



**Investigating Domestic Abuse
Law Enforcement's Role**

In

Homicide Prevention

And

Ending Intergenerational Violence
LE Training Curriculum

(Updated January 2011)



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FORWARD TO TRAINING CURRICULUM

Law enforcement officers risk their lives everyday in protecting all of us. They are expected to know all the laws, be familiar with new scientific evidentiary processes, think on their feet, use only reasonable force when necessary, keep the peace and be good witnesses in court. In investigating cases of domestic abuse, the statute requires law enforcement to respond to highly volatile, potentially lethal calls and to analyze complex relationships where perpetrators act to maintain control and victims respond out of continuing fear of the perpetrator.

Training Planning

At least one member of the training team should meet with the Coordinated Community Response Team (or minimally with command staff from law enforcement agencies sponsoring the training, the District Attorney and representation from the domestic violence program that services the county) when planning the training. The team should get a commitment for attendance at the training and identify local issues. Separate contact should also be made to the director of domestic violence program for any concerns the director would not feel comfortable expressing in front of the other parties.

This instructor manual assumes that the presenters will have a strong working knowledge of domestic violence dynamics and of best practices for law enforcement to help improve efforts to protect victims and their children and to hold perpetrators accountable for their acts. The training has been designed to be presented by multidisciplinary teams with every training team consisting of a domestic abuse advocate, a law enforcement officer and a prosecutor. For recruit academies and other agencies using this curriculum, we strongly urge the inclusion of local advocates as part of your training team. It is very important that the team members have a commitment to presenting the information using interactive adult-learner training techniques, avoiding lectures. Adult learners best learn from interaction with each other and “doing the work”. For example, recruits practicing interviewing of victims, suspects and children, identifying felonies, and writing reports learn more effectively than when lectured on these topics.

It is also crucial that the team work together in a supportive manner. Because of the complex nature of domestic violence and the frustration that many law enforcement officers have when working with victims and perpetrators and with mandated legal requirements, it is expected that the law enforcement officer and prosecutor trainers will take the lead in educating officers who make any victim-blaming statements.

The curriculum contains training tools such as handouts, exercises, scenarios, PowerPoint presentations and a list of additional resources to assist the trainers. There are many more tools included here than there is time for in a training session. Selection of training tools should be made by the team, recognizing any special issues that need to be addressed in the community being trained (i.e. dual arrests, arrest of victims, children not being interviewed). Trainers should be familiar with the training tools provided in the curriculum. In addition to planning to use them in your presentation, a trainer can have

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these resources in his/her “bag of tricks” to quickly turn to when they best address an issue that comes up.

Four sections have accompanying PowerPoint presentations that can be accessed from this document through a hyperlink. To access the presentations, click on the PowerPoint icon in the upper right hand corner of the first page of the selected sections.

Throughout this curriculum victims are usually referred to as “she” and perpetrators as “he.” The use of these terms is based on statistics from the United States Department of Justice, which reports that women are 84% of spouse abuse victims. It is important to recognize that men can be domestic violence victims of women and that domestic violence occurs in gay and lesbian relationships.

The contents of this training curriculum should not be considered legal advice. Law enforcement officers should consult with their department command staff or their district attorney for legal questions and policy changes. For any questions or assistance regarding this training curriculum, please contact the Office of Justice Assistance at (608) 266-3323 or OJAJusticeSystemTraining@wisconsin.gov.



TECHNICAL INSTRUCTIONS

Hyperlinks are used throughout this document to allow an instructor to easily access other sections of this document, statutes or other documents on the Internet, and other documents that accompany this file (specifically, handouts and PowerPoint presentations). In order for these hyperlinks to work properly, this file and its accompanying files must be saved in the same location/folder and the names of the files must not be changed.

BEGINNING A TRAINING: BREAKING THE ICE

It can be very effective to begin the training with a video or audiotape. A good, short video or audio tape can grab the officers’ attention, quiet them from socializing with each other and focus on the gravity of the issue. If there has been a domestic violence homicide in the county, it should be referenced when discussing homicide prevention.

At the end of the media presentation, one of the trainers can process the information from it OR perhaps more effectively, wait until the dynamics portion of the training and loop back to it, and continuing to do so during the day.

