

Training and Technical Assistance to Law Enforcement on Response to and Investigation of Domestic Violence, Dating Violence, and Stalking



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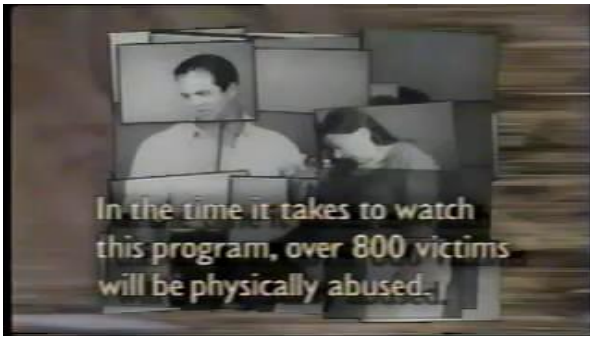
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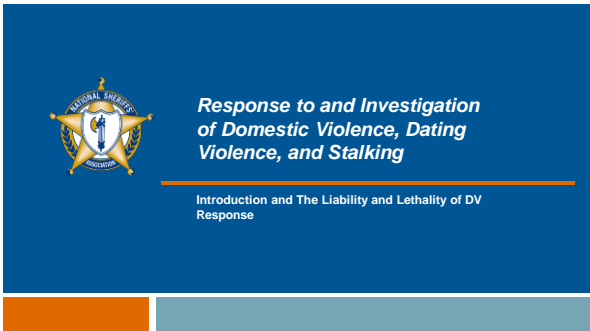
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Introduction/
The Liability and Lethality of
Domestic Violence







National Sheriffs' Association

- Nonprofit, membership organization
- Founded in 1940
- Represents the 3,083 sheriffs in the U.S.
- Dedicated to raising the level of professionalism of law enforcement and other criminal justice personnel



National Sheriffs' Association

- Provides to members of the criminal justice community:
 - ❖ Trainings and seminars
 - ❖ Technical assistance
 - ❖ News and information
 - ❖ www.sheriffs.org
 - ❖ *Sheriff & Deputy* magazine
 - ❖ NSA Monthly *All Points Bulletin* E-Newsletter



Training Overview

- Federally funded through a cooperative agreement with the Office on Violence Against Women (OVW), Department of Justice (DOJ)
- Curriculum developed by:
 - ❖ NSA
 - ❖ AEquitas: The Prosecutors' Resource on Violence Against Women
 - ❖ National Center for Victims of Crime (NCVC)'s Stalking Resource Center
 - ❖ Subject matter experts from law enforcement, prosecution, and advocacy
- Trainers
- Agenda
- Housekeeping
 - ❖ Restrooms
 - ❖ Emergency Exits



Goals

- Increase safety of officers and victims
- Describe dynamics of domestic violence, dating violence, and stalking
- Identify practices and techniques to investigate and report DV crimes more effectively
- Increase offender accountability to prevent future abuse
- Apply federal domestic violence laws



DV Response: Liability and Lethality

- ❑ Negligence and how negligence relates to liability
- ❑ Seven common areas of officer liability and how to limit liability
- ❑ Important information to know when investigating a domestic violence case
- ❑ Lethality and risk assessment
- ❑ Potential dangers when responding
- ❑ Critical pre-arrival information
- ❑ Tips for approaching the scene



Domestic Violence Liability

- ❑ Negligence
- ❑ Not following “shall” requirements
- ❑ Special relationships
 - ❖ Legislative intent and statutory requirements
 - ❖ Protection order
 - ❖ Officer response (promises)



Common Areas of LE Liability

- ❑ Failure to take proper actions to protect citizen
- ❑ Failure to appropriately enforce court order protecting victim of domestic abuse
- ❑ Failure to respond or respond in timely manner
- ❑ Failure to provide information to victim as law requires
- ❑ Arresting a citizen without establishing probable cause
- ❑ Exhibiting pattern of differential treatment or application of the law in DV cases
- ❑ Failure to adequately train



Limiting Liability

- Update and follow policy procedures
- Ongoing and updated training
- Detailed reports
- Document all actions
- Know domestic violence laws and guidelines (Mandatory/Required)
- Do not make promises
- Supervisors overview of response and reports



Important to Know when Investigating DV

- State definition of intimate partner/ family household member
- Mandatory or pro-arrest laws/policies
- Predominant (primary) aggressor
- Victim notification
- Jurisdiction's conditions of release
- Reporting and charging





Dangers of Domestic Violence Crimes

- UCR stats
- Parties expecting, waiting for officers to arrive
- Firearms typically present
- Drugs and alcohol may be involved
- Familiarity can lead to complacency



Lethality and Risk Assessment

- Threats of homicide or suicide
- Weapons
- Strangulation
- “Ownership” of victim
- Access to victim
- Hostage taking
- Obsession
- Depression



Lethality and Risk Assessment

- Escalation of batterer risk
- Stalking
- Previous contact with law enforcement
- Victim leaves
- Protection order violations
- Cruelty to pets
- Increase in frequency and severity of abuse



Other Danger Signals

- Loss of job
- Forced sex
- Battering during pregnancy
- Violence towards children
- Taking out life insurance
- Making out a will
- Drug and alcohol consumption



DV Response Dangers

- Lack of Information (Call Takers)
- Complacency
- Arrival (Ambush)
- Back Up
- Weapons





Responding

- One officer vs. Two officer response



Alternatives to Back-up

- Game Wardens
- Park Police
- State Troopers
- Auxiliary Officers



Approaching the Scene

- Consider waiting for back-up, if available
- Emergency lights, sirens
- Written, mental notes
- Observe



Entering the Domestic Violence Scene

- ❑ Safety concerns (victim, officer, advocate)
- ❑ Search and seizure
- ❑ Cannot enter residence unless:
 - ✦ Invited
 - ✦ Have warrant
 - ✦ Exigent circumstances





- Minor in Possession (3)
- Operating Under the Influence (3)
- Speeding
- Trespassing
- Theft
- Evading Police
- Operating After Suspension



- *Minor in Possession (3)*
- *Operating Under the Influence (3)*
- *Speeding*
- *Trespassing*
- *Theft*
- *Evading Police*
- *Operating After Suspension*

- *4 Restraining Orders Issued*
- *4th Degree Domestic Assault*
- *Domestic Assault with Injury*



Liability and Lethality

QUESTIONS?

The National Sheriffs' Association (NSA) provides *Training and Technical Assistance to Law Enforcement on Response to and Investigation of Domestic Violence, Dating Violence, and Stalking* through a cooperative agreement with the Office on Violence Against Women (OVW), U.S. Department of Justice.

The National Sheriffs' Association is a non-profit organization that provides trainings and seminars, technical assistance, and news and information to law enforcement. NSA's goal is to enable sheriffs, their deputies, chiefs of police, and other criminal justice personnel to perform their jobs in the best possible manner and to better serve the people of their city, county, or jurisdictions.

This training was customized for front-line, law enforcement practitioners as these non-supervisory personnel are usually the first official responders to victims and, thus, the professionals most in need of access to information on improved response to and investigation on domestic violence, dating violence, and stalking crimes. The curriculum was originally developed in 1999 and was most recently revised in 2016 by NSA; AEquitas: The Prosecutors' Resource on Violence Against Women; National Center for Victims of Crime (NCVC)'s Stalking Resource Center; and subject matter experts from the law enforcement, prosecution, and advocacy fields.

The goals of this training include: increasing the safety of responding officers and victims; learning practices and techniques in order to more effectively investigate and report domestic violence crimes; increasing offender accountability in order to prevent future abuse; understanding dynamics of domestic violence; identifying the components of and law enforcement's role in evidence-based prosecution; and understanding federal laws and statutes pertaining to domestic violence and impacting law enforcement.

In this section, participants will learn: the definition of negligence and how negligence relates to liability; the seven common areas of officer liability and how to limit liability; important information to know when investigating a domestic violence case; lethality and risk assessment and other danger signals; potential dangers when responding to a domestic violence call; critical pre-arrival information when responding to domestic violence incidents; and tips for approaching the scene.

LIABILITY

In court cases involving liability, a plaintiff needs to prove negligence. As a result, the plaintiff will need to first prove a duty exists. If a duty has been determined to exist, negligence can then occur by: a breach of duty, law not being followed, or proximate cause (acting in a way that places a citizen at risk). Based on findings of negligence, judges and juries determine the damages, either compensatory or punitive, to be awarded to the plaintiff.

The following are the seven most common areas of officer liability:

- Failure to take proper action to protect a citizen.
- Failure to appropriately enforce court orders protecting a victim of domestic abuse.
- Failure to respond or to respond in a timely manner
- Failure to provide information to a victim as the law requires.
- Failure to adequately train officers.
- Arresting a citizen without establishing probable cause.
- Exhibiting a pattern of deferential treatment or application of the law in domestic violence cases.

Ways for law enforcement to reduce their risk of liability include: following their agency's guidelines and protocols, engage in ongoing and updated training, write detailed reports documenting all actions, know domestic violence laws and guidelines, and do not make promises to victims; e.g. promising the victim will now be safe and/or that the perpetrator will be sent to jail. Steps supervisors can take include reviewing and revising the agency's domestic violence policies and ensuring that these policies, at minimum, meet the state's guidelines; and providing ongoing and updated training.

LETHALITY

Awareness of lethality indicators will further enhance officer and victim safety. Lethality indicators in domestic violence situations include the batterer:

- Threatens homicide and/or suicide.
- Possesses weapons. Lethality increases if the batterer has used or threatened to use a weapon in past domestic violence incidents.
- Strangles the victim.
- Believes that his partner is the center of his universe and that he cannot live without her, or that if he cannot have her then no one will.
- Knows the location of and has access to the victim and her family.
- Holds the victim hostage.
- Becomes obsessed with his partner, children, or partner's family. Harasses, threatens, and stalks his partner or partner's family by phone, emails, notes, cards, flowers, and third party messages.
- Experiences depression.
- Stalks his partner. Stalking is a pattern of conduct made up of a series of acts over a period of time.
- Has previous contact with law enforcement.
- Violating a protection order.
- Harms and/or kills the family pets.
- Demonstrates an increase in frequency and severity of abuse.

RESPONDING

The call taker is usually the first contact with individuals involved in a domestic violence situation. In order to help increase officer and victim safety, important information for the call taker to gather and communicate to the responding officers includes: the location of the caller, is anyone hurt, who is involved, what is happening, are any weapons present, and who else is at the scene.

Domestic violence crimes are dangerous because the parties are often expecting and waiting for the officers to arrive and firearms are typically present. Furthermore, high recidivism rates with domestic violence as well as the likelihood an officer may know one or both of the involved parties often results in familiarity which leads to complacency.

Depending on the situation and if officers have previously been to the location, officers should consider waiting for back-up, if possible. However, in rural jurisdictions, back-up may not be available or accessible. As a result, some alternatives to back-up include state troopers, park police, game wardens, or auxiliary officers. These individuals can provide assistance and increase security at the crime scene. If these individuals do not have specialized training, they may prove to be a liability, so departments should contact these agencies before relying on their assistance.

In lone officer situations, the responding officer should focus on the most aggressive individual first, instruct others who are present to remain quiet, keep others present at a distance but still within sight, and avoid kitchens, bathrooms and bedrooms because there may be weapons in bathrooms and bedrooms and there will be weapons in the kitchen.

When approaching the scene of a domestic violence crime, officers should try to park in a location that is not visible from the scene, if possible; follow the agency's policy regarding emergency lights and sirens, but be aware that the lights and sirens can increase the suspect's level of agitation; and make written and mental notes and observations about what is occurring, to include in the report.

When entering the scene of a potential domestic violence crime, officers should keep in mind that the Fourth Amendment to the US Constitution protects individuals from unreasonable search and seizure. Officers cannot enter a residence unless they have been invited, have a warrant, or have exigent circumstances. Exigent circumstances permit officers to respond to emergency situations if one or more of the following dangers exist: imminent threat to life; imminent and serious threat to property; imminent escape of a suspect; and/or imminent destruction of evidence. In these instances, officers may enter and search a residence for a victim or a suspect and are protected from liability.

A model for making the initial contact with the involved parties is C-A-L-M (Control, Apart, Look, Moderate). In order to control the parties, officers should start with the least aggressive tactic, ask both parties to be seated (this provides officers with more warning of an assault is more difficult for a seated individual to assault an officer), and be aware of cultural


differences (for example, in some cultures, a male who is not a relative of a female may not address her and she may not respond to the unrelated male).

Officers should also separate the parties both physically and visually while keeping a partner, if applicable, in sight. After separating the parties, officers should continue to keep both parties, as well as others present at the scene, in sight. Officers should also continue to observe the scene and take notes.

Finally, in order to moderate the mood, officers should avoid taking sides, maintain a calm tone, pay attention to own body language and tone of voice, and consider phrasing commands as requests.



Dynamics



**Response to and Investigation
of Domestic Violence, Dating
Violence, and Stalking**

Dynamics of Domestic Violence



Dynamics of Domestic Violence

- Defining domestic violence
- Dating violence
- Power and control tactics
- Common excuses
- Barriers to victim safety
- Impact on children
- Domestic violence in underserved populations
- Resources



Definition of Domestic Violence

- Pattern of abusive, coercive behaviors or threats used to control and exert power over an intimate partner
- Victims forced to change behavior in response to abuse
- Intent and effect



Battering

- It's a choice
- Many batterers repeat their pattern of control in all their intimate relationships
- Victim has no control over batterer's violence



Context of Violence

- Using violence vs battering
- Power and control
- Self-defense



Power and Control

- Batterer's seek to gain and maintain power and control over their intimate partners by use of *actual* and *assumed* power
- *It works*



DOMESTIC ABUSE INTERVENTION PROJECT
 200 West Fourth Street
 Duluth, Minnesota 55806







Group Discussion

- What power and control tactics did the suspect use?
- Who did he threaten?
- What were barrier's to Lola's safety?



