

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

OVERVIEW & THE LIABILITY AND LETHALITY OF DV RESPONSE

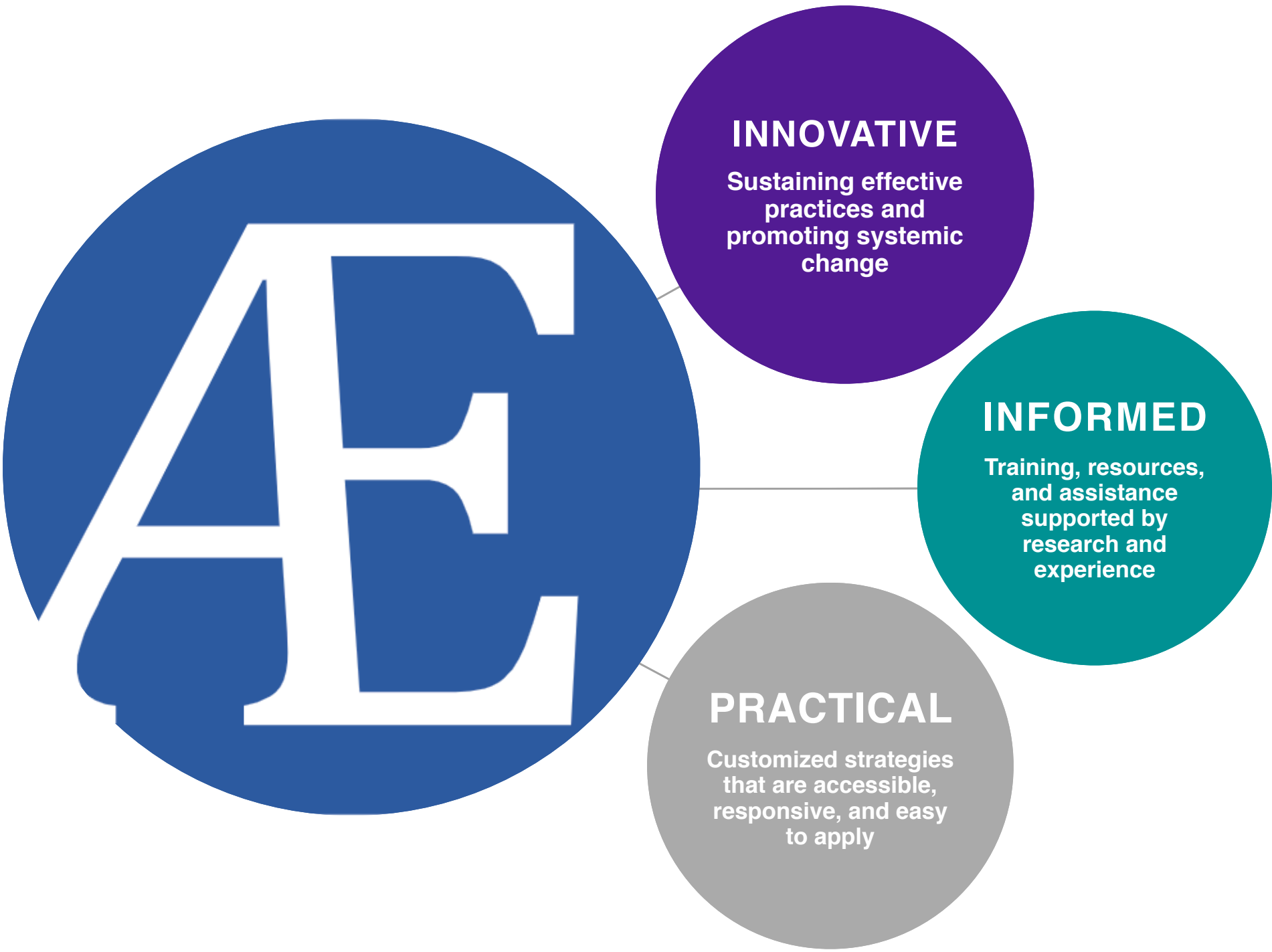
National Sheriffs' Association

- Non-profit, membership organization
- Founded in 1940
- Represents thousands of sheriffs, deputies, and other law enforcement, public safety professionals, and concerned citizens nationwide
- Dedicated to raising the level of professionalism of law enforcement and other criminal justice personnel

National Sheriffs' Association

- Provides programs for sheriffs, their deputies, chiefs of police, and others in the field of criminal justice
- Offers training, technical assistance, and informational resources
- Serves as the center of a vast network of law enforcement information
- News and information
  - www.sheriffs.org
  - Sheriff & Deputy magazine
  - NSA Monthly All Points Bulletin E-Newsletter