The trainers should identify themselves and model a short introduction. Unless the numbers of officers is unmanageably large, one of the trainers should ask each officer to identify him/herself and their level of experience. Quickly have small groups answer the question, “If you had to leave right now to respond to a domestic abuse case, what would be your concerns about the case. Include systemic concerns as well as those of a first responder.” Trainers do not respond to the concerns. Have one of the trainers record the responses on a flip chart to make sure they are touched upon during the day. (Common responses are recanting victims, safety issues, lack of prosecution, etc.) Officers are more willing to name in group exercise than individually when introducing themselves.

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Have supervisors who review police reports identify themselves. You will be reminding them of important points for them to look for through the training.

This process can set the tone for the training. It is important to mix the serious goals of the training (homicide prevention/keeping victims and their children safe and holding abusers accountable, reducing liability risks for officers and their agencies) with humor when appropriate.

Suggestion for recruit trainings: When training recruits, have each student identify any professional experience he/she has had with domestic violence and what they have learned in other academy classes that touches on this topic. If not introduced by the students, trainer can then talk about how they will need to use all the tools so far covered by the program (i.e. officer safety, interviewing skills, identification of felonies, evidence collection, report writing, etc.)

SAMPLE AGENDA

Following is a sample agenda, with a recommended order of presentation and allotted time, both of which can be adjusted for addressing any special community needs.

VAWA Justice System Training Program Investigating Domestic Abuse

Training Team

Law Enforcement

Prosecutor

Advocate

8:00 am	Introductions	Advocate
8:15 am	Domestic Violence <ul style="list-style-type: none">• <i>Dynamics of Abuse</i>• <i>Understanding Advocacy</i>	Prosecutor
10:00 am	Mandatory Arrest <ul style="list-style-type: none">• <i>Determining Predominant Aggressor</i>• <i>Self Defense</i>	Law Enforcement
11:30 am	Building Strong Cases <ul style="list-style-type: none">• <i>Interviewing Victim & Witnesses</i>• <i>Interviewing Perpetrator</i>	Law Enforcement
12:00 pm	LUNCH (presentation by local domestic abuse program)	

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1:00 pm	Building Strong Cases, continued <ul style="list-style-type: none">• <i>Evidence Collection</i>	Law Enforcement
1:30 pm	Felonies	Prosecutor
2:00 pm	Strangulation	Prosecutor
2:30 pm	Stalking and Protection Orders <ul style="list-style-type: none">• <i>Temporary Restraining Orders</i>• <i>Injunctions</i>• <i>Full Faith & Credit</i>	Prosecutor
3:30 pm	Children in Violent Homes Wrap-Up, Evaluations	Prosecutor

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

INTRODUCTION

It is crucial for law enforcement officers to be familiar with the dynamics of domestic abuse - **how an abuser acts toward the victim and how the victim reacts to the abuser**. A lack of understanding of the complexities of the dynamics frequently results in blaming the victim for the violence and manipulation of the criminal justice system by the abuser. Law enforcement officers arriving at an incident are likely to find a victim who is taking responsibility for an abuser's actions. A victim, in fear of her abuser, may act in ways that appear to belie the abuse. She may waive her right to no contact, bail him out of jail or recant in court, accusing the officer of lying. Officers need to understand that victims do these things in an attempt to keep themselves and their children safe. A negative response from law enforcement may further entrap victims and their children in the abusive relationships. It is most effective when officers hear directly from victims. The Lola tape gives a dramatic example of the threats to a victim and the Nicole tape does the same in showing a victim's fear.

It is also important for officers to understand that **when an abuser believes he is losing control over his victim, the dangers of serious injury, stalking and homicide increase**.