Common Excuses

- Anger management problem
- Learned behavior
- Alcohol, drug problem
- Stress
- Bad relationship
- Cultural norms
- Illness
- Genetics
- Family issue
- Victim's behavior
- Her fault



Barriers to DV Victims Safety

- Batterer's relentless behavior, stalking
- Fear of what batterer might do
- Maintain access to batterer
- Fear for children, losing custody
- Financial dependence
- Fear of job loss (batterer, victim) →



Barriers to DV Victims Safety

- Influential community members, including officer-involved domestic violence
- Religion, family pressure
- Isolation, lack of support
- Culture
- Fear of deportation
- Disability →



Barriers to DV Victims Safety

- Shelter accessibility limitations
 - ❖ Gay, lesbian, bisexual, transgender
 - ❖ Older victims
 - ❖ Older children
 - ❖ Disability
 - ❖ Pets
 - ❖ Drug, alcohol use



Impact of Domestic Violence on Children

- Affected whether witness, victim
- High co-occurrence of domestic violence and child abuse
- Impact may not be immediately noticed
- Potential future victims, abusers
- Custody, visitation often used to maintain control over victim
- Child Protective Services should be called if appropriate, but not to coerce victims into making statements or testifying



Behavioral Red Flags in Children

- Aggressive
- Passive/withdrawn
- Manipulative
- Rebellious/acts out
- Health problems
- Other psychological issues





Teen Dating Violence

- Nearly 20.9% of female high school students and 13.4% of male high school students report being physically or sexually abused by a dating partner.¹
- 50% of youth reporting dating violence and rape also reported attempting suicide. This is compared to 12.5% of non-abused girls and 5.4% of non-abused boys.³
- Only 33% of teenage dating abuse victims ever told anyone about it.²

¹ Vagi et. al (2015). Teen Dating Violence (Physical and Sexual) Among US High School Students
² Teenage Research Unlimited (2005). Teen Relationship Abuse Research.
³ Ackard, D. M. & Neumark-Sztainer, D. (2002). Date Violence and Date Rape Among Adolescents: Associations with Disordered Eating Behaviors and Psychological Health.



Teen Dating Violence

Over a quarter of youth in a relationship said they experienced some form of cyber dating abuse victimization. Those teens also reported:

- 84% • psychological dating abuse
- 52% • physical dating violence
- 33% • sexual coercion

- Technology, Teen Dating Violence and Abuse, and Bullying (2013)



Teens vs. Adults

Similarities

- Both Need:
 - To be believed
 - Compassion
 - Support
 - Safety Planning
 - Options & Choice
 - Referrals

Differences

- Differences in levels of social maturity and cognitive development
- Limited relationship experience
- Strongly influenced by peers & media
- Parental & school restrictions



Indicators of Teen Dating Violence

- ❑ Physical injuries
- ❑ Isolation, withdrawal, or over-dependence on a dating partner
- ❑ Feelings of shame, decreased self-esteem, and decreased interest in activities



Barriers to Teen Victim Safety

- ❑ **May feel that society always blames the victim; doesn't want to be blamed**

- ❑ **Teens often think they will be punished or arrested if, at the time of the victimization, they were in a situation where drugs or alcohol were involved**

- ❑ **Many teens are aware of mandatory reporting requirements and do not want attention of law enforcement or child protection authorities**



Consequences of Not Responding

- ❑ **Teen victims are at a greater risk of:**
 - ❖ Doing poorly in school
 - ❖ Abusing drugs or alcohol
 - ❖ Having problems eating or sleeping
 - ❖ Being re-victimized
 - ❖ Becoming an offender of violent crime themselves



Considerations for Teens

- ❑ **Confidentiality/Mandated reporting**
 - ❖ Know your state law - Do you have to report? To whom?
 - ❖ Inform the victim of what the reporting process will be like
- ❑ **Parents**
 - ❖ Keep the victim safe?
 - ❖ Parental notification age
 - ❖ Victim may not want parents to know
 - ❖ Who are more responsible to – the parents or the victim?



Options for Teens

- ❑ **Limited or no access to legal remedies**
 - ❖ Can a teen file a police report?
 - ❖ Petition for an order of protection?
 - ❖ What are the conditions? Parental/Guardian Involvement?
- ❑ **Victim Services**
 - ❖ Refer to local Domestic Violence agency
- ❑ **Support System**
 - ❖ Encourage the victim to find someone (not necessarily the parent) to provide support to the victim.
 - ❖ Could be a teacher, counselor, victim advocate, friend, relative, etc.



 onelove
<http://www.joinonelove.org/>





National Teen Dating Violence Hotline



chat at loveisrespect.org

SMS text "loveis" to 22522

call 1-866-331-9474

Discuss your options anonymously.
Peer advocates are available 24/7.



Underserved Populations

□ Elder Abuse

- ❖ Domestic violence may be impacted by age, poor health, and other age related issues such as cognition and dependence
- ❖ Abusers may limit access to medical care, give too much medicine, or take away assistive devices
- ❖ Older victims are less likely to report abuse
- ❖ If abusers are caretakers, they may worry about who will provide care or move them to a nursing home



Underserved Populations

□ LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning)

- ❖ Barriers to seeking help from law enforcement:
 - ❖ Fear of discrimination
 - ❖ Lack of training specific to LGBTQ domestic violence
 - ❖ Fear that airing the problem will take away from progress toward equality/that it may encourage anti-LGBTQ bias
 - ❖ Shelters are typically female only, transgender people may not be allowed to enter



Underserved Populations

□ People with disabilities

- ❖ Experience higher rates of domestic violence
- ❖ Often face non-traditional forms of abuse:
 - ❖ Medications withheld or overdosed
 - ❖ Finances abused
 - ❖ Mobility or breathing aids kept out of reach
 - ❖ Personal care services neglected



Underserved Populations

□ People with disabilities

- ❖ Many barriers to accessing services:
 - ❖ Mobility or communication barriers
 - ❖ Feelings of shame and self-blame associated with having a disability
 - ❖ Social and/or physical isolation associated with having a disability
 - ❖ Fear that other individuals in the community will become aware of the disability, particularly people living with HIV/AIDS or with mental health disabilities
 - ❖ The perpetrator could be a family member or primary caregiver
 - ❖ Lacks knowledge of available services



Underserved Populations

□ Military

- ❖ Soldiers with post-traumatic stress disorder (PTSD) are up to three times more likely to be aggressive with their female partner compared to those without PTSD.
- ❖ Barriers to seeking help:
 - ❖ Victims often fear repercussions that will prevent their partner from being promoted or end their military career
 - ❖ Many military couples exist on the income of the soldier only
 - ❖ Victims often feel isolated—living on remote bases, in foreign countries, or having to move every several years



Underserved Populations

□ Law Enforcement

- ❖ Studies indicate that law enforcement families are 2-4 times more likely than the general population to experience domestic violence (Source: The Advocates for Human Rights Organization)
- ❖ Barriers to seeking help:
 - ❖ Calling law enforcement because he IS law enforcement
 - ❖ He knows where the shelters are located
 - ❖ Responding officers may invoke a "code of silence"
 - ❖ It's her word against that of an officer, and he knows the system
 - ❖ She could lose any future credibility and protection
 - ❖ He could lose his job and retaliate



Underserved Populations

□ Undocumented Victims

- ❖ Challenges working with Immigrant Victims of Crime:
 - ❖ Language
 - ❖ Fear of deportation
 - ❖ Lack of knowledge of legal rights
 - ❖ Do not trust that police/prosecutors will help them
 - ❖ Lack of reporting and/or cooperation as the case moves forward



Underserved Populations

□ Undocumented Victims

- ❖ Barriers to seeking help:
 - ❖ May not trust police/prosecutors
 - ❖ Economic survival
 - ❖ Pressures from both families
 - ❖ Fear of abandoning the home/community
 - ❖ Fear of losing children
 - ❖ Religious factors
 - ❖ Fear of unknown
 - ❖ May believe that if perpetrator gets deported, she has to go with him and deal with dangers in the home country such as retaliation, ostracism, police, political instability, gender barriers



Underserved Populations

□ Rural Areas

- ❖ Large geographic areas
- ❖ Limited staff and resources
- ❖ Intertwined communities
- ❖ Minimal or lack of public transportation options
- ❖ Limited or nonexistent treatment services for abusers



Impact of Law Enforcement Response

- ❑ Clear message that domestic violence is a crime, unacceptable
- ❑ Officers in position to hold batterers accountable
- ❑ Arresting batterers
 - ❖ Provides victims with access to services, support
 - ❖ Law enforcement essential partner in coordinated community response to end domestic violence



Domestic Violence Resources

- ❑ Community programs
- ❑ Partnerships
- ❑ Culture-specific programs
- ❑ Alternative programs
- ❑ National resources
- ❑ 1-800-799-SAFE



Questions?

In this section, participants will identify domestic violence definitions; the effect of power and control tactics; barriers to safety for victims leaving an abusive relationship; the impact of domestic violence on children; the dynamics of teen dating violence; differences and similarities among domestic violence and teen dating violence; the dynamics of underserved populations; and the impact of law enforcement's response on domestic violence.

Domestic violence is a pattern of abusive, coercive behaviors or threats used to control and exert power over an intimate partner that forces the partner to change his or her behavior in response to the abuse.

Because approximately 90% of victims of domestic violence are women, in this training, victims generally will be referred to as women and perpetrators, or batterers, as men. However, some women do use violence and many men do not use violence in their relationships. Furthermore, domestic violence also occurs in same-sex relationships. Domestic violence, domestic abuse, intimate partner violence, and battered women are terms that are used interchangeably to refer to violence within intimate relationships.

Domestic violence is a crime that is rooted in power and control and differs from other crimes in that the individuals involved know each other and are invested in each other; usually occurs in private residences and rarely has objective witnesses; and typically lacks clear, concrete evidence.

Furthermore, domestic violence calls are dangerous because the situations are usually emotionally charged, weapons may be present, and alcohol and drugs are often involved. Also, victims of domestic violence may be poor communicators and reluctant to provide information. In order to best help victims of domestic violence, law enforcement professionals need to know and understand the dynamics of domestic violence which explain why victims are afraid and why they may seem confused, to "not make sense," and to offer conflicting, if any, information.

Batterers choose to use violence and will typically repeat their pattern of control in all of their intimate relationships. Victims have no control over the batterer's violence. No matter what the victim does, the batterer is in charge of his own behavior and chooses when, where, how much, and what type of violence to use. Battering tends to escalate over time and depends on the batterer's history rather than the relationship's history. Even if the relationship is new, if the batterer's use of violence has been escalating during past relationships, the level of danger to the newest victim is significantly increased.

The context of violence is key when determining if domestic violence is occurring and who is the perpetrator. Some intimate partners may use violence without the power and control dynamics in their relationship. Battering occurs when violence is being used in conjunction with other tactics as a way to exert power and control over an intimate partner. Sometimes violence is used in self-defense.

The Domestic Abuse Intervention Project, Duluth, MN, created a model to illustrate the various manipulation tactics batterers use in conjunction with physical and sexual violence:

coercion and threats; intimidation; emotional abuse; isolation; minimizing, denying, and blaming; using children; economic abuse; and male privilege.

Batterers use actual and assumed power to gain and maintain this power and control over their intimate partners because it works. A batterer telling the victim that no one will believe her since one of his relatives works for the police department is considered assumed power because both the victim and the batterer believe this statement to be true.

Although domestic violence is about power and control and is a choice, various inaccurate perceptions about why domestic violence occurs persist, such as it is an anger management problem; a learned behavior; because of an alcohol and/or drug problem; because of stress; a bad relationship; a family issue; and her fault.

Many people believe that if a person is abused then that person should simply leave the relationship. Professionals who work with domestic violence victims, such as law enforcement, prosecutors, and advocates, may struggle to understand why a victim stays in an abusive relationship and feel frustration as a result. Victims trying to leave an abusive relationship face many barriers to their safety. The traumas that victims of intimate partner abuse experience are unique and leaving a violent relationship often places the victim in more danger than staying. Victims who leave their batterer are at a 75% greater risk of being killed by their batterer than those women who stay. Imagine choosing the option in any of your own personal activities that would increase your risk of being killed by 75%. It is not a chance most individuals are willing to take. Furthermore, not leaving a relationship is not a crime; however, abusing and assaulting another person is. In order to appropriately respond to domestic violence situations, the focus should be “why does the batterer abuse” rather than “why does the victim stay.”

When batterers feel they are losing control of their partners through separation or intervention, they concentrate on “getting her back” through kindness, cruelty, or both in a continuous, repetitive manner. If a victim leaves or threatens to leave, the violence usually becomes more severe and expands to others (children, family, friends, and co-workers). Victims fear what the batterer will do to the victim and the victim’s children, family, pets, and personal belongings. The batterer who is obsessed with his partner and feels as though he cannot live without her, or believes he is entitled to her because she is “his,” is extremely dangerous and may repeatedly harass, threaten, or stalk his victim before he attacks.

Other barriers to safety for victims of domestic violence include:

- No money or less money—responsible for mutually-created bills or debts; unable to afford practical needs (food, housing, clothing, transportation, insurance, healthcare, etc.) for self and children. A victim may fear being forced into poverty or becoming homeless.
- Fear for children—a batterer may threaten to fight for sole custody; a victim may not want to uproot her children from their school, friends, family, and home; a victim may believe that their children need a father or that since the batterer is the children’s father, he will always be a part of the children’s lives and therefore a part of hers.

- Religion—a victim’s religion may consider divorce a sin or impermissible. A victim may believe that her husband is the God-appointed head of household whose decisions and directives must be followed.
- History of partner following through with threats—living with or remaining in contact with the batterer can provide a victim with valuable information, including the batterer’s whereabouts, current mood, and drug and/or alcohol consumption. This knowledge can help a victim determine the levels of dangers and may provide her with a sense of control over the situation.
- Isolation—a victim whose batterer isolates her may believe that no one will believe, support, or not judge her. She may also fear loneliness or the unknown.
- Family or community pressures
- Lack of education or job training
- Culture
- Hope for change
- Desire to keep family intact
- Denial
- Love
- Depression
- Law enforcement response—previous interactions with law enforcement or law enforcement’s reputation in a community will impact a victim’s willingness to call 9-1-1.

