he was thinking differently and I think he was starting to recognize that maybe I am not doing a complete thorough job here. In how I assess this. And I gave some examples of victims that previously had been arrested, and so that led to a discussion on how do we -- should we be doing the checklist or shouldn't we be dealing the checklist? How would you like the reports to look better? And I said the checklist was good and we created these forms 20 years ago so that you would get this information in your report. But I also need some actual substance. And we talked about maybe we could change our report writing guidelines. Maybe we could create some sort of a template to fill this information in. And it was pretty -- it was pretty neat. I was excited because the police at a training, you know Marcus, they are sitting there and their sarcastic and cynical and to actually see them engaged and seeing that this -- asking these types of questions can lead to a lot of good valid information was very helpful.

I was thinking when you look at -- talking about the Maryland model, which is good, which is based on the checklist with more of the lethality indicators here. But one of the things we see in some places where these checklists are being used is that the rooms feel like he just -- the officer just rapidfire asked me these questions and I don't -- he didn't do any follow-up questions and [Indiscernible] I felt like these are -- these are difficult things to discuss. Forced sex. Strangulation, yes or no. More and more there is a discussion about the checklist versus the open-ended questions. So that is part of your discussion as well.

That is exactly what the police were saying. They're going yes/no down the checklist and you could see they were excited to get away from number one they hate forms, but to actually do some investigation that might be useful rather than just going through that checklist. That was the reaction that I was getting yesterday from them.

I think you need to -- for me as an officer I need to recognize what happened to these people. What is happen to these people is a horrific situation involving their intimate partner which makes it even worse. And two things come to mind for me. One is I think when an individual that has been involved in a tremendous or traumatic incident leaves, and the law enforcement officer training I will do, I will bring them into -- officer involved shooting. What does the officer need who has been involved in this tremendously dramatic situation him first thing they

need is to be able to vent. To have somebody here, what they're thinking and feeling and that they're angry. Secondly what they need is some sense of affirmation for somebody to tell them what they did was okay and that you understand and that you made a reliable choice or you made some sense and the third thing you need is to regain some sense of control. And working with the officers, they are all well aware of what is going to happen in the situations and many of them have lived that situation and then I asked him to think about this domestic violence situation and his mentor that this victim has been through something equally traumatic and are you in your practices giving them an opportunity to vent? An opportunity to regain some sense of control or affirmation and really to get them to look at their tactics a little bit differently. The second thing that I will do is asked them to think about how they would treat an individual who is involved in a rape. For purposes of clarity, let's talk about a rape involving a stranger on stranger rape and I'll put myself in front of this role and say this is what I would say to that victim. I am sorry this happened to. It is not okay. And in no way shape or form do I think that you had anything to do with or you responsible for what happened to. Is not your fault. And I have to ask you some questions I can only imagine are incredibly difficult to answer because they are difficult for major asked because they're so private in nature. And you also need to know that there will be other people on my team that will ask you the same question if it's not the exact same question it will sign like it that's not because we don't believe you but it's because we need to understand exactly what happened here so we can hold this offender accountable. That's exactly what I will say to the victim of a rape so why not use that same tactic on a victim of domestic violence? I can say to her what happened to is not okay and I'm sorry that it happened. And I have to ask you some questions that I can imagine are going to be difficult to answer because I have to be -- they are hard for me to asked because there's a private in nature and there will be other people my team that will last you a question that sounds the same. @because we don't believe you but it's because we have to have an understanding of what happened. So we can make sure this offenders accountable. Cops can relate with that. They have those skills but it's getting them to think differently again about these cases, to recognize what is happen and not it's an event but life-changing traumatic incident involving your intimate partner that for so many of us just can't imagine it. And weak because we can imagine that we focus on the wrong thing. To get people to really look at themselves look at the belief structures, to look for actions and when you first started the call to recognize the impact of your decisions. And the impact of those decisions upon these people is what it is all about.

It sounds like you have cultivated or ask -- asking officers to cultivate some compassion and that's one of the goals in a batterers group is to get -- that we see will help them change first of all a strong response from the criminal justice system but it's to build and develop some compassion for the impact of their behavior. On the victim. I think that it is interesting that you are really suggesting that she doesn't deserve this and that you can make that very explicit. That is not something you often hear. A lot of times you hear they have to go in and it's a most like the woman feels like she is the deaf tendon or something.