Main Points for This Section

- Domestic violence is a pattern of coercive behavior, where the abuser exerts power and control over his victim.
- Abusers cause abuse – alcohol, stress, poor anger management skills, and victims **do not** cause abuse.
- **Leaving does not always mean safety.**

Audio/Video List [[Click Here](#)]

- New Open
- How Come / How Long
- Reality Checks: Lisa / Lola
- Hostages at Home
- Profile of An Assailant – Ty
- Battering: Dynamic of Abusive Relationships
- Sheboygan 911 Recording

Suggested Exercises

- [Legal Response to Power & Control](#)
- [Dynamics Skit](#)
- [\\$20 Exercise](#)
- [Convenience Store](#)
- [Sandbag Exercise](#)
- [Limited Options](#)
- [Diverse Victims](#)

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

DEFINING DOMESTIC VIOLENCE AND ITS DYNAMICS

Domestic violence is a pattern of coercive behavior designed to exert power and control through the use of intimidating, threatening, and harmful or harassing behavior over a person in an intimate relationship.¹

Domestic violence occurs as a pattern of abuse, **not as a single incident**. It can be distinguished from one-time situational violence, which can and does occur in intimate relationships. For example, a spouse who shoves or slaps his/her spouse when learning the spouse is having an affair or filing for divorce. While this means of conflict resolution is not acceptable –and may well result in arrest and prosecution –it is not domestic violence because it is not a pattern of abuse. (It could be the beginning of that pattern.)

Domestic abuse occurs in intimate relationships. These relationships include:

- Current/former spouses
- Partners
- Significant others, including boyfriends/girlfriends, gays, lesbians, transgendered or trans-persons, inter-sex persons, and bisexuals
- Family members, both by blood or by familial ties, such as in-laws, step-family and foster family members
- Those who currently or formerly reside together, including roommates and household members
- Those who have, share or created a child in common; and
- Those who provide services to a dependent person, such as attendants or caregivers for elderly or physically, cognitively or mentally disabled persons.

Refer to Section 2: Mandatory Arrest and Section 5: Restraining Orders, Injunctions & No Contact Orders for Relationship Requirements as they apply to criminal and civil law.

A person engages in domestic violence because he or she wants to gain and/or maintain power and control over an intimate other and believes he or she is entitled to do so.

The abuser's behavior and the victim's response to his behavior are known as the dynamics of domestic violence. To understand why an abuser behaves as he does and why the victim responds as she does, it is important to understand the abuser and victim's thinking patterns.

A **thinking pattern** can be described as the thoughts we think which lead to our behaviors—all underscored by our belief systems.

¹ Excerpted from the National Victim Assistance Academy: Domestic Violence Dynamics: Written by Tess Meur.

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

Abuser's Thinking Pattern

Handout

- [Realities](#)

An abuser believes that he is entitled to use physical, sexual and emotional violence in his relationship. He explains his violence by saying things like, "If she wouldn't... I wouldn't have had to...."

Most abusers are only physically violent to their intimate partners and their children, not to others. Abusers are masters of control; not only are they in control of their victims, but they are also in control of when they will use violence. Drug use, alcohol use, stress or mental illness does not cause someone to become abusive. It is a conscious decision made by a person who believes he has the right to be abusive.

Victim's Thinking Pattern

Victims may believe they are responsible for the abuse, a message commonly given to them by abusers. Victims may also believe they can avoid abuse by being compliant. (In fact, abusers will "change the rules" so that it is impossible for victims to comply.) Some victims will know that if they leave their abusers, the violence will escalate and may become lethal.

Most victims of domestic violence never report the violence to law enforcement, get a restraining order/injunction, or connect with a domestic violence program. Most victims don't call 911 for many of the same reasons they find it difficult to leave their abusers (fear, cultural beliefs, and economic concerns). Many victims regret calling 911 once they are caught up in the criminal justice system, which can bring increased financial burdens due to lost income and defense attorney fees, embarrassment for having to publicly testify to the abuse and pressure to recant.

When faced with domestic abuse, the most common question people ask is: Why do victims stay? There are many valid reasons, among them:

FEAR OF

- Retaliation
- Being alone
- Police
- Not being believed
- Change
- Independence
- Traumatized children
- Increased abuse
- Stalking

EMOTIONAL FACTORS

- Guilt
- Ignorance
- Need to feel needed
- Feels responsible to him
- Confusion
- Sympathy for him
- Love
- Anger
- Embarrassment

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

BELIEFS AND CULTURAL ROLES

- No one else will love her
- Her actions caused the abuse
- Religion
- Abuser promises to change
- Abuser will lose his job
- Abuse isn't as bad as it seems
- No other alternatives
- Behavior is normal
- "Honeymoon" stage will continue
- Responsibility to save marriage
- Will ruin his life if she leaves
- Family will be disappointed in her