Domestic violence also affects children, where they are witnesses or victims, and the effects may not be immediately recognized. The batterer often uses custody and visitation to maintain control over the victim, and a high co-occurrence of domestic violence and child abuse exists, according to the National Criminal Justice Reference Service. Do not use the threat of child protective services (CPS) to coerce victims into making statements or testifying the case. If contacting CPS is appropriate, then it should be done and not in connection with what the victim wants to do regarding the investigation or prosecution of the case. Children who witness domestic violence have an increased chance of potentially becoming future abusers or victims. Some behavioral red flags include children becoming:

- Aggressive—fighting, destroying property, cruelty to animals, verbally cruel
- Passive/Withdrawn—avoid conflict, internalize feelings, become the “perfect child”
- Manipulative—extreme jealousy, sulking, fakes being ill
- Rebellious/acts out—skips school, lies, steals, runs away, challenges authority, smokes, drinks, takes drugs
- Health problems—headaches, backaches, stomach aches, irritable bowels, skin rashes, mouth ulcers, ear aches
- Other psychological indicators—suicidal, depression, self-mutilation, eating disorders, sleeping disorders, nightmares, phobias

Domestic violence is a social and community issue. However, society and the criminal justice system may enable battering. Sometimes the criminal justice system sends the message

that domestic violence is not a serious crime through not arresting batterers, not thoroughly prosecuting these cases, and issuing light sentences.

Dating violence is a pattern of behavior that includes physical, emotional, verbal, or sexual abuse used by one person in an intimate relationship to exert power and control over another. Nearly 20.9% of female high school students and 13.4% of male high school students report being physically or sexually abused by a dating partner.¹ 50% of youth reporting dating violence and rape also reported attempting suicide. This is compared to 12.5% of non-abused girls and 5.4% of non-abused boys.² Only 33% of teenage dating abuse victims ever told anyone.³

Over a quarter of youth in a relationship said they experienced some form of cyber dating abuse victimization. Those teens also reported 84% psychological dating abuse, 52% physical dating violence, and 33% sexual coercion.⁴

Dating violence is similar to domestic violence in that victims of both categories need compassion, support, safety planning, referrals, and to be believed. Differences in levels of social maturity and cognitive development make teen dating violence unique, along with limited relationship experience, strong influences such as peers and media, and parental and school restrictions. Indicators of teen dating violence include physical injuries; isolation, withdrawal, or over-dependence on a dating partner; and feelings of shame, decreased self-esteem, and decreased interest in activities.

There are special considerations when responding to and investigating teen dating violence. It is important to know the particular state's laws, such as reporting policies and at what age you need to notify the parents, because many states have additional requirements for working with underage victims. The laws of each state will determine whether a teen can file a police report and petition for an order or protection. Refer the victim to a local domestic violence agency and encourage the victim to find someone, not necessarily the parent, to provide support to the victim. The encouraged support system could be a teacher, counselor, victim advocate, friend, relative, etc. According to the Violence Against Women Act (VAWA), a domestic violence agency can provide services without notifying parents if the victim is 13 years of age or older.

Many victims of domestic violence, dating violence, and stalking are underserved and therefore do not receive services and support that can fully meet their needs after victimization. Factors such as geographic isolation, age, ethnicity, language barriers, gender, and/or cognitive or physical functional status can lead to challenges in accessing comprehensive and effective victim services.

Domestic violence can be impacted by age, poor health, and other age related issues such as cognition and dependence. Abusers may limit access to medical care, give too much medicine, or take away assistive devices. Older victims are less likely to report abuse because they may worry about who will provide care if the abusers are their caretakers, or may fear being moved to a nursing home. Victims who are elderly may not fully grasp the seriousness of their situations, and when they do, may be unaware of the availability of support.

Victims in LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning) relationships have additional barriers of seeking help from law enforcement and victim services, including fear of discrimination; lack of training specific to LGBTQ domestic violence; and fear that airing the problem will take away from progress toward equality and instead encourage anti-LGBTQ bias. Because of these societal factors, abusive partners in LGBTQ relationships leverage these added challenges to maintain power and control.

People with disabilities experience higher rates of domestic violence and often face non-traditional forms of abuse such as withheld or overdosed medications; abused finances; mobility or breathing aids kept out of reach; and neglected personal care services. Many barriers exist to accessing services including mobility or communication barriers; feelings of shame and self-blame associated with having a disability; fear that other individuals in the community will become aware of the disability; lack knowledge of available services; and/or that the perpetrator could be a family member or primary caregiver.

Some military families are made especially vulnerable to domestic violence due to the nature of military life and culture. An Army report released in 2012 by the Pentagon found that soldiers with post-traumatic stress disorder (PTSD) are up to three times more likely to be aggressive with their female partner. Barriers to seeking help that are specific to military families exist including the victim's fear of repercussions that may prevent their partner from being promoted or ending their military career; the fact that many military couples exist on the income of the soldier only; and victims often feeling isolated due to living on remote bases, in foreign countries, or having to move every several years.

Studies indicate that law enforcement families are two to four times more likely than the general population to experience domestic violence, according to The Advocates for Human Rights Organization. Spouses of law enforcement officers face many barriers to seeking help, including the following: calling law enforcement because he IS law enforcement; he knows where the shelters are located; responding officers may invoke a "code of silence;" it's her word against that of an officer, and he knows the system; she could lose any future credibility and protection; and he could lose his job and retaliate.⁵

Undocumented victims face unique challenges in addition to the challenges that already exist. Fear of deportation, separation of family, lack of knowledge of legal rights, lack of trust in law enforcement/criminal justice system, and ability to communicate effectively (Limited English Proficient) are some of the unique barriers undocumented victims face.

Rural law enforcement departments face many challenges because they typically cover large geographic areas with a limited number of officers. As a result of distance and small staff, it may take several hours for rural law enforcement to respond to the scene of a domestic violence crime as well as increase the risk of danger to officers because of delayed backup. Additionally, some rural jurisdictions do not have domestic violence policies and protocols for their law enforcement and call takers.

Despite the large geographic area, many rural areas have sparse populations that may result in a close, intertwined community in which most everyone knows each other. A

perpetrator may have relatives who work for law enforcement or the judiciary. The lack of anonymity often causes victims to feel afraid to seek assistance from the legal system. Also, victims trying to obtain protection orders may not have immediate access to a judge or magistrate to sign the order and may have difficulty finding transportation to the courthouse if it's not nearby. Finally, treatment services for abusers are often nonexistent. When treatment services are available, they may be an hour or more away, or the practitioners may not be specifically trained in the dynamics of domestic violence and holding batterers accountable.

Law enforcement can significantly and positively impact the outcome of domestic violence cases, and law enforcement is an essential partner in a coordinated community response to end domestic violence. Law enforcement is in a position to send a clear message that domestic violence is a crime and is unacceptable. Also, officers arresting batterers provide law enforcement with the opportunity to hold batterers accountable for the batterers' behaviors and to provide victims with access to services, assistance, and support.

Knowledge of resources available for domestic violence victims will strengthen a call taker's ability to assist a victim. Domestic violence community programs provide a variety of services for victims who may or may not need emergency shelter. These services include: emergency food and shelter; legal advocacy and court accompaniment; counseling; support groups; crisis hotlines; transportation; coordination with and referrals to other community services; healthcare services; transitional housing; job training and educational assistance; programs for children; and sexual assault programs. In most communities, other organizations such as churches, the YWCA, the Salvation Army, local hotels and motels, etc. provide alternatives to shelter services of the community programs.

Each state has a domestic violence coalition that is a membership organization comprised of the local domestic violence shelters. The role of the state coalition is to provide training and technical assistance, public education, public policy, and ensure that domestic violence work remains victim-focused and includes the voices of battered women.

National Organizations have also been formed to help victims of domestic violence:

- National Domestic Violence Hotline (NDVH), 800-799-SAFE or TTY 800-787-3224, is a 24 hours a day, 7 days a week hotline that provides crisis intervention, information about domestic violence, and local service provider referrals to victims of domestic violence and those calling on their behalf.
- National Sexual Violence Hotline (RAINN), 800-656-HOPE, is a 24-hour a day, 7 days a week hotline that connects callers to rape crisis programs in their local community.
- National Coalition Against Domestic Violence (NCADV) is based on individual membership of advocates and focuses on social action to support the lives of victims. www.ncadv.org
- National Network to End Domestic Violence is a membership organization of state coalitions that focuses on developing influencing national policy based on input from state and local communities. www.nnedv.org

- Futures Without Violence develops programs, policies, and campaigns that empower individuals and organizations working to end violence against women and children. www.futureswithoutviolence.org
- National Center on Domestic and Sexual Violence (NCDSV) designs, provides, and customizes training and consultation, influences policy, promotes collaboration, and enhances diversity with the goal of ending domestic violence. www.ncdsv.org
- The Stalking Resource Center (SRC) promotes awareness, action, and advocacy to enhance victim safety and hold stalking offenders accountable. www.victimsofcrime.org/our-programs/stalking-resource-center
- AEquitas: The Prosecutors' Resource on Violence Against Women provides support, training, mentorship, and resources to prosecutors and allied professionals. www.aequitasresource.org

¹ Vagi, K., O'Malley, O. E., Basile, K., & Vivolo-Kantor, A. (2015). *Teen Dating Violence (Physical and Sexual) Among US High School Students*.

² Ackard, D., & Neumark-Sztainer, D. (2002). Date Violence and Date Rape Among Adolescents: Associations with Disordered Eating Behaviors and Psychological Health.


³ (2005). *Teen Relationship Abuse Research*. Teenage Research Unlimited.

⁴ Zweig, J., Dank, M., Lachman, P., & Yahner, J. (2013). *Technology, Teen Dating Violence and Abuse, and Bullying*.

⁵ Wetendorf, D. (2013). *Police Domestic Violence: Handbook for Victims*.



Interviewing and Investigation



Response to and Investigation of Domestic Violence, Dating Violence, and Stalking

Interviewing and Investigating



Interviewing and Investigating

- Interviewing techniques
- Primary functions of gathering and preserving evidence
- Signs of strangulation
- Investigating a stalking case
- Technologies that impact stalking
- Protection orders
- Decision to arrest
- Determining the predominate aggressor
- Documenting and reporting domestic violence crimes



Interviewing

Interviewing



Interviewing Victims

- Interview victim away from suspect (sight/sound)
- Ask open-ended questions
- Be nonjudgmental
- Pay attention to non-verbal cues
- Victim's recounting of events may not be chronological and may seem contradictory
- Sometimes a victim's tone may not match the severity of the incident



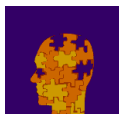
Interviewing Victims

- Many victims feel as though they are "telling a secret"
- Respect personal space
- Consider, be respectful of culture
- Ask about abuse, history of violence, strangulation, sexual assault, and stalking
- Close interview with victim with notification, resources, safety planning information



Traumatic Memory

Narrative memory can be fragmented, disorganized & filled with gaps



Victims may unconsciously avoid parts of the narrative which are especially triggering

Victims may recall very specific details of parts of the experience & little or none of other parts

Victims may sometimes tell their story with a lot of emotion and at other times without emotion



6 Things to Say to a Victim who Feels She Cannot Leave

- “I’m afraid for your safety.”
- “I’m afraid for the safety of your children.”
- “It will only get worse.”
- “I am here for you.”
- “You do not deserve to be abused.”
- “It is not your fault.”



Interviewing Suspects

- Interview suspect in different room than victim, if possible
- Avoid making accusatory statements
- Ask open-ended, non-threatening questions
- Try to get suspect talking, document what is said
- If suspect asks who called, do *not* tell that victim called
- Consider, be respectful of culture



Interviewing Children

- Interview away from parents, in a place where child is comfortable
- Never bribe, threaten, coerce
- Build rapport
- Do *not* use children as interpreters
- Use child’s language - guns instead of weapons





Interviewing Children

- Pay attention to your tone of voice
- Do not make promises
- Ok to stop interview if child becomes too distraught, upset
- Close interview – reassure not child’s fault, did a good job



Witnesses to Interview

- Neighbors
- Friends, relatives, others present at scene
- EMTs/ Paramedics
- Nurses
- Doctors



Evidence Gathering



Evidence Gathering

- Gather and preserve
- Document
 - ❖ Observations of power and control
 - ❖ Statements (what being said, how, when)
 - ❖ Intimidation
 - ❖ Injuries (offensive, defensive)
 - ❖ Damaged clothing
 - ❖ Weapons
 - ❖ Demeanor, emotional states
 - ❖ History of violence
 - ❖ Tech evidence



Photographing

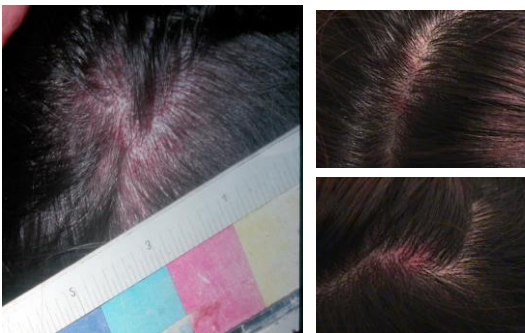
- Tips (scale)
- Follow-up photographs
- Other ways to document if no camera available
- Photo log