I think you're right. Part of the shifting the burden. It is not her responsibility to come forward and we can rely upon her to testify and I can't say if you're not willing to help yourself I am not going to help you. Those are the things I see everyday law enforcement happen. I don't know that it's there lacking compassion as much is they don't understand it. I truly believe that people in law enforcement and there are people in every profession that are jerks. But the overwhelming

majority people in law enforcement are in law enforcement because of that compassion. They want to help people and the more they understand what is happening here the more they like me will take a step back and say what am I doing here? How can I help this situation? And leaning on her was the wrong way to do it. That wasn't working at all. To shift that burden again from the victim to the criminal justice system that we are going to do that as an officer bite doing a thorough investigation. I am carrying the burden. I told Matt about this last fall, I spoke at a national District attorneys dimension in Washington DC and I had a prosecuting attorney said to me without the victim there's no way I can get a successful prosecution. It will not happen and I asked him if he had ever had a victim of a homicide come forward and testify for them. And he said everybody laughs about it but the fact is there is a case where we are able to carry that burden of the criminal justice system because we have accepted the responsibility. Were not relying upon the homicide victim, we are relying upon the criminal justice system and reminding cops that it every single case we respond to every incident we respond to somebody is available to come forward and testify. And by golly, it is you. You are the one that can come forward and testify in you the one they can carry this case a most homicide victims throughout my career depended on me to carry that criminal justice system burden and we were relying upon the homicide victim so why are we doing that in cases of domestic violence is something I had to take a serious look at.

Exactly.

here we have this list of things that are about investigation and about gathering evidence and you put this list together Mac, is this something that you feel like is important in your capacity to prosecute let's say?

I won't go over every bullet point here but I was just thinking of the things that I tried to do to successfully prosecute without relying upon the victim. Of course it starts with the investigation, good appropriate documentation, especially it seems like there is been more more strangulation allegations recently and following up first being trained on how to properly investigate a strangulation incident and then following up to make sure that we document I mentioned the case earlier where the officer had been trained, she went back, she did follow-up, and even though there weren't ligature marks at the time, her eyes and her face had capillaries had ruptured and her eyes were just all bloody. Following up there is very helpful. Talking to witnesses at the scene, one of the things I trained police to do is to asked the victim if she has talked to anyone about the incident. And a lot of cases they have talk to the victim, they have talk to somebody else before they call 911 or after they have called 911 and I personally spoke to often is a very good witness. We talked about the open-ended questions and getting the history, it's controversial when it comes to interviewing children. I still think that law enforcement always should, and then it's up to us as prosecutors to figure out when and under what circumstances we call children. In 28 years I have never put a child on the stand against the adult defendant parent. Those cases tend to resolve but you have the ability if you need to. Statements about the victim and the suspect making sure you get what they're both saying happened. All physical evidence obviously the 911 recording, jail recordings are buried treasure when you get them. Both from visitation, visitations are often recorded and the phone calls that the perpetrator is making. They make all kinds of inculpatory statements. They make threats against the victim. Which can lead to more charges which can lead to forfeiture of their right of confrontation under the sixth

amendment. Taking pictures of the scene, taking a picture of a suspect that night because they do tend to come to court cleaned up. Making sure there are medical forms, released their medical records. Because statements that -- if there is medical treatment, statements made in the course of medical treatment are hearsay exceptions that are admissible and physical evidence that is gold that you can find and strong evidence at the same. Needs to be documented and gathered if you can't. Clumps of hair, torn clothing, notes that are written, I had one prosecutor tell me about one particular case where on a piece of brown paper a grocery bag paper written in marker you take too wall nice to the phone the batter or had written we don't call 911 in this house. That pretty much is all you need if you try a case. To get the message as to what is going on there. All these things shift the burden from relying upon the victim to having a strong evidence -based case and I think I covered it.

Say more about shifting the burden to the sum of the victim. You are saying that she doesn't have to get up in open court and go into a long lengthy dissertation about all the things that happened to her.