INNOVATIVE
Sustaining effective practices and promoting systemic change
INFORMED
Training, resources, and assistance supported by research and experience
PRACTICAL
Customized strategies that are accessible, responsive, and easy to apply

What We Do



Resources

Create, research, and curate publications, statutory and case law compilations, and other resources that strengthen prosecution practices



Consultations

Offer on-demand 24/7 consultations with our seasoned prosecutors to answer case-specific inquiries, discuss strategy, conduct research, and recommend data-driven solutions



Training Events

Develop curricula and facilitate a wide range of specialized in-person and web-based trainings designed to empower prosecutors and allied professionals



Partnerships & Initiatives

Provide long-term support in building frameworks for coordinated responses to gender-based violence including data collection and analysis, task force development, and training

Jane Anderson

ATTORNEY ADVISOR

janderson@aequitasresource.org
(202) 596-4229

1000 Vermont Street NW, Suite 1010
Washington, DC 20005

AEquitasResource.org

Stalking Prevalence

NEARLY
1 in 3 women



&

NEARLY
1 in 6 men



experience stalking in their lifetimes.

Smith, S.G., Basile, K.C., & Kresnow, M. (2022). The National Intimate Partner and Sexual Violence Survey (NISVS): 2016/2017 Report on Stalking. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease control and Prevention.

www.StalkingAwareness.org

*Practitioner guides

*Training modules

*Victim resources

*Webinars



@FollowUsLegally

Sign Up for our Newsletter!

Order Stalking Awareness Brochures & Posters for your Community Today!





StalkingAwareness.org

Julia Holtemeyer M.P.P.

Resource & Training Specialist,

SPARC STALKING PREVENTION, AWARENESS, AND RESOURCE CENTER

202. 499. 0314

JHoltemeyer@StalkingAwareness.org

StalkingAwareness.org

@FollowUsLegally

Training Overview

This training has been federally funded through a cooperative agreement with the Office of Violence Against Women, under the Department of Justice.

- Curriculum has been developed by:
  - National Sheriffs' Association (NSA)
  - Investigator Mike LaRiviere, Salem Police Department
  - AEquitas
  - The Stalking Prevention, Awareness, and Resource Center (SPARC) of AEquitas
  - National Center on Protection Orders and Full Faith & Credit
  - Subject matter experts from law enforcement, prosecution, and advocacy

Goals

- Increase safety of officers and victims in rural communities
- Describe dynamics of domestic violence, dating violence, stalking, and sexual assault present in rural communities
- 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 in rural areas
- 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, especially in rural areas, can lead to complacency

FBI Releases 2016 Statistics for Law Enforcement Officers Killed

Circumstances: At the time the 66 law enforcement officers were feloniously killed:

- 17 were ambushed (entrapment/premeditation);
- 13 were answering disturbance calls (seven were domestic disturbance calls);
- nine were investigating suspicious persons/circumstances;
- six were engaged in tactical situations;
- five were performing investigative activities (such as surveillances, searches, or interviews);
- four were conducting traffic pursuits/stops;
- three were investigating drug-related matters;
- three were victims of unprovoked attacks;
- one was answering a burglary in progress call or pursuing a burglary suspect(s);
- one was answering a robbery in progress call or pursuing a robbery suspect(s); and
- four were attempting other arrests.

Unrecognized Lethality of Domestic Violence Offenders

- FBI Statistics “Responding to Domestic Disturbances”
- The true lethality of domestic violence offenders

- Between October 1, 2016 and December 31, 2016

10

- Between October 1, 2016 and December 30, 2016

7

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

Top 10 risk factors for intimate partner homicide	Risk for male perpetrated & female IPH victimization
1) Direct access to guns	11-fold increase in risk of IPH
2) Threated victim with a weapon	7-fold increase in risk
3) Non-fatal strangulation	7-fold increase in risk
4) Perpetrated rape/forced sex	5-fold increase in risk
5) Controlling behaviors	6-fold increase in risk
6) Threated to harm the victim	4-fold increase in risk
7) Abused victim while pregnant	4-fold increase in risk
8) Perpetrated stalking	3-fold increase in risk of IPH
9) Jealousy	2-fold increase in risk
10) Substance abuse	2-fold increase in risk

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 in Rural Areas

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

Responding

- One officer vs. Two officer response

Alternatives to Back-up in Rural Areas

- 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

Liability and Lethality