Physical Injury























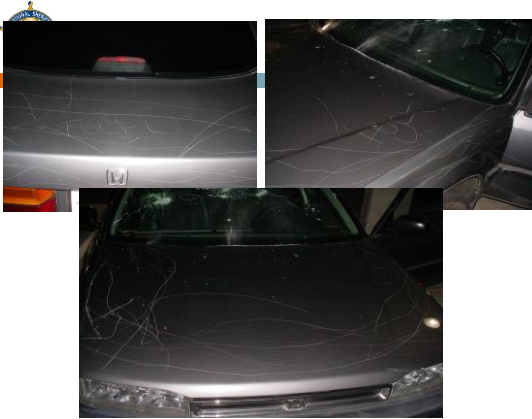








Damaged Property

















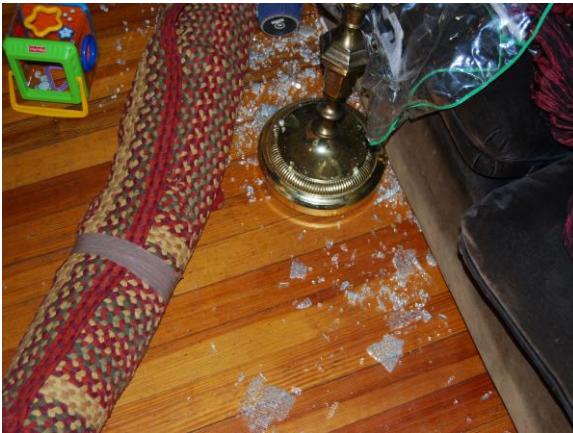






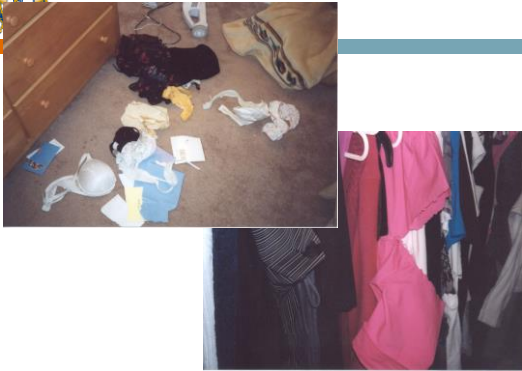








Clothing



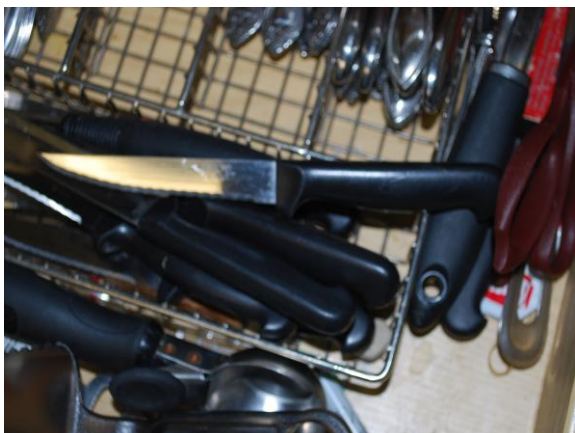




Weapons









Other “outside the box” Evidence











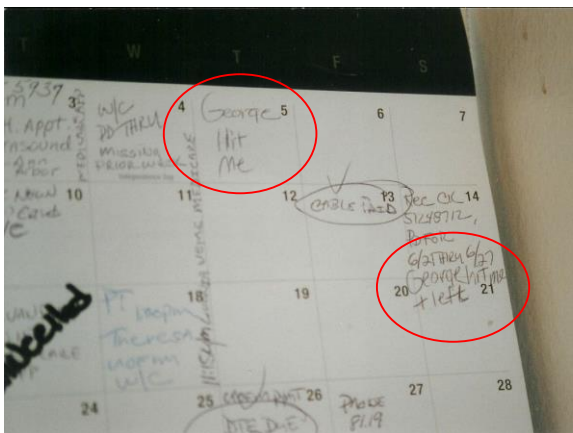








HEY
Disgusting Pig
I know that you
Just EAT + LAY
Around, BUT How
about cleaning up
I know you a
Drog and like
TO Live Like a
Shob. But try
cleaning.





Lethality Indicators

- ❑ Threats, fantasies of homicide, suicide
- ❑ Harming, killing pets
- ❑ Obsessed with partner, children
- ❑ Depression
- ❑ Weapons
- ❑ Violation of protection orders
- ❑ Views partner as center of universe
- ❑ Stalking
- ❑ Strangulation
- ❑ Alcohol, drug consumption
- ❑ Access to partner, to her family members



Lethality Indicators

- ❑ Visit www.dangerassessment.org to access Dr. Jackie Campbell's Danger Assessment instrument that helps to determine the level of danger an abused woman has of being killed by her intimate partner
- ❑ The Lethality Assessment Program (LAP)-Maryland Model is based on Dr. Campbell's full assessment and was created by the Maryland Network Against Domestic Violence (MNADV), and can be found at www.mnadv.org



Strangulation



Strangulation is Not Choking

- Strangulation is not choking
- Choking – internal obstruction of the airway
- Strangulation – form of asphyxia; closure of neck's blood vessels, air passages as result of external pressures on the neck
- Document as strangulation, not choking, unless quoting

Hawley, D.A., McClane, G.E., & Strack, G.B. (2001). A Review of 300 Attempted Strangulation Cases. *Journal of Emergency Medicine, 21*(3).



Types of Strangulation

- Hanging
- Ligature
- Manual



Obstruction of the Carotid Artery

- Most common cause of strangulation
- Results in unconsciousness
- 8 pounds of pressure cuts off oxygen flow to brain (less pressure than used to pull trigger of handgun)
- Oxygen flow cut off for only 8 seconds can cause critical injury



Obstruction of Trachea

- ❑ 33 pounds of pressure completely obstructs
- ❑ Can cause tracheal fracture, death
- ❑ Brain death results if strangulation persists for 4.5 minutes



Signs and Symptoms

- ❑ Sore throat
- ❑ Hoarse, raspy voice
- ❑ Loss of voice
- ❑ Difficulty swallowing
- ❑ Fainting, unconsciousness
- ❑ Nausea, vomiting
- ❑ Loss of bodily function
- ❑ Miscarriage
- ❑ Lung damage
- ❑ Scrapes, scratches, claw marks, chin abrasions
- ❑ Thumbprint bruises
- ❑ Bruises behind ears
- ❑ Red, linear marks (often 3)
- ❑ Petechiae (red dots on eye)
- ❑ Rope, cord burns
- ❑ Behavioral changes







Petechiae Eyelid & Inside the eye



Scratches



Scratches







Thumb-print bruise



































Dangers of Minimization

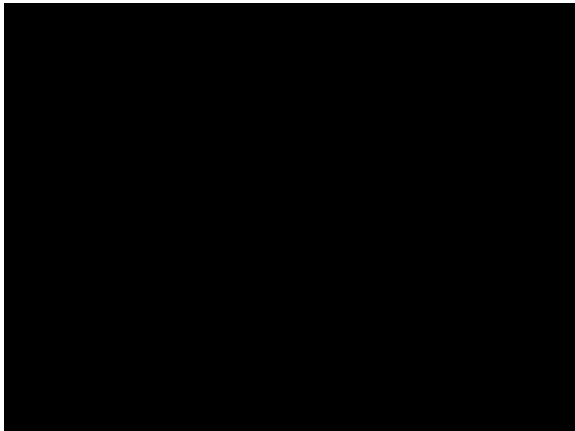
▣ Professionals 

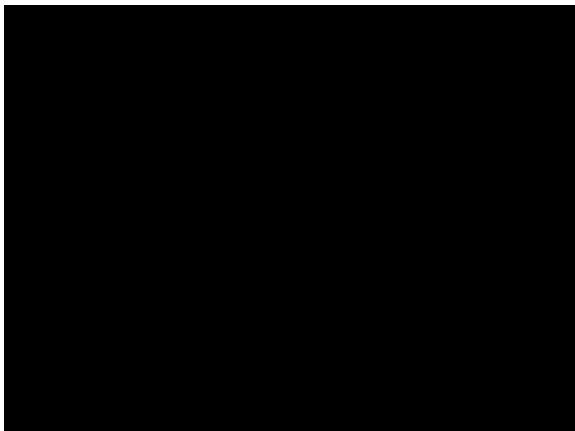
▣ Victim 



Cases involving Strangulation

- Questions to ask
- Take photos, look for other injuries
- Even if no visible injuries, law enforcement should call EMS
 - ❖ Probability of internal injuries
 - ❖ Victims have died weeks later







Stalking Investigations



Stalking

A pattern of behavior directed at a specific person that would cause a reasonable person to feel fear.

Context is critical!





Example of Context

Victim is reporting stalking behavior and the offender sends her a text message indicating that he fell and fractured his leg and other injuries. The offender sends a picture to the victim of his wrist, which has the hospital bracelet on it.

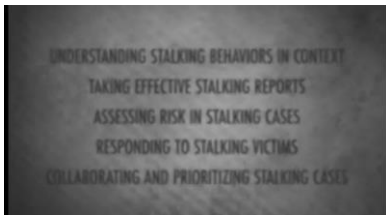


What Does This Mean to You?





Responding to Stalking Victims



Available at:
victimsofcrime.org/src



What Makes Stalking Difficult to Investigate?

- ❑ Contextual crime
- ❑ Individual acts may not be criminal
- ❑ Jurisdictional issues
- ❑ Statutory elements required
 - ❖ Fear element
- ❑ Evidence
 - ❖ Connecting evidence to the offender
 - ❖ Authentication
- ❑ Long, resource intensive responses required



What Makes Stalking Easy Investigate?

- ❑ **Known victim**
- ❑ **Known offender**
 - ❖ in most cases
- ❑ **Same locations**
- ❑ **Lots of evidence**
- ❑ **Repeat behavior/recidivism**



Recidivism

60% of cases

- Time between intervention and recidivism was about 2 months
- Stalkers reoffend from between 1day to 6 years

* The RECON Typology of Stalking (2006)



If stalking is charged, the officer who responds to the next call will have a more accurate picture of the offender



Identification of Stalking

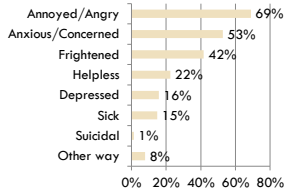
The following may be a part of the stalking investigation:

- | | |
|---------------------|---|
| ❑ Domestic violence | ❑ Identity theft |
| ❑ OP violations | ❑ Kidnapping |
| ❑ Assault | ❑ Vandalism |
| ❑ Harassment | ❑ Wiretapping or utility theft |
| ❑ Trespass | ❑ Burglary |
| ❑ Home invasion | ❑ Theft |
| ❑ Attempted murder | ❑ Child Abuse |
| ❑ Sexual assault | ❑ Hate Crimes |
| | ❑ Unlawful Dissemination of Intimate Images |



What Does Stalking Feel Like?

How the victim felt when the stalking began:



In order to find out how the behaviors are affecting the victim, ask them!

- Stalking Victimization in the United States, BJS (2009)



Demonstrating Distress or Fear

Verbalize/communicate

- "I am afraid"
- "They are creeping me out"
- "I can't sleep/eat/concentrate"

Change in behavior

- Changes routes to/from class or work
- Changed locks on doors
- Installed alarm system/got a watch dog
- Staying at family or friend's house

If they are reporting it...



First Response

Any time a victim reports any type of harassing behavior:

- Consider the possibility of a stalking case
- Determine whether this is an isolated incident or repeated conduct



Start at the Beginning

- ❑ **The initial step is to determine whether:**
 - ❖ A criminal stalking event has actually occurred, or
 - ❖ The incident might be a precursor to a stalking case, or
 - ❖ The incident is a continuation of prior occurrences that amount to a stalking situation.

- ❑ **Keep in mind that it is not uncommon for a victim to experience stalking behavior for some time before reporting it to police.**



First Call for Service

- ❑ **First contact is critical!**
 - ❖ You may determine how or if the victim continues to work with law enforcement
- ❑ **Have resources on hand**
 - ❖ local victim assistance resources, brochures
- ❑ **Preserve evidence right now**
 - ❖ e.g. take pictures of text messages
- ❑ **Prepare for the long haul**
 - ❖ Doing a good job now helps others and the victim down the road





Subsequent Calls for Service

- ❑ **Look for escalation**
- ❑ **Ask what has changed since the last call**
- ❑ **Connect the dots to previous calls**
- ❑ **Review safety plans and threat assessment**
- ❑ **Check in with other team members**
- ❑ **Remember – prepare for the long haul**





Questions to Ask Stalking Victims

- Has the suspect ever battered or attempted to batter you?
- Has the suspect followed you in a repetitive manner?
- Has the suspect ever threatened you?
- Has the suspect sent you threatening mail?
- Does the suspect follow you to and from work/daycare/school?
- Is there a history of domestic violence?



Also...

- Listen to victim (put incident in context)
- Ask about history
- Is victim in fear? Why?
- Agency protocol
- MOU'S/MOA'S (county, state, city)
- Mental History of suspect
- Threats of murder and or suicide
- Level of pursuit of stalker



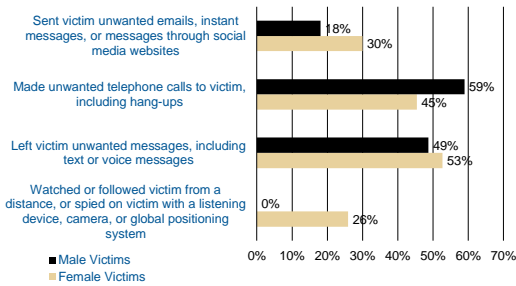
Documentation

STALKING INCIDENT LOG						
Date	Time	Description of Incident	Location of Incident	Witness Name(s) <small>(Attach Address and Phone #)</small>	Police Called <small>(Report #)</small>	Officer Name <small>(Badge #)</small>

Victimsofcrime.org/src



Use of Technology to Stalk



- The National Intimate Partner and Sexual Violence Survey (NISVS) 2011



Cell Phones

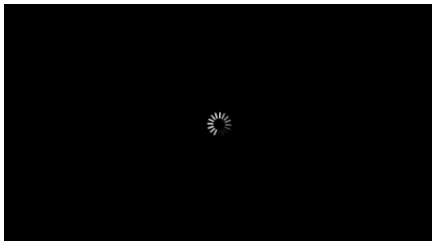
Calls, texts, photos, video

- ❖ Geotagging information
- ❖ spoofing

Cell phone settings can be manipulated to provide access to the victim

- ❖ Listening device
- ❖ GPS tracking
- ❖ Location based apps
- ❖ Saved locations on phone
- ❖ Spyware









Victims Might Say

- ❑ He always knew where I was going
- ❑ People told me I had called them when I didn't
- ❑ People said they left me messages I never got
- ❑ He accused me of dating someone who left a message
- ❑ He stole/took my phone and then returned it
- ❑ He shows up at the strangest places
- ❑ I picked up because the caller ID said it was my mom
- ❑ My caller ID was filled with his number
- ❑ My phone keeps making weird noises
- ❑ I keep finding gifts in/on car or tires slashed
- ❑ He would call and ask why I was where I was



Call Spoofing

Gives caller ability to change number shown on caller ID, change sound of voice and to record calls.