My initial meeting with the victim is often talking about what needs to happen here. So that you are not sitting in a prosecutors office in the future. What can we do? What is the problem and needs to be addressed if we are going to prosecute, how can we avoid this putting that burden on her to bring the case forward. Some victims who come in with -- appear to be hostile or not wanting to participate or corroborate when I explained to them we have a case here and all this evidence tell us me this is what is happening, you can almost see them accept the fact that it's not me that is driving this operation here, it is the criminal justice system, and I've had a lot of hostile victims become less hostile. When they're talking to me. They become more cooperative. It happens when you -- rather than saying to them I'm going to force you to come to court you are going to be on the stand we will issue a subpoena, you talk about the strengths of your case and how this is the system bring in this case. It is not you, it is not relying upon you. Why don't you tell me what you need. What can we do to help short of just saying I want all charges dropped. As of right now that is not going to happen. So that is what I mean.

What kind of things do they say?

Just the other day I had a 19 -year-old girl who had a nine day old baby and her batter or her abuser got arrested. And she wanted him home because she needed help with the baby. She has no support system in the area, not from around here and we talked and I said what you need and she said I need help. I need help with the baby. And she had no car, she had arranged for a ride, I had an advocate here with me. Her right ditched her and she has this little baby and the advocate spent about 45 minutes after they left my office driving her back to her home, talking to her about some supports she can get and I've talked to this victim twice since then and she is not as eager to have the guy home although I did agree if that's ultimately what she really wants, to have him back home, to help with the baby. That was one thing. The other thing is he needs to stop drinking, he needs to go into some sort of a counseling program. That is the type of stuff that I hear. And it was this victim that I just told you about, she said I am done with them. He is an immature are not responsible but I need help with the baby. So what can we do to get you some help for the baby?

And recognizing that she may not be able to free have him if there is a baby and there will be custody and visitation and what I found working with women a lot of them wanted the courts to continue because like you say, they could see if any of these things would help. He will not go to a program on his own. He is going to good strategy.

And those were all covered in our discussion.

We are getting close we have time for questions asked an example of been one of the things around the country which is this really comprehensive probably the next version of count County code of call comes from near St. Louis County and pretty much the same stuff is in the blueprint. And you see at the top of your slide that it is not only a checklist. A supervisory oversight sheet. So Marcus, talk about what happened when you implemented in your agency. And this is something that your leadership, administrators said we're going to to start using this guideline because it incorporates all these things that the prosecutor needs and it makes sure that you are doing things like self-defense did and all the other practices we know and assist with being able to help the offender accountable and protective victim. Tell us something about this than what that experience is like. And do you think it's a good idea for departments to take a look at doing something like this?

I recommend we try to work toward like this. Two things that exist. One is the result of your work. This is where you get together in your coordinated response and you talk with one another and learn to ask the question and what you need for me? Probation, what you need for me? Child protection, advocacy. All the different players that we talked about in the changing role law-enforcement what you need for me this is the result of that work. The idea with the checklist is to get the officers to be thinking about him and not back at the station writing the report but I carry this with me during the investigation. Think about the totality of the investigation for me. Who is relying upon me to be able to do their job as if they were here with me to recognize I am the only one as a police officer who will see it smell it here it and feel it the way was so who needs to have that same understanding as me and what do they need for me? That is what the result of those questions is what this report writing checklist is about so you guide it and memorialize this in the policy, to get everybody to be thinking about what you need to ask, what people need for me, what do I need for my own investigation and to be able to run through this checklist is a great way to make sure your officers include the totality of circumstances and the brush over or make it more of a snapshot investigation rather than totality of circumstances. The second part --

You carried this on a laminated card in your pocket right?

I did. It would fit in my please officer's uniform. They had it with them while they were doing investigation and they had it with them while they were writing the investigative report. It's a good point. The second thing this document represents is supervisory oversight and you are only as good as your monitoring and supervisors in law enforcement recognize that they are responsible for the end work product of their troops or of their subordinates and when you memorialize the policy and you will act in a certain way it's a responsibility of the supervisor to ensure that the officers acted not way and as good as you get through your actions and your training, that you stay that good. The supervisory oversight sheet is an exact clone to the domestic violence report writing checklist sheet and I would encourage you to think about how