PRACTICAL CONCERNS

- Lack of job skills or education
- Loss of financial security
- Need to support children
- Childcare problems
- No support from family/friends
- Lack of police protection
- Not safe to return to job, career
- Cultural or religious stigma
- Limited shelters
- No housing
- Lack of health insurance
- Nowhere safe to go

SPECIAL POPULATION CONCERNS

- Elderly and physically, mentally and cognitively disabled victims may be afraid of being placed out of their homes if they make disclosures of abuse
- Immigrant victims are afraid of deportation for themselves, their children and their abusers and may be afraid of law enforcement because of experiences in their countries of origin
- Same sex victims may be afraid of being "outed". Victims may also fear how they will be treated by law enforcement because of their sexual orientation.
- Some victims of color might not trust law enforcement or know that abusers who are of color could be disproportionately treated by the criminal justice system.
- Victims of law enforcement or officers who are victims
- Male victims

Training Tips

- A way to make this section interactive is to have the audience call out reasons victims would stay. To keep the conversation going, and to give audience members perspective, you can ask:
 - Have you ever been in an intimate relationship with someone whom you trusted – a friend, family member, partner, or spouse – and that person betrayed you?
 - Did you forgive that person?
 - Have you ever stayed in a relationship for a longer period of time than in hindsight you realized was good for you?

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

Those who encounter victims of domestic violence often put their emphasis on encouraging her to leave the relationship. This approach may, in fact, put her at higher risk of danger. An appropriate response is to assist her in determining what her risks are and helping her to problem-solve how to minimize those risks. **In some cases, staying within the relationship may be the safest response.**

Statistics indicate that women are at a greater risk of becoming victims of domestic homicide when they attempt to leave the relationship. In fact, **women who leave their batterers are at seventy-five percent greater risk of being killed by their batterer than those who stay** (Wilson & Daly 1993).

Victims who attempt to leave are often hunted down – stalked, harassed, threatened and pursued across county and state lines. Because abusers believe they are entitled to control the behavior of their partners, they continue the controlling behavior even after the petition for divorce is filed or granted. There are many cases in Wisconsin where children have been murdered in retaliation for leaving or during visitation exchanges.

Training Tips

- Trainers should reinforcement how difficult it is for a victim to report abuse. Diversity issues should also be addressed, emphasizing that for victims from special populations calling the police can be even more threatening.
- Dynamics need to be emphasized during every section of the training. When officers make statements about victims that demonstrate they are blaming the victims for the violence or for staying in the relationships, all trainers should be prepared to return to dynamics to help officers explore why victims are forced to take confusing actions.

POWER & CONTROL: BEYOND THE WHEELS

Handouts

- [Power & Control Wheel](#)
- [Power & Control with Statutes](#)
- [Cycle of Violence](#)
- [Escalation of Violence](#)

Law enforcement officers need to understand how the dynamics of domestic abuse manifest themselves in ways that rise to the level of criminal offenses. Officers should be able to apply the tactics in the power and control wheel and identify the crimes that are being committed.

The most frequent criminal charges in domestic cases are disorderly conduct, battery, criminal damage to property and violation of a restraining order/injunction. Labeling the criminal behavior and using examples of abuser tactics found on the power and control wheel can help officers identify more serious crimes for which they should be arresting abusers. For example, if a victim is attempting to call 911 and an abuser uses intimidation and rips a phone out of the wall, damaging the phone cord or an abuser threatens the victim with physical harm, the crime is **felony** intimidation of a victim. ([Wisconsin Stats. § 940.45](#))

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

Training Tips

- Trainers should emphasize that law enforcement officers should always be arresting perpetrators for felonies, if felonies are being committed. All through the training, whenever there are examples of crimes, officers should be asked to identify what crimes are being committed.
- Law enforcement officers also need to apply their understanding of dynamics to identify ways in which dynamics manifest themselves in victims' actions. Officers should be able to identify measures victims might take to assist a perpetrator and be able to explain why victims would take those actions.

MYTHS & STATISTICS

Handouts

- [Dispelling the Myths](#)

Myths

Myths about domestic violence reinforce ineffectual community responses to the abuse. These myths frequently blame a victim for the violence against her or provide an excuse for the perpetrator's behavior. The myths allow people in non-abusive relationships to distance themselves from victims, strengthening their beliefs that the violence only happens to "those" people" or that victims can stop the abuse.

Training Tip

- Addressing the myths can be done interactively with the officers by asking them to identify the myths they think exist and supplementing their answers.

Statistics

Below are statistics that may be helpful to you in counteracting myths that come up during the training:

- Women are 84% of spouse abuse victims and 86 % of victims of abuse by a boyfriend or girlfriend
- Women are 7-14 times more likely to report crimes where they are beaten, strangled, almost drowned, threatened with a gun or shot.
- When women use force with intimate partners it is almost always in self-defense.²
- 58% of family murder victims are female.
- 83% of spouse murderers are male.³
- About one third of female murder victims were killed by an intimate; about 3 to 4% of male murder victims were killed by an intimate.⁴
- 37% of women who are treated in emergency rooms are for violent injuries caused by current or former partners.⁵

² According to the U.S. Department of Justice. National Taskforce to End Sexual and Domestic Violence Against Women 2005. www.ncdsv.org/publications_yawa.html

³ Bureau of Justice Statistics: "Family Violence Statistics," June 2005: <http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf>

⁴ U.S. Bureau of Justice Statistics, www.ojp.usdoj.gov/bjs/homicide/intimates.htm, revised 2/06

SECTION 1: DYNAMICS OF DOMESTIC VIOLENCE

- 240,000 pregnant women are subjected to domestic violence each year. 40% of assaults begin during the first pregnancy and pregnant women are at twice the risk of battery than non-pregnant women.⁶
- Eight million workdays are lost every year by victims due to domestic violence—equivalent to 32,000 full time jobs.
- \$1.8 billion are lost annually in wages and production because of domestic violence.⁷
- \$4.1 billion dollars are spent yearly on medical and mental health care as a direct result of domestic violence.⁸

⁵ “Violence Related Injuries Treated in Hospital Emergency Departments.” US Department of Justice, August 1997. VIA Family Violence Prevention Fund. <http://endabuse.org/resources/facts/>

⁶ 2000-2004 data. www.Americanpregnancy.org/main/statistics/html

⁷ Campaign for Funding to End Violence Against Women. FY 2006 Briefing Book.

⁸ Campaign for Funding to End Violence Against Women. FY 2006 Briefing Book.



SECTION 2: MANDATORY ARREST AND RELATED LAWS

INTRODUCTION

[Wisconsin Stats. §968.075](#) requires law enforcement to make an arrest in domestic abuse cases when statutory requirements are met. In addition, in April 1, 2006, the Legislature mandated specific investigatory strategies in determining the predominant aggressor, discouraging dual arrests. The legislature expressed its legislative intent to protect victims from arrest.

Main Points for This Section

- Officers should be familiar with the requirements of mandatory arrest.
- Officers should, minimally, apply the mandatory investigatory strategies in determining the predominant aggressor.
- Officers should determine whether a party acted in self-defense.
- Law enforcement agencies are required to develop domestic abuse policies. Failure to develop or follow these policies creates a liability risk to agencies.
- The dynamics of domestic abuse will have to be reinforced throughout this section of the training.

Audio/Video List [[Click Here](#)]

- Beyond the Obvious
 - Blue Dress
 - Ashtray
 - Drunkard
- Law Enforcement Training Center
 - Lee & Deb
 - Did he choke you?
 - It's not your fault

Suggested Exercises

- [Predominant Aggressor](#)
- [Probable Cause & Dynamics](#)
- [Self-Defense Exercise](#)

APPLYING THE MANDATORY ARREST LAW

Handouts



[Mandatory Arrest Cop Card](#)

An arrest is **mandatory** if the answer to the following 5 questions is YES:

SECTION 2: MANDATORY ARREST

QUESTION 1

Do you have PROBABLE CAUSE to believe the suspect's action constitute a crime?

Suggested Scenarios

- [Scenario 5](#)
- [Scenario 7](#)
- [Scenario 13](#)
- [Scenario 19](#)

QUESTION 2

Is the relationship considered domestic under the law?

- Spouse
- Former Spouse
- Adults Residing Together
- Adults Formerly Residing Together
- Adults With a Child in Common

QUESTION 3

Did the suspect's act constitute DOMESTIC ABUSE?

- Intentional infliction of physical pain, injury or illness, OR
- Intentional impairment of victim's physical condition, OR
- Acts constituting 1st, 2nd or 3rd degree sexual assault, OR
- Cause the victim to fear s/he was about to be physically or sexually assaulted

QUESTION 4

Does the officer:

Have evidence of PHYSICAL INJURY to the victim.

If there is evidence of physical injury (cut, bruise, burn, expression of pain) then the officer proceeds to question 5

Suggested Scenario

- [Scenario 3](#)

OR

Reasonably believe that there is a LIKELIHOOD of continued abuse against the victim

(Note: If an officer finds there is NOT A LIKELIHOOD OF CONTINUED ABUSE, the officer must document his/her reasoning in the report.)

QUESTION 5

Was the crime reported within 28 days of it occurrence?

Training Tip

- The prosecutor on the training team should be familiar with the language of mandatory arrest. Some of the most common questions regarding the law include:
 - Is there a time limit on how long ago adults resided together?
 - How do you determine whether people are residing together?
 - How do you determine the reasonable likelihood of abuse?

SECTION 2: MANDATORY ARREST

DETERMINING THE PREDOMINANT AGGRESSOR

The Wisconsin Legislature has mandated that law enforcement identify the predominant aggressor using **mandatory** investigative strategies.

The **mandated investigative strategies** are:

- *History of domestic abuse* between the parties, if the officer can reasonably ascertain it, and any information provided by *witnesses* regarding that history.
- *Statements* made by *witnesses*.
- The *relative degree of injury* inflicted on the parties.
- The extent to which each person present appears to *fear* any party.
- Whether any party is *threatening* or has threatened *future harm* against another party or another family or household member.
- Whether either party acted in *self-defense* or in defense of any other person.

Suggested Scenarios

- [Scenario 1](#)
- [Scenario 2](#)
- [Scenario 3](#)

The police report must reflect that the officer has gone through this analysis. See [Section 4: Investigations](#) for more on [Report Writing](#).

SELF DEFENSE AND DEFENSE OF OTHERS

Handout

- [Types of Domestic Violence Injuries](#)

In cases of stranger violence, we rarely question the use of force to defend oneself. The same should be true in domestic violence cases where self-defense is often a factor. Officers must recognize and understand self-defense in order to determine the predominant aggressor as required by statute.

Victims using self-defense should not be arrested.

The legislature allows for the privileged use of physical force against another person or property under certain circumstances in [Wisconsin Statutes §939.48 \(1\) and \(4\)](#).

The use of self-defense requires a reasonable belief of actual or imminent unlawful interference with the person. An officer must determine:

- What did the person think was about to happen to him/her?
- Why did the person think that? (prior history such as past incidents, threats, etc.)
- What was the other person doing to make the person think he/she was about to be hit/harmed?

A person may only use that amount of force reasonably necessary to prevent or terminate the unlawful interference. An officer must determine:

- What amount of force would a reasonable person, in the same circumstances, have believed was necessary?
- What was happening? (prior history such as past incidents, threats, etc.)
- Size differences and strength differences between the parties.

When there is a size/strength differential, a victim is entitled to find a way to attempt to equalize the force with which the victim is threatened. Victims using instruments as

SECTION 2: MANDATORY ARREST

weapons to defend themselves may be entitled to by law, if using the instrument is such force necessary to defend the victim.

The person may not use force intended to cause death or great bodily harm unless s/he reasonably believes that such force is necessary to prevent his/her own death or great bodily harm. An officer must determine:

- What was the person thinking at the time he/she used force?
- What led the person to think that? (prior history such as past incidents, threats, etc.)

The same analysis should be used if a third person uses force to protect another person. For example, children frequently attempt to intervene in domestic cases.

DUAL ARRESTS

In [Wisconsin Stats. § 968.075](#), the legislature discourages dual arrests in domestic abuse investigations and states its intent to protect victims from arrest. Arresting both parties or arresting the victim alone sends the wrong message to perpetrators, victims and their children.

When both parties are arrested:

- Perpetrators who cause the victim to be arrested are rewarded for their manipulation.
- Victims or their children may hesitate before calling for help in the future.
- Children learn to distrust law enforcement and learn how to avoid consequences.
- Perpetrators are not held accountable.

In addition, if both parties are arrested *and if there are no other witnesses to the incident*, both parties have a Constitutional right not to testify and therefore, there will be no witnesses for trial.

DISCRETIONARY ARREST

Arrest is **discretionary** when:

- You have probable cause to believe the suspect committed a crime, **and**
- The relationship does **not** meet the definition of “domestic relationship”, **and/or**
- You do not have an injury or belief that future violence is likely, **and/or**
- The crime was reported more than 28 days after the occurrence.

Pro-arrest policies should be encouraged if an interpersonal crime has been committed even if the requirements of mandatory arrest have not been met. The **reasons to arrest**, if probable cause exists, but the arrest is discretionary:

- All victims deserve protection.
- Arrests are important interventions which can prevent future abuse.
- Past incidents, thoroughly investigated, are frequently successfully prosecuted.

SECTION 2: MANDATORY ARREST

- Past incidents which are charged, guarantee the jury will hear about all the chargeable abuse.

The 28-day element does not prohibit an arrest. Crimes of domestic violence that occur more than 28 days before being reported *can and should* be investigated.

Statutes of Limitations

The Wisconsin Statutes of Limitations are found in [Wisconsin Stats. §939.74](#). Prosecution of a felony must commence within 6 years after the felony is committed. Prosecution of a misdemeanor must commence within 3 years after the misdemeanor is committed. (There are much longer period of limitations for certain crimes of homicide, and cases involving physical and sexual abuse to children.)

If no arrest is made, a thoroughly written report should be filed with the District Attorney's office immediately after the completion of the investigation. The report should address why the officer did not make an arrest (e.g. the suspect has fled the scene, or not sufficient probable cause). Reports can be used later for other acts evidence motions, possible stalking charges, etc.

RELATED LEGAL ISSUES

Battery by persons subject to certain injunction. [Wisconsin Stats §940.20 \(1m\)](#). If a respondent commits a misdemeanor battery to a petitioner protected by a domestic abuse or harassment injunction, the respondent/perpetrator can be charged with a Class I felony.

Committing two domestic abuse offenses within 72 hours. [Wisconsin Stats §939.621](#). If a perpetrator commits two domestic abuse offenses within a 72-hour period the second incident can be charged as a felony with this enhancer. This section applies whether or not the victim invoked the 72-hour no contact protection and applies even if the victim in the second case is a different person.

A perpetrator can be convicted of criminally damaging marital property. [State v. Sevelin 204 Wis.2d, 127, 54 N.W.2d 521 \(Ct.App.1996\) \(Ct. App.1996\)](#). The defendant appealed a conviction for criminal damage to property, arguing that a person cannot damage his own property. The Court held that [Wisconsin Stats. §939.22\(28\)](#) “unambiguously means that a person can be convicted of criminal damage to property even though he or she has an ownership interest if someone else also has an ownership interest.”

Hearsay statements made to law enforcement [Crawford v Washington 124 S. Ct. 1354 \(2004\)](#). In [Crawford](#), the United States Supreme Court held that statements that are testimonial are *not* to be admitted into evidence *unless* the witness takes the stand and is subject to cross-examination. Statements made to police (and other governmental agents) are considered testimonial because they are made in anticipation of legal action. This ruling, therefore, limits some hearsay exceptions, which had allowed officers to testify for the victims in domestic abuse cases.

SECTION 2: MANDATORY ARREST

Exception to Crawford ruling: questions of on-going emergency. In [Davis v Washington, 05-5224](#) the U.S. Supreme Court held that statements made during 911 calls are *non-testimonial* when made in the course of police interrogation under circumstances *objectively* indicating that the primary purpose of interrogation is to enable police assistance to meet an *ongoing emergency*. This ruling makes documentation of questions regarding *on-going emergency* vital in police reports. See Section 4: Investigations for more on report writing.

It is important to stress that if officers received non-responsive, excited utterances in exchange for