SpooferCard Going to Great Lengths to Hide Your Identity on the Phone?

STEALTH CARD

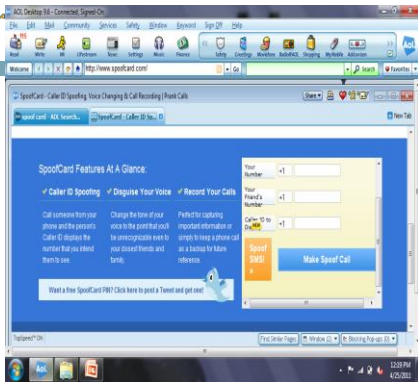
Suggested Uses

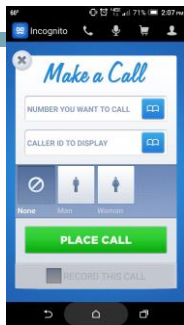
- Prank your friends
- Allow for calls from your cell phone to appear as if you are at work
- Prank your friends and family
- Stay anonymous

How It Works

- Call Spoof Card Access Number
- Enter Caller ID to be displayed
- Enter Account Number
- Enter destination phone number to call

PHONEGANGSTER.COM







Cell Phones - Documentation

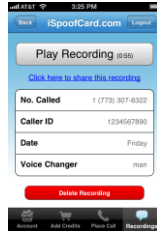
- Document communications
- Audio: on phone and separately
- Text:
 - ◇ On phone
 - ◇ Digital image of phone face
 - ◇ Most cell companies no longer maintain the content of text messages
- Victims can get detailed copies of their own phone bills





Spoofting – Documentation & Evidence

- ❑ Match call logs
 - ❖ Offender – outgoing call to spoof company
 - ❖ Look for different access numbers
 - ❖ Victim – incoming call from “friend”/“family”
- ❑ Suspect’s financial records
- ❑ Suspect’s phone/computer history
- ❑ Court order to spoofing companies





Getting the Info: Title 18 USC 2703

Title 18 U.S.C. 2703 - Required disclosure of customer communications or records

Keep a copy of this handy

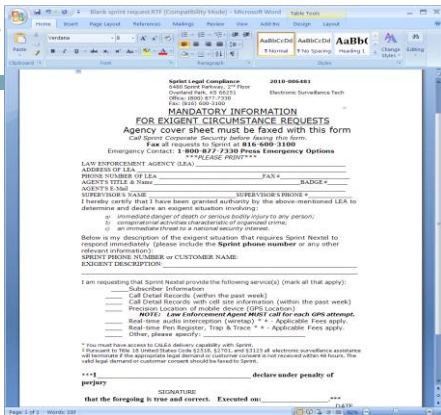
Consider contacting your local DA or US Attorney. Each State has different laws, and each DA and US Attorney has their own interpretation of those laws





Exigent Request

Generally requires confirmation via Department Letterhead, a brief description, and guarantee that you will provide proper legal process within 48 hours.





Preservation Request

- ▣ As soon as you identify that the account is involved with your investigation:
 - ❖ Title 18 U.S. 2703 (f) states the company SHALL preserve info when they receive a request from LE
- ▣ Many companies will notify their customer of the request BEFORE they even confirm they even confirm receipt of the request to you...**add a line to the request to not disclose and request that signature from the Judge**



SPYWARE

Blaster 5.0

The ONLY software that captures those incoming and outgoing emails, chat and instant messages...**IMMEDIATELY** forwards them, any email address you choose.

- more info...
- purchase
- tech support

Blaster also creates an hourly Activity Report (uploading all sensitive files and records, chats, IM, keystrokes, system, web-site visits, program launches and process-launch (PDF) files distributed over networks directly to YOUR email address.

Spector Pro 5.0

Spector Pro captures and operates ACTUAL Emails (SMTP and web-based services such as Hotmail, Chat Conversations, and Instant Messages and includes the best keystroke Logger available anywhere.

- ▣ Records all keystrokes
- ▣ Websites visited
- ▣ Email received
- ▣ Passwords
- ▣ Instant messages
- ▣ Details of apps opened
- ▣ Takes snapshots of screen
- ▣ It can restart, shutdown and logoff a pc
- ▣ Remotely control mouse
- ▣ Make computer talk remotely

Law Enforcement Response to and Investigation of Domestic Violence, Dating Violence, and Stalking



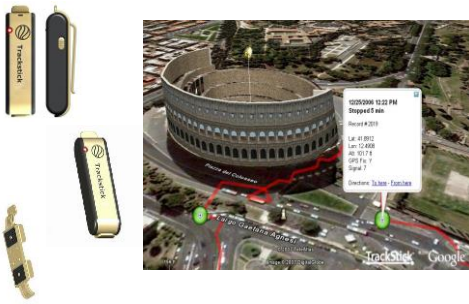




KEYGHOST the ultimate hardware keyboard recording tool

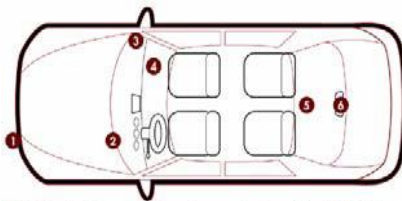








Common Placement



[1] Inside plastic bumper [2] In gap between window and hood [3] Inside stereo [4] In front dash [5] Under rear-dash fabric [6] In rear dash or third brake light



Protection Orders



Protection Orders

- ❑ **Civil order restraining respondent from committing acts or threats of violence against petitioner**
- ❑ **Issued by state**
- ❑ **Between judge and defendant**
 - ❖ Victim cannot “violate own order”
- ❑ **Can potentially result in victim safety issues**



Service of Protection Orders

- ❑ **Officer safety concerns**
- ❑ **Consider using a specialized form or chart**
 - ❖ Document attempts to serve
 - ❖ Document when served protection order
 - ❖ Document respondent’s reaction
- ❑ **Consider notifying victim after service**
 - ❖ Possibility of increased lethality risk



Protection Order Violations

- **Mandatory arrest?**
- **Consider history of violence and context of violation**
- **Be aware of seemingly “chance” encounters**
- **Third party contact is typically a violation in most jurisdictions**



Conflicting Protection Orders

- **Contact issuing court if available, possible**
- **Challenges**
 - ✦ Civil and criminal orders often do not coordinate
 - ✦ Parties live close to state borders
 - ✦ Mutual orders
- **Not enforcing protection orders can result in liability issues**



Group Discussion

Petitioners who invite respondents to violate terms of the protection order...



Group Discussion

What is incidental contact?



Group Discussion

What if reporting party does not have a copy of order?



Group Discussion

What if suspect claims order never served?



Group Discussion

What if the suspect has fled the scene?



Group Discussion

Enforcing conflicting orders...



Group Discussion

What are law enforcement responsibilities when civil sections are violated?



Arrest Decision



Establishing Probable Cause

- **Totality of circumstances**
- **Use any, all information available**
- **Conviction-oriented approach**
- **Continue investigating even after establishing probable cause**









Self-defense

A person's justifiable use of force against another person when such force is necessary to defend themselves or a third party from what they reasonably believe to be the use, or imminent use, of unlawful physical force.



Elements of Self-Defense

- Person using force had a reasonable belief that s/he was at risk of bodily harm
- Risk of harm was actual or imminent
- The force used was that force reasonably necessary to prevent or stop the infliction of bodily harm



Defensive Wound on Suspect











Predominant Aggressor Assessment

- Used when it cannot be determined that either party used self-defense
- Used to determine custodial arrest when both individuals have committed crimes
- Other person who committed crime can still be charged



Self-defense Assessment

- Applies to every person in a community
- Consider a flow chart starting use of force/threat
- If self-defense, no need to conduct predominant aggressor assessment



Determining Predominant Aggressor

- History of violence
- Offensive vs. defensive wounds
- Statements
- Severity, extent of injuries
- Each party's ability to do what is alleged





Determining Predominant Aggressor

- Likelihood of future injury
- Force, violence used to retaliate, punish
- Size and strength of the parties
- Intent of the law







Dual Arrest

- Appropriate when officers have probable cause to believe both parties committed family violence crime against each other, and:
 - ❖ No issues of self defense
 - ❖ Unable to determine a predominant aggressor
- Officer must document grounds for dual arrest.



Inappropriate Dual Arrest

- ❑ Lessens ability to prosecute DV cases and often results in dismissals
- ❑ Increases liability (arresting one party without probable cause)
- ❑ Victim safety concerns and re-victimization
- ❑ Decreases chance that victim will seek help in the future
- ❑ Traumatic for children
- ❑ Not ideal/discouraged



Factors that Should NOT Influence LE's Arrest Decision

- ❑ Potential adverse financial consequences
- ❑ Suspect assuring that violence will stop
- ❑ Suspect claiming victim provoked, caused violence
- ❑ Possibility victim might not cooperate with prosecution, testify

→



Factors that Should NOT Influence LE's Arrest Decision

- ❑ Marital status
- ❑ Race, culture, sexual orientation
- ❑ Property ownership, tenancy rights
- ❑ Alcohol, drug consumption
- ❑ Physical, mental health
- ❑ Social, political, professional position



Report Writing



Who Will See Your Report?





Importance of Documentation

- Establishes that a crime was committed and details the elements of the crime
- Communicates all relevant information for actions taken, including reason for the investigation
- Serves as a permanent record of officer's observations and actions regarding a particular incident



Well Written Reports

- Factual, accurate, objective
- Complete, yet concise and clear
- Includes available supplemental documents/forms
- Protects confidentiality of victim's address
- Written so that someone who wasn't at the scene can read the report and feel they had actually responded



Reported as "handprint on her back"





"DAMAGED FURNITURE"



VICTIM STATED "HE PUSHED ME DOWN THE STAIRS"



"VICTIM HAD A FAT LIP"



"AN INJURY TO HER ELBOW"



Questions



In this section, participants will identify domestic violence interviewing techniques; the primary functions of gathering and preserving evidence of a domestic violence scene; signs of strangulation; how to investigate a stalking case; technologies that impact stalking; the significance of protection orders; essential components of the decision to arrest; how to determine the predominant aggressor; and tips for documenting and reporting domestic violence crimes.

INTERVIEWING

When interviewing the victim, the responsibility of officers is to get the most accurate information possible with the least amount of trauma to the victim. Officers should interview the victim in a separate room than the suspect in order to encourage the victim to speak and to speak freely. Because of the dynamics of domestic violence, the abuser's presence and non-verbal cues will most likely intimidate the victim into not speaking.

To begin the interview, officers should ask the victim non-invasive questions ("How are you feeling?"; "May I call you by your first name?"; "I am sorry that this happened to you.") as a way to show concern for the victim's well-being, to help the victim relax, and to build rapport with the victim. After this rapport-building stage, officers should only ask questions related to the investigation.

During the interview, officers should ask open-ended, specific, and nonjudgmental questions about the abuse that has just happened, about the abuser, if there is a history of violence, and if the suspect strangled the victim or has ever strangled the victim. Officers should listen carefully to the victim and take accurate notes to include in the report. If something is unclear, officers should ask specific questions to clarify the details. Also, officers should encourage the victim to ask for clarification if the victim does not understand a question or something that has been said. Officers should note that a victim's recounting of events may not be chronological and may seem contradictory, and sometimes a victim's tone may not match the severity of the incident. Victims often feel as though they are telling a "secret" when talking about the abuse they have been experiencing.

Officers should be honest and forthcoming about confidentiality and disclosure. If the victim reveals information that will have to be disclosed in court, officers should tell the victim in advance.

It is important for officers to convey the message to the victim that the abuser is responsible for his own behavior and that no matter what the abuser says or if the abuser blames the victim, the abuser's use of violence is unacceptable and not justified. Officers should acknowledge the victim's fears, anxiety, anger, or ambivalence; validate her feelings; and should pay attention to the officer's own body language and reactions, taking care to not appear to blame, accuse, or disbelieve the victim. Officers should also watch the victim's body language. If the victim seems uncomfortable, reassure the victim that her cooperation is important and appreciated, and that the victim is not responsible for the prosecution of the suspect, but that it is the responsibility of officers and prosecutors.

Victims were polled about the most helpful statements someone said to the victim while she was still in a relationship with her batterer. The six statements to say to a victim who feels she cannot leave are:

1. "I'm afraid for your safety."
2. "I'm afraid for the safety of your children."
3. "It may only get worse."
4. "I'm here for you."
5. "You do not deserve to be abused."
6. "It's not your fault."

Of these six statements, victims indicated that the most helpful statement was, "You do not deserve to be abused."¹

Officers should inform the victim about what is happening with "we" statements as a way to provide the victim with a sense that the victim is a part of the process, a sense of some control, and that the investigation is a team effort. Officers should tell the victim what the officers need with "I" statements ("I need for you to try to remember as much as possible.") as a way to reassure the victim that her complaint is being taken seriously and handled professionally. Finally, officers should be consistent with their responses so the victim knows the level of enforcement and response she can expect. This can assist the victim in assessing and determining her safety options.

Because most victims have been enduring abuse for an extended period of time, they may feel empowered to fight back when law enforcement is present. As a result, in some instances, victims will try to verbally or physically attack or retaliate against their abusers. In these situations, officers should try to use distracting techniques.

After the interview with the victim, officers should provide the victim with resources to help her, safety planning information, and notification information, as well as advise the victim that intervention is crucial for her safety. Additionally, the officer should not make any promises to the victim and should not tell the victim to leave her abuser. Victims who leave or are attempting to leave their abusers are at a 75% greater risk for being killed by their abusers.² Leaving requires a safety plan that is reviewed and adjusted every time anything in the victim's life changes.

When interviewing the suspect, officers should interview the suspect in a different room than the victim if possible, ask the suspect to be seated, and try to calm the suspect if the suspect is agitated. In an attempt to get the suspect talking, officers should ask open-ended and non-threatening questions; avoid making accusatory statements; acknowledge the suspect's feelings of frustration, anger, and concern; and ask the suspect, "Why?". Officers should try to elicit as much detail as possible from the suspect and should not challenge any lies the suspect tells. In the report, officers should document any spontaneous admissions ("I hardly pushed her."; "She bruises easily."; "I just grabbed her to get her to listen to me.") and if the suspect refuses to answer any questions.

Batterers use power and control tactics against law enforcement also and often try to manipulate officers. It is important for officers to recognize and be prepared for this, watch the suspect's body language and demeanor, and avoid conspiring with the suspect. If during the interview or at any other time the suspect asks who called 9-1-1, do *not* tell the suspect if the victim called.

When interviewing the children, officers should interview the child away from the parents/adults and in a place where the child feels comfortable. If either party objects to the interview occurring elsewhere, officers should explain that it is the officers' job to interview witnesses to any crime, that officers need to learn what has happened, and that officers will not intentionally frighten the child. Parents often believe that their children were asleep while the abuse was occurring, but incidents of abuse often wake children. Children do not have to be in the room where the abuse occurred to be a witness, and children can provide useful information.

Cases in which children are involved can be highly emotional and difficult. Interviewing children can prove challenging and is not a strength for every officer. Some officers may be able to relate to children of a particular age group but not another. In order to help learn age limitations of children and to become more comfortable talking with them, officers can practice "interviewing" children of friends and relatives in non-confrontational atmospheres.

To begin the interview, officers should lower themselves (crouch or sit) to the child's level and try to build rapport with the child through questions about the child's interests, toys, school, hobbies, likes and dislikes, etc. To determine the child's developmental level, officers can ask questions such as: "What time is it?"; "What grade are you in?"; "Where do you go to school?"; "How many kids are in your class?"; "What time does school start and end?"; "How old are you?"; "When is your birthday?"; and "How many brothers and sisters do you have? What are their names?"

Also, officers should ask the child if s/he knows why officers are there and if the child saw what happened between the parents/adults. Officers should then honestly explain why officers are present and why the officers are doing what they are doing. Officers should explain to the child that some of the questions asked will be easy to understand and others will be hard to understand. Officers should encourage the child to ask what the officer means if the child does not understand.

During the interview, officers should ask open-ended questions; never bribe, threaten, or coerce the child into providing information or answering questions; use the child's language (for example, say "guns" instead of "weapons"); avoid abstract concepts about time, height, weight, and measurements (say "as tall as", "in front of the sink"); use active voice rather than passive voice; and be careful to not indicate the response officers are expecting or looking for because the child may simply comply. Officers should document in the report any indication that the child is afraid of one or both parents/adults.

Many children experience discomfort when being interviewed. If a child begins to cry during the interview, verbally comfort the child and try to help calm the child. If the child cannot stop crying, officers should take a break from the interview. If a break does not help,

officers should consider ending the interview. If a child is overly upset or distraught, it is acceptable for the officers to end the interview in order to not cause the child additional trauma and to be upset with the interviewer.

Officers should be aware that because the child has been living in an environment where abuse occurs, the child is also a victim of domestic violence and may have been instructed to never talk with an “outsider,” including law enforcement. As a result, the child may be distrustful of adults and have a negative image about law enforcement, and therefore reluctant to provide information or answer questions. Furthermore, children often feel responsible or guilty about what has happened. Officers should reassure the child that what has happened is *not* the child’s fault.

With the exception of the exigent stage of response, officers should not use children as interpreters. Using children as interpreters may further traumatize children and may result in inaccurate information. Because they are also victims, children may misinterpret what the parents/adults are saying in hopes of making the situation “better” or to protect the involved parties and the child. Children may also misinterpret what the parents/adults are saying because they identify with one parent/adult. In situations in which an interpreter is needed, officers can call the AT&T language line and can reach out to advocacy agencies and local colleges to learn if these agencies have any interpretation services.

When closing an interview with a child, officers should ask the child if s/he wants to add anything; debrief the child; reinforce that the child did a good job and what the child did was important and the right thing to do; and reassure the child that s/he did nothing wrong, it is not the child’s fault, and it is not right to hurt people. Officers should not end the interview immediately after talking about the violence that has happened. Instead, officers should bring up fun topics discussed during the rapport-building stage.

EVIDENCE GATHERING

The primary functions of gathering and preserving evidence of a domestic violence scene is to show that probable cause that a crime was committed exists, to strengthen and corroborate a criminal case, and to provide the prosecution with enough evidence to proceed with or without the victim’s corporation.

Law enforcement must treat a domestic violence crime scene the same as any other crime scene. Officers should document and record in their report:

- The officers’ observations of power and control tactics
- Statements from the victim, suspect, and witnesses (including children)
- What is being said, how it is being said, when it is being said
- Overhead conversations
- Confessions
- Defensive wounds, which may be present on the suspect or victim. Examples include bite marks and scratches on the offender.

- Offensive wounds, which may be present on the victim or suspect. Examples include a broken nose, broken bones, stab wounds, black eyes, etc. on the victim and bloody knuckles on the offender.
- Damaged clothing on the victim and/or suspect—ripped, torn, bloodstained, punctured, etc.
- Weapons—firearms, knives, household objects, or anything else that can be fired, pointed, thrown, stabbed, or swung at the victim
- Demeanor and emotional states of all parties present

When photographing a domestic violence crime scene, officers should photograph the scene and injuries on the victim, suspect, and children. When photographing injuries, officers should take full-length and close up pictures, take photographs at different distances, and use an object such as a pen or ruler to show the size perspective of the injury, and take photographs of the victim two to three days later to show the full extent of the injuries (bruises are often more visible a few days later). Officers should use a photograph log and fully document what the officers have photographed in case the photographs are lost or the quality of the photograph is poor. If departments do not have cameras, officers can use forms with body charts to indicate the location of injuries or use disposable cameras.

STRANGULATION

Strangulation increases the lethality of domestic violence. Strangulation is not choking; choking is an internal obstruction of an airway while strangulation is a form of asphyxia and the closure of the blood vessels and air passages in the neck as a result of external pressures on the neck. Unless quoting, law enforcement should document this act of violence as strangulation and not choking.

The three types of strangulation include hanging (most often associated with suicide), ligature (use of an object such as a phone cord, rope, or clothing), and manual (use of the hands). The most common cause of strangulation is the obstruction of the carotid artery, which may result in unconsciousness. Eight pounds of pressure cuts off oxygen flow to the brain (less pressure than used to pull the trigger of a handgun) and eight seconds of no oxygen flow to the brain can cause critical injury. Carotid artery occlusion occurs when 11 pounds of pressure are applied for 10 seconds, and jugular vein occlusion occurs when 4.4 pounds of pressure are applied for 10 seconds. Both of these vessel occlusions lead to unconsciousness. Additionally, 33 points of pressure causes obstruction of the trachea which can result in tracheal fracture, brain damage if the strangulation continues for four to five minutes, and/or death.

A study with the San Diego District Attorney's Office conducted a study of 300 strangulation cases, selected at random from police reports, over five years. According to the findings of this study, there was a history of domestic violence in 89% of cases and there was a lack of physical evidence of strangulation. In 62% of cases, no visible injuries were present, and the injuries were too minor to photograph in 22% of cases. Significant visible injuries were present in 16% of the cases.³

Signs and symptoms of strangulation include: neck pain or swelling; sore throat; hoarse or raspy voice; voice loss; difficulty swallowing; scratch marks, scrapes, claw marks (often defensive wounds from the victim on the victim); chin abrasions; thumbprint bruises; bruises behind the ears; red, linear marks, often three; petechiae (red dots on the eye); rope or cord burns; loss of bodily functions; fainting or unconsciousness; nausea or vomiting; miscarriage; lung damage; and behavioral changes.

Officers should ask every victim of domestic violence if the victim was strangled. If the victim says no, officers should ask if the offender put his hands or any objects around the victim's neck. Other questions officers should ask strangulation victims are: how did the suspect strangle the victim (with one hand, two hands, an object such as a phone cord or article of clothing); was the suspect wearing jewelry; for how long did the suspect strangle the victim; how much force did the suspect use; did the suspect say anything while strangling the victim and if so, what; what was the suspect's facial expression; did the suspect shake or whip the victim back and forth; has the suspect done this before; did the victim lose consciousness or control of bodily functions; and what specific symptoms is the victim experiencing.

In addition to these questions, officers should photograph any visible injuries, look for other injuries, take follow-up photographs, and *always* dispatch EMS because of the potential of unnoticeable, internal injuries that could be fatal. Because of underlying brain damage caused by the lack of oxygen during strangulation, victims have miscarried days later and have died weeks later. Sometimes victims may not realize the severity of their injuries, be reluctant to seek medical attention, or trivialize the violence they have experienced. As a result, law enforcement and victim minimization of what has occurred can prove harmful and fatal.

STALKING INVESTIGATIONS

Stalking is a crime under Federal law and the laws of all 50 states, the District of Columbia, the U.S. Territories, the Uniform Code of Military Justice, and many Tribal codes. It is a crime that affects 7.5 million people in the United States a year, with 15 percent of women and 6 percent of men being stalked in their lifetime.⁴

Stalking is unlike most other crimes in two important ways. First, it entails repeat victimization. It is, by its nature, a series of acts rather than one single incident. Second, the victim's state of mind is an element of the crime. In other words, did it cause the victim (or, under some statutes, would it cause a reasonable person) to feel fear or substantial emotional distress? Despite the prevalence of stalking, it is a crime that is seldom charged. Seventy-two percent of stalking victims report that charges were not filed in their cases after reporting to law enforcement.⁵ In cases where law enforcement could charge stalking under the state law, it is only being charged 5 to 16 percent of the time.⁶ One of the reasons for the low charging rate is that stalking is seen as a difficult crime to prove because it requires dedicated time and resources to investigate. This is primarily because many of the acts that make up the crime of stalking are not criminal in and of themselves and, therefore, are not obvious. Because of this seeming ambiguity, stalking is often misunderstood, minimized, or missed entirely by law enforcement,

prosecutors, and even the victims themselves. However, it is one of the few crimes where timely intervention and investigation can save lives.

PROTECTION ORDERS

Protection orders are civil orders that restrain one person (respondent) from committing acts or threats of violence against another (petitioner) and are between the judge and the respondent. As a result, victims cannot violate their own orders. Each state has different statutes regarding protection orders. Victims do not need to “register” their protection orders for the order to be valid and enforceable. Registering the order could compromise a victim’s safety (for example, if she relocated so the respondent could not find her, registering the order could let him know where she moved). While protection orders can be a useful tool for increasing victim safety, officers should recognize that protection orders can be unsafe and cause more danger for the victim.

In order for a protection order to be valid, the order must first be served. Officers may encounter safety risks from the offender when serving protection orders. Law enforcement should consider using a specialized form in order to document service and the suspect’s reaction to being served with the order. An increasing number of jurisdictions are utilizing automated notification systems. If one of these systems is not implemented in the participants’ jurisdictions, officers should consider contacting the victim or an advocate the victim is working with because of victim safety concerns and service.

When a respondent violates a protection order, arrest is mandatory. Officers should be aware of seemingly “chance” encounters and that third party contact is a violation in most jurisdictions. Finally, in the instances of conflicting orders, officers should consider the history of violence and context of violation.

A variety of protection orders exist. If a victim is seeking an ex parte order, the respondent is not required to be at the initial hearing; however, for the order to be enforced under full faith and credit, the respondent needs to be notified of the order even if the hearing has not been held. Criminal protection orders include orders found in pre-trial or conditional release orders, bond conditions, or probation orders. Consent orders are based upon consent agreements between two parties. A commanding officer typically issues a military order without providing notice and the opportunity to be heard to the respondent. As a result, full faith and credit does not apply to military orders. New federal law allows for civil protection orders to be enforced on military bases by military police.

ARREST DECISION

Probable cause is the essential component of the arrest decision. Probable cause is based on the totality of circumstances, and officers can use any and all available information to determine whether or not probable cause exists. In domestic violence cases, officers should utilize a conviction-oriented approach, and should continue investigating even after establishing probable cause and should also consider observations of power and control, who is the predominant aggressor, acts of self-defense, and past history of violence.

In domestic violence cases where both parties have injuries or where one party has injuries and the other does not, officers should first determine if self-defense was used. Self-defense is a person's justifiable use of force against another person when such force is necessary to defend his/herself or a third party from what s/he reasonably believes to be the use, or imminent use, of unlawful physical force. The elements of self-defense include a person using force having a reasonable belief that s/he was at risk of bodily harm, the risk of harm was actual and imminent, and the force was reasonably necessary to prevent or stop the infliction of bodily harm. Everyone has the right to use self-defense, and when officers determine one of the parties used self-defense, officers can make an arrest.

In situations where it is unclear if one party acted in self-defense, officers should conduct a predominant aggressor assessment. When determining the predominant aggressor, considerations include prior history of violence; presence of offensive and defensive wounds; statements by the victim, suspect, and witnesses (including children); the severity and extent of the injuries; each party's ability to do what is alleged; likelihood of future injury; whether the force or violence was used to punish or retaliate; the size and strength of both parties; and the intent of the law. Some state statutes use the term primary physical aggressor instead of predominant aggressor. In these instances, primary physical aggressor does not mean the first to physically attack the other.

In some domestic violence cases, dual arrest occurs. Dual arrest is appropriate when officers have probable cause to believe both parties committed a family violence crime against each other, no issues of self-defense exist, and they are unable to determine a predominant aggressor. Officer must document grounds for dual arrest.

However, dual arrest is not an ideal solution for a variety of reasons. First, both parties have a Fifth Amendment right to remain silent, which can result in officers not obtaining as much information as possible for prosecution. Next, defense attorneys may use the dual arrest to claim that their client was the victim and not the perpetrator. Additionally, arrest re-victimizes the victim and has the potential of discouraging her from contacting law enforcement after future abuse. Finally, dual arrest may result in a liability issue for law enforcement if one party is arrested without probable cause.

A variety of factors to not include in the arrest decision exist. These factors include the marital status of the parties; the race, culture, and sexual orientation of either party; the social, political, and professional position of either party; property ownership and tenancy rights; alcohol and/or drug consumption; the physical and mental health of either party; potential adverse financial consequences if an arrest is made; the suspect assuring that the violence will stop; the suspect claiming that the victim provoked or caused the violence; and the possibility that the victim might not cooperate with the prosecution or might not testify.

In situations in which a domestic violence case involves a high profile offender or another office, responding officers should handle the incident the same way as any other domestic violence incident and have a supervisor present. Law enforcement agencies should

have policies that outline these procedures because these cases may result in political or professional pressures for responding officers and the department.

In domestic violence cases in which the perpetrator is law enforcement, a higher lethality risk for the victim exists. In these situations, a victim may not seek law enforcement involvement because of fear of not being believed, the potential for inaction because the officer's co-workers respond, and not wanting the officer to lose his/her job. Furthermore, an officer who is a batterer is potentially more dangerous as a result of training and access to weapons, and has greater access to and knowledge of the system (e.g. shelter locations, access to phone records, access to tracking technology, etc.)

Most states allow officers to arrest without a warrant in domestic violence cases that involve assault and/or battery, stalking, and violations of protection orders. Some state statutes use mandatory arrest/pro arrest language—if officers have probable cause that a domestic violence crime has occurred, the officer *shall* arrest the predominant aggressor. Strict arrest laws are beneficial because they help decrease discretionary arrest, which can lead to dual arrest, and also because victims may be further injured if the batterer is not removed from the scene.

If an arrest is not made, officers should explain to the victim why and submit an incident report documenting what occurred, the status of the parties, and why the arrest was not made. Furthermore, officers should encourage the victim to call 9-1-1 if the victim is injured again, feels threatened, or fears for her safety.

REPORT WRITING

A well-written report is factual, accurate, and objective; complete, yet concise and clear; includes available supplemental documents and forms; protects the confidentiality of the victim's address; and written so that someone who wasn't at the scene can read the report and feel they had actually responded. Many individuals see the report, including the victim, suspect, advocates, judges, prosecutors, defense attorneys, probation and parole officers, supervisors, other officers, medical personnel, etc.

¹ Texas Council on Family Violence. (2003). *To Protect and Serve: Law Enforcement's Response to Family Violence*. Austin: Texas Council on Family Violence.

² Hart, B. J. (1990). *Assessing Whether Batterers Will Kill*. Pennsylvania Coalition Against Domestic Violence.

³ Hawley, D.A., McClane, G.E., & Strack, G.B. (2001). A Review of 300 Attempted Strangulation Cases. *Journal of Emergency Medicine*, (21)3.


⁴ Breiding, M. J., Smith, S. G., Basile, K. C., Walters, M. L., Chen, J., & Merrick, M. T. (2014). *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization - National Intimate Partner and Sexual Violence Survey, United States, 2011*. Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report.

⁵ Baum, K., Catalano, S., Rand, M., & Rose, K. (2009). *Stalking Victimization in the United States*. Washington, DC: Bureau of Justice Statistics.

⁶ Klein, A., Salomon, A., Huntington, N., Dubois, J., & Lang, D. (2009). *A Statewide Study of Stalking and Its Criminal Justice Response*. Advocates for Human Potential, Inc.



Federal Laws



**Response to and Investigation
of Domestic Violence, Dating
Violence, and Stalking**

Federal Laws



Federal Laws

- Violence Against Women Act (VAWA)
- T Visas
- U visas
- Title VI
- LEP Executive Order 13166 (2001)
- First Response
- Firearm laws for individuals who are respondents to protection orders or are convicted of a domestic violence misdemeanor



Violence Against Women Act (VAWA)

One Hundred Thirteenth Congress
of the
United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Thursday,
the third day of January, two thousand and thirteen*

An Act

To reauthorize the Violence Against Women Act of 1994.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Reauthorization Act of 2013".



VAWA Full Faith and Credit

- ❑ Honor laws of each other
- ❑ Issuing and enforcing jurisdiction control terms
- ❑ Protection orders are enforceable on military installations



Evaluating the Enforcement of Protection Orders

- ❑ An order of protection issued in another jurisdiction is enforceable when:
 - ❖ Order appears to be valid
 - ❖ There is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction



Protection Orders Presumed Valid When...

- ❑ The order lists names of the parties
- ❑ The order contains issue date
- ❑ Order's date of expiration has not occurred
- ❑ Order specifies terms and conditions against the abuser
- ❑ The order contains the name of the issuing court
- ❑ The order is signed by or on behalf of a judicial officer



KEYS TO REMEMBER

- ❑ The laws of the issuing jurisdiction control the validity of the terms of the order

- ❑ States shall honor each other's laws- The laws of the enforcing jurisdiction control the terms of enforcement



VAWA

- ❑ **VAWA Crossing State Lines**
 - ❖ Felony to cross state lines with the intent to commit a domestic violence crime or to violate a protection order
- ❑ **VAWA 2013 Entering and Leaving Indian Country**
 - ❖ 70% crimes committed on Indian territory committed by non-Indians (DOJ)
 - ❖ Beginning March 2015, tribes may exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses or dating partners or violate a protection order in Indian country IF they can demonstrate the capacity to meet certain due process requirements
 - ❖ Not all tribes have opted to participate



Purpose

Congress enacted VAWA self-petitioning (1994) and the U and T visas (2000) to:

- ❑ Improve community policing and community relationships
- ❑ Increase prosecution of perpetrators of crimes against immigrant victims
- ❑ Allow victims to report crimes without fear of deportation
- ❑ Enhance victim safety
- ❑ Keep communities safe



General VAWA Self-Petitioning Requirements

- Subjected to battery or extreme cruelty
- By a U.S. Citizen or permanent resident
- Spouse
- Parent
- Adult son/daughter (over 21)
- With whom self-petitioner resided
- No time period required
- Good moral character
- Good faith marriage



CONTINUED PRESENCE

- Provides one year temporary legal status in U.S.
- Important law enforcement tool
- Allows victims to:
 - Arrange their affairs
 - Receive public benefits and work permit
 - Seek civil damages against trafficker
- To direct victims to services:
 - ❖ ICE Headquarters Victim Assistance
 - ❖ Call 866-872-4973
 - ❖ E-mail: victimassistance.ice@ice.dhs.gov



CONTINUED PRESENCE REQUIREMENTS

- Must be trafficking victim and potential witness
- Case does not need to be accepted for prosecution
- Trafficking charges do not need to be brought
- Victims are not required to cooperate





BASIC T VISA REQUIREMENTS

- ❑ Victim of a “severe form of trafficking in persons”
- ❑ Victim physically present in U.S. on account of trafficking
- ❑ Victim must comply with reasonable requests to help investigate or prosecute traffickers (some exceptions apply)
- ❑ Victim must show removal from U.S. would cause extreme hardship



U Visa Requirements

- ❑ Victim of a qualifying criminal activity
- ❑ Has been, is being, or is likely to be helpful in
 - ❖ Detection, investigation, prosecution, conviction or sentencing
- ❑ Suffered substantial physical or mental abuse as a result of the victimization
- ❑ Possesses information about the crime
- ❑ Crime occurred in the U.S. or violated U.S. law
 - ❖ Certification of 918b Required



Qualifying Criminal Activity

- | | | |
|-----------------------------|--------------------------------------|--------------------------|
| > Domestic violence | > Kidnapping | > False Imprisonment |
| > Sexual assault | > Abduction | > Blackmail |
| > Rape | > Trafficking | > Extortion |
| > Incest | > Involuntary servitude | > Witness tampering |
| > Prostitution | > Slave trade | > Obstruction of justice |
| > Torture | > Being held hostage | > Perjury |
| > Female genital mutilation | > Peonage | > Stalking |
| > Felonious assault | > Fraud in Foreign Labor Contracting | |
| > Manslaughter | | |
| > Murder | | |

*Attempt, conspiracy or solicitation to commit any of these crimes or similar activity

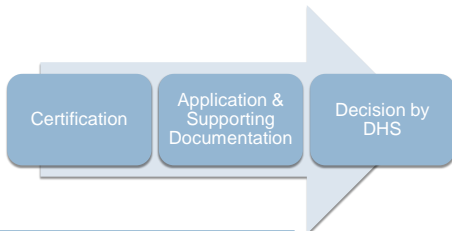


How Will a U Visa Certification Request Come to You?

- ❑ From victim advocate or immigration attorney
- ❑ As a police officer you may be the first responder or investigator
- ❑ As a prosecutor you might have continued contact with the victim and might be first to identify victim's U visa eligibility



The U Visa Application Process



Typical length of process = 24 - 28 months



U Visa Facts

- ❑ Only 10,000 U visas can be granted annually
- ❑ The U visa grants a temporary 4 year stay
- ❑ Only some U visa holders will qualify for lawful permanent residency– no guarantee
- ❑ U.S. citizenship can only be attained after lawful permanent residency for 5 years + proof of good moral character

How does law enforcement and prosecution benefit from the U visa?



U Visa Benefits

- ❑ Encourages victims to report crimes
- ❑ Improves investigation and prosecution of violent crimes
- ❑ Increases potential to convict most dangerous criminals
- ❑ Demonstrates commitment to protecting immigrant community members
- ❑ Enhanced immigrant community involvement
- ❑ Makes it easier to identify victim witnesses
- ❑ Reduces repeat calls and recanting victims
- ❑ Fosters community policing partnerships
- ❑ Enhances officer and community safety



Source of Law

- ❑ Title VI- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving financial aid assistance.
- ❑ LEP Executive Order 13166 (2001)
 - ❖ Requires all agencies receiving any federal financial assistance to:
 - ❖ Ensure meaningful language access
 - ❖ Develop and implement language access plans
 - ❖ "Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith."



What do you do when you arrive at a crime scene?



First Response

- ❑ **Locate and secure the scene**
- ❑ **Are there any weapons?**
- ❑ **Is anyone injured?**
- ❑ **Identify the people involved**
 - ❖ Victim
 - ❖ Offender
 - ❖ Witnesses
- ❑ **If offender is not on the scene**
 - ❖ Where is the suspect?
 - ❖ Are they a continuing danger?
 - ❖ Is suspect in possession of weapon?





What do you do when the people at the scene are limited English proficient?

How can you get the information you need to secure the scene?



DOJ and Exigent Circumstances

- Use the most reliable temporary interpreter available to address exigent circumstances
 - ❖ Fleeing suspect
 - ❖ Weapons
 - ❖ Life threatening to the officer /victim/or public



DOJ Requirements for Investigations & Interrogations

- “A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted”
 - ❖ Criminal interrogations
 - ❖ Crime witness interviews
- Vital written materials translated into primary language
 - ❖ Miranda warnings
 - ❖ Protection Orders



Using Qualified Interpreters

Benefits

- Safety
- ID offender
- Locate weapons
- Admissible statements (Excited Utterances)

Harms

- Mistaken ID of offender
- Arrest of victim
- Misinterpretation results in inaccurate statements
- Trauma to children



Bilingual Officer v. Interpreter

□ Bilingual officers

- ❖ When they are interpreting, they are not investigating

□ Effect of Dialect and Culture

- ❖ Different words have different meanings:
 - ❖ e.g.: Variations on the word "highway" depending on what state you're from



Tips for Working with Interpreters

□ Control the interview

□ Pre-session with the interpreter

- ❖ Where are they located?
- ❖ Establish what your rules are
 - ❖ How do you want the interpreter to interpret?

□ Interpreter has to interpret everything that you say

- ❖ Example: when you are explaining confidentiality



VAWA Victims' Rights Laws

□ Notification of proceedings and release

□ Input during proceedings

□ Compensation

□ Notification of services and legal remedies



Firearm Provisions

- ❑ 18 U.S.C. § 922(g)(8) – Federal crime for respondents of domestic violence protection orders to own, possess, buy, transport guns and ammunition
- ❑ Official use exemption for on-duty law enforcement, military personnel [18 U.S.C. § 925(a)(1)]



Lautenberg Amendment

- ❑ 18 U.S.C. § 922(g)(9) – Federal crime for person convicted of misdemeanor domestic violence crime to own, possess, buy, transport guns and ammunition
 - ❖ Lifetime ban
 - ❖ Retroactive
 - ❖ Applies to law enforcement, military personnel – no official use exemption



Conclusion

- ❑ Questions?
- ❑ Resources
- ❑ Additional Training Opportunities



In this section, participants will identify components of the Violence Against Women Act (VAWA) and various legal definitions.

Federal law defines intimate partners as spouses, former spouses, individuals who have a child in common, or individuals who are cohabitating or have cohabitated. Most states have family household member laws that expand the federal definition.

In 1994, Congress passed the Violence Against Women Act (VAWA) which yielded statutes regarding Full Faith and Credit, crossing state lines, and battered immigrant women. According to the Full Faith and Credit statute (18 U.S.C. §2265), states are required to honor each other's protection orders laws and to enforce protection orders issued by another state in their own state. Issuing and enforcing jurisdictions set and control the terms of protection orders—issuing jurisdictions are where the judge signed the order, and enforcing jurisdictions are where the victim called 9-1-1 to report the violation. Protection orders are also enforceable on military installations, Indian territories, and U.S. territories.

An order of protection issued in another jurisdiction is enforceable when the order appears to be valid, and if there is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction. The laws of the issuing jurisdiction control the validity of the terms of the order. The laws of the enforcing jurisdictions control the terms of enforcement.

Protection orders are presumed valid when:

- The order lists names of the parties
- The order contains issue date
- Order's date of expiration has not occurred
- Order specifies terms and conditions against the abuser
- The order contains the name of the issuing court
- The order is signed by or on behalf of a judicial officer

Under VAWA, crossing state lines or entering/leaving Indian country with the intent to commit a domestic violence crime or to violate a protection order is a felony [18 U.S.C. §2265 (a)(1)]. According to the U.S. Department of Justice, 70% of crimes committed on Indian land are committed by non-Indians. VAWA 2013 recognizes tribes' inherent power to exercise "special domestic violence criminal jurisdiction" over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. With this law, which took effect in March 2015, tribes are able to exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses or dating partners or violate a protection order in Indian country.

Congress has made numerous changes to U.S. Immigration laws to offer protections for immigrant victims of domestic violence. In 1994, VAWA included provisions to allow immigrant victims of domestic violence to obtain immigrant relief independent of their abusive spouse or parent through a process called "self-petitioning." The Battered Immigrant Women Prosecution Act of 2000 (VAWA 2000) created new forms of immigration relief for immigrant victims of violent crime ("U" visas) and victims of sexual assault or trafficking ("T" visas).

Congress enacted these changes to improve community policing and community relationships, increase prosecution of perpetrators of crimes against immigrant victims, allow victims to report crimes without fear of deportation, and to keep communities safe.

General VAWA self-petitioning requirements include:

- Subjected to battery or extreme cruelty
- By a U.S. citizen or permanent resident
- Spouse
- Parent
- Adult son/daughter (over 21)
- With whom self-petitioner resided
- No time period required
- Good moral character
- Good faith marriage

Basic T visa requirements include:

- Victim of a “severe form of trafficking in persons”
- Victim physically present in U.S. on account of trafficking
- Victim must comply with reasonable requests to help investigate or prosecute traffickers (some exceptions apply)
- Victim must show removal from U.S. would cause extreme hardship

Basic U visa requirements include:

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in detection, investigation, prosecution, conviction, or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law

Basic Continued Presence requirements include:

- Provides one year temporary legal status
- Must be trafficking victim and potential witness
- Case does not need to be accepted for prosecution
- Trafficking charges do not need to be brought forward
- Victims are not required to cooperate
- Only federal law enforcement agencies can request continued presence

Title VI states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving financial aid assistance. LEP Executive Order 13166 (2001) requires all agencies receiving any federal financial assistance to ensure meaningful language access; develop and implement language access plans; and “where the

denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith.”

When responding to a crime scene, the officer must first locate and secure the scene and ask his/herself the following questions:

- Are there any weapons?
- Is anyone injured?
- Who is involved? (victim, offender, witnesses)
- If the offender is not on the scene:
 - Where is the suspect?
 - Are they in continuing danger?
 - Is the suspect in possession of a weapon?

In exigent circumstances, such as a fleeing suspect, weapon, or life threatening situation, the officer must use the most reliable temporary interpreter available. For criminal interrogations and crime witness interviews, the Department of Justice requires that “a qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted.” Vital written materials, such as Miranda warnings, must also be translated into the primary language.

When working with an interpreter, it’s important for the officer to control the interview. Holding a pre-session with the interpreter to establish the officers rules, including ensuring s/he interprets everything that the officer says, is important.

Victims’ rights laws under VAWA state that victims shall be notified of related proceedings and releases, have input during related proceedings, receive victim compensation, and receive notification of available services and legal remedies.

According to 18 U.S.C. §922(g)(8), it is a federal crime for persons who are the respondent of a protection order to possess, ship, transport, or receive firearms or ammunition. There is an official use exemption [18 U.S.C. §925(a)(1)] for law enforcement and military when they are on-duty.

The Lautenberg Amendment [18 U.S.C. §922(g)(9)] was enacted into law on September 30, 1996. As a result, it is a federal crime for individuals who are convicted of a domestic violence misdemeanor to possess, ship, transport, or receive firearms or ammunition. This law is retroactive, results in a lifetime ban, and also applies to law enforcement and the military (no official use exemption).

Please refer to the “Resources” section of this manual for additional information pertaining to these and other laws related to Domestic Violence, Dating Violence, and Stalking Response.



Resources

Power and Control Wheels. This tool has been utilized by advocates as a way to help explain the different tactics that perpetrators use against their partners in the context of a larger construct of socialization.

Power and Control Wheel: <https://www.theduluthmodel.org/pdf/PowerandControl.pdf>

Rueda de Poder y Control (ES): <http://stoprelationshipabuse.org/wp-content/uploads/2010/06/RuedadePoderyControl.pdf>

Lesbian/Gay Power and Control Wheel: http://stoprelationshipabuse.org/pdfs/Lesbian-Gay_PC_wheel_NCDSV.pdf

Power and Control over Immigrant Women:

<http://stoprelationshipabuse.org/pdfs/immigrant%20wheel.pdf>

Rueda de Poder y Control Inmigrante (ES): <http://stoprelationshipabuse.org/wp-content/uploads/2010/06/Rueda-de-poder-y-control-inmigrante1.pdf>

Women with Disabilities Power and Control Wheel:

http://stoprelationshipabuse.org/pdfs/Women_with_Disabilities.pdf

Children Power and Control Wheel: <http://stoprelationshipabuse.org/wp-content/uploads/2013/03/PCWheel.Children.pdf>

Teen Power and Control Wheel: <http://stoprelationshipabuse.org/wp-content/uploads/2013/03/teenwheel1.pdf>

Muslim Power and Control Wheel: <http://www.eveinc.org/uploads/5/5/1/4/55143529/muslim-pnc.pdf>

Working with Teen Victims of Dating Violence: What Law Enforcement Should Know Before Working With Teen Victims of Dating Violence. This guide assists law enforcement with the understanding of dating violence, how to respond to a dating violence call, the do's and don'ts law enforcement should know before interviewing teen victims of dating violence, working with parents, and being an ally.

http://www.breakthecycle.org/sites/default/files/Law_Enforcement.pdf

Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence. This Department of Justice guidance document is intended to ensure that policing is free from bias and to uphold the civil and human rights of the communities they serve. Gender bias in policing practices is a form of discrimination that may result in law enforcement officers providing less protection to certain victims on the basis of gender, failing to respond to crimes that disproportionately harm people of a particular gender or offering reduced or less robust services due to a reliance on gender stereotypes.

<https://www.justice.gov/opa/file/799366/download>

The Highly Trained Batterer: Prevention, Investigation and Prosecution of Officer-Involved Domestic Violence.

<http://www.aequitasresource.org/Strategies-The-Highly-Trained-Batterer-14.pdf>

Danger Assessment. The Danger Assessment Instrument, developed by Johns Hopkins University School of Nursing Associate Dean Dr. Jacquelyn Campbell, helps women at risk learn their level of danger and trains domestic violence advocates, law enforcement, and health care professionals in measuring warning danger levels.

<http://www.ncdsv.org/images/DANGERASSESSMENT.pdf>

Training Institute on Strangulation Prevention. The training institute offers training and technical assistance on domestic and sexual assault strangulation crimes.

<https://www.strangulationtraininginstitute.com/>

Strangulation: A Quick Reference Guide.

https://partnersforchange.info/media/material/JOHNSON_crime-scene-t2-e-interviews-amp-crime-scene---strangulationtrifold-outside---out-of-state.pdf

Civic Research Institute Domestic Violence Report. This report is devoted to strangulation and provides a wealth of useful material into a concise and effective presentation.

<http://www.civresearchinstitute.com/nfjca.html>

Signs and Symptoms of Strangulation. This poster illustrates (in English and Spanish) a diagram of a woman post-strangulation. Also accessible through this link is a Strangulation Assessment Card, Strangulation Infographic, and a multitude of various resources.

<https://www.strangulationtraininginstitute.com/resources/library/signs-and-symptoms-of-strangulation/>

Connecting the Dots: Recognizing and Responding to Stalking; A Roll-Call Video for Law Enforcement Officers. This video was produced to enhance the ability of law enforcement first responders to recognize and effectively respond to stalking. The video is designed so that it can either be shown in its entirety or as individual chapters.

Video: <https://www.youtube.com/watch?v=Q2BHO8eXvxA&feature=youtu.be>

Discussion Guide: <http://victimsofcrime.org/docs/default-source/src/download-discussion-guide.pdf?sfvrsn=0>

The Model Stalking Code Revisited: Responding to the New Realities of Stalking. The National Center for Victims of Crime has developed this report to assist states that are working to strengthen their stalking laws.

<http://victimsofcrime.org/docs/default-source/src/model-stalking-code.pdf?sfvrsn=12>

Stalking Fact Sheet. Produced by the National Center for Victims of Crime Stalking Resource Center.

English: http://victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015_eng.pdf?sfvrsn=2

Spanish: http://victimsofcrime.org/docs/default-source/src/stalking-fact-sheet-2015_span.pdf?sfvrsn=2

Stalking Response Tips for Law Enforcement. Produced by the National Center for Victims of Crime Stalking Resource Center.

<http://victimsofcrime.org/docs/default-source/src/tips-for-law-enforcement-2015.pdf?sfvrsn=2>

Responding to Stalking on Campus: The Model Stalking Policy. The Stalking Resource Center has released this guide to help universities and colleges create or revise their campus policy on stalking. The model policy includes useful language about defining stalking, lists of stalking behaviors, and safety considerations for victims. It also includes sample policies that administrators can use in their entirety or adapt for schools' specific needs.

<http://victimsofcrime.org/docs/default-source/src/the-model-stalking-policy.pdf?sfvrsn=6>

Creating an Effective Stalking Protocol. This monograph is about ways to enhance police responses to stalking. Its focus is collaborative community partnerships and protocols to help law enforcement agencies address stalking more effectively and appropriately.

<http://victimsofcrime.org/docs/src/creating-an-effective-stalking-protocol.pdf?sfvrsn=2>

Electronic Crime Scene Investigation: A Guide for First Responders, Second Edition. This guide is intended to assist state and local law enforcement and other first responders who may be responsible for preserving an electronic crime scene and for recognizing, collecting, and safeguarding digital evidence. All crime scenes are unique and the judgment of the first responder, agency protocols, and prevailing technology should all be considered when implementing the information in this guide.

<https://www.ncjrs.gov/pdffiles1/nij/219941.pdf>

Protecting Victims of Domestic Violence: A Law Enforcement Officer's Guide to Enforcing Protection Orders Nationwide. The National Center on Protection Orders and Full Faith & Credit Battered Women's Justice Project released this resource to assist law enforcement with understanding protection orders and full faith and credit, and how they apply to law enforcement. Also included in this resource is contact information for technical assistance in these and related areas.

http://www.bwjp.org/assets/documents/pdfs/ffc_law_enforcement_officer_guide.pdf

Full Faith and Credit: Enforcing Protection Orders Pocket Guide. This pull-out pocket guide for law enforcement is a quick reference from the Law Enforcement Officer's Guide to Enforcing Protection Orders Nationwide. It provides responding officers with information on enforcing protection orders pursuant to the full faith and credit provision of the Violence Against Women Act (VAWA).

http://www.bwjp.org/assets/documents/pdfs/ncpoffc_pocket_guide.pdf

U and T Visa Law Enforcement Resource Guide. This guide provides law enforcement officials with information about U and T visa requirements, the law enforcement certification process, and answers to frequently asked questions from law enforcement agencies to support investigations and prosecutions involving qualified immigrant victims of crime.

<https://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>

U Visa Toolkit for Law Enforcement Agencies and Prosecutors. This document, written by the National Immigrant Women's Advocacy Project, the Vera Institute of Justice, and Legal Momentum provides information for law enforcement officials including who qualifies for a U visa, which criminal activities are covered by the U visa, the application process, and other information that will assist law enforcement in their role as certifiers.

http://library.niwap.org/wp-content/uploads/2015/UVisaToolkit_AH-3.21.17.pdf

Continued Presence: Temporary Immigration Status for Victims of Human Trafficking.

U.S. Immigration and Customs Enforcement (ICE) is the lead DHS law enforcement agency that investigates human trafficking crimes. Continued Presence (CP) is a temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking. This status allows victims of human trafficking to remain in the US temporarily during the ongoing investigation into the human trafficking-related crimes committed against them.

<https://www.ice.gov/doclib/human-trafficking/pdf/continued-presence.pdf>

Form I-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B). This law enforcement certification form is a required element for U visa eligibility. A law enforcement agency can complete this form for a victim who is petitioning for a U visa to confirm that a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution or criminal activity.

<https://www.uscis.gov/sites/default/files/files/form/i-918supb.pdf>

Language Access: Considerations & Recommendations for Advocates Supporting Survivors of Violence.

This technical assistance brief, created by the Asian Pacific Institute on Gender-Based Violence, assists to better understand the roles and responsibilities of advocates, interpreters, law enforcement, and court personnel in order to effectively collaborate on and ensure proper access.

http://api-gbv.org/files/LanguageAccessTABrief_API-GBV_Updated2015.pdf

Resource Guide for Advocates & Attorneys on Interpretation Services for Domestic Violence, Sexual Assault, and Trafficking Victims.

The Asian Pacific Institute on Gender-Based Violence released this resource guide that focuses on interpretation for domestic violence, sexual assault, or trafficking victims with limited English proficiency. It informs how advocacy, interpretation, and language access can be integrated.

<http://api-gbv.org/files/InterpretationResourceGuide-Updated2016-ByAPI-GBV.pdf>

I Speak... Language Identification Guide. This guide assists literate individuals who are not proficient in English to identify a preferred language.

<https://www.dhs.gov/xlibrary/assets/crcl/crcl-i-speak-booklet.pdf>

Violence Against Women Act (VAWA). This site, provided by The National Domestic Violence Hotline, concisely describes VAWA and the changes that have been made to the legislation since it was passed in 1994.

<http://www.thehotline.org/resources/vawa/>

Firearm Checklist for Law Enforcement. The federal Gun Control Act prohibits 10 particular classes of individuals from purchasing, possessing and/or receiving firearms and ammunition. People who are subject to certain orders of protection and those who have been convicted of misdemeanor crimes against select individuals may fall under two of the prohibitions outlined in this checklist.

<http://www.bwjp.org/assets/documents/pdfs/ncpoffc-firearm-checklist-law-enforcement.pdf>