to memorialize that into policy as well. For us, it became initially we had supervisory oversight. And we found that the officers benefited from it much more deeply when they could see what was being called for by policy or vacancy or the experts was that down and thought about this in a bigger picture. Animated difference in their investigation and the way they conducted them. I will also mention that one byproduct that we hadn't intended and anytime you enact a policy there are some unintended consequences or benefit in some way but what we hadn't compensated was when he had 109 deputies writing police report using this report writing checklist as they dictated for road or narrated the report, what we found is we had 109 deputies that were writing police reports that were quite similar. The information was not only in there but it was in there in a specific order and the judge learn to love that, the prosecutor learn to love that, probation learn to love that, child protection, all of the different players within the criminal justice system and beyond were getting a report that essentially was written the same by all 109 officers. Not something we had contemplated but a tremendous benefit as we broke down the silos and operating in our information rather than operating and community response.

Super. There is a page to miss that we aren't showing here but it has discussion and questions about predominant aggressor and self-defense determination. And also contact the accuracy program it's a good reminder for everything you need to know. I know when I am done right along, the heat of the moment, it must be -- it gets chaotic and it must be a valued to be able to say what do I need to take out of here. And Matt, you're using this. A similar version?

Similar version. Yes. This is Incorporated -- we have a standard law enforcement -- it's a four-page for me fill out on domestics. That's what they were talking about yesterday my update training as to -- is there a way that we can incorporate this into a template for writing the report. And we had similar experiences that Marcus was talking about. We have commonalities in how the reports look and appear. And it makes it easier for us when we are authorizing and for the magistrates. Or for the judges. So yes.

I know Marcus, you I think St. Louis County has added a question in terms of risk of sexual violence in the past. In St. Paul with her blue print they have asked questions about harming pets. Because they thought -- so frequently with high risk. So --

Local impact, add to those three questions. There's a fourth one. Anytime in your relationship, forced to be involved in sexual activity against your will without consent tremendously high affirmative on the part of victims which makes us recognize the appearance of sexual violence and the Muslims and killing or harming or injuring a pets. Eight coalition increased violence and risk towards victims and their children on the circumstances existed. I encourage you to think and asked those questions of the people within your system and find out what additional questions to be asked and asking law enforcement as part of their investigation to ask us a few questions is not a burden. They were recognize how much better their investigations are and how the outcomes are significantly changed as result.

Super. Very good. We are getting to the last slide. I'm assuming that as the webinar has gone forward there have been questions that Kim up. I see [Indiscernible] has responded to some of those but we will give anybody a chance to ask a last question in the three me remaining minutes and if there are no questions we will have you need to say your goodbyes. Any questions out

there? In the meantime, I will say it has been a pleasure to have you Marcus and Matt, and it's always a great honor to work with you, and if you have any questions of Matt or Mark -- Marcus or myself, we have our contact information here. And we are available if you need any follow-up lessons. One of the things we didn't get into here, whole thing about how to people handle guns. We don't have time to get into it now but if you have any questions, anything related to any of this do feel free to call. Do feel free to send us an e-mail and we will do what we can to answer you. Where Praxis international and we are here to provide technical assistance and training if you need it for anybody who is getting a grant from the office on violence against women. Marcus and Matt, anything enclosing?

For me, thank you very much for taking the time to spend this time with us in the session. I appreciate the work that you do and if we can be of any help at all please reach out and I would be happy to help. Thanks for the opportunity.

For me, this is Matt, again, I agree with what markets that. I appreciate with what everyone is doing, the work out there, it is challenging but it is important work. If you are not working in collaboration with your community-based program I encourage you to do so. And if anyone has questions about that, I am more than happy to talk about our experiences and you can pick my brain if you want some ideas. Rose, thank you for keeping us here and keeping us on task.

We have one minute left, I will put a plug-in for this Colorado coalition is doing a conference and a preconference in Vail, June 14 and if any of your in the vicinity or come on over, you can get registration materials that the Colorado coalition of domestic violence and it will be Matt and Marcus and I doing a daylong. That should be really interesting and we're looking forward to that. I know there are a couple people from Colorado on the line, and we will see you soon. With that, it is 3:30 and thank you all very much.

Thank you everyone. We hope that this was what you needed and if not, as Rose said, don't hesitate to contact us. [Event Concluded]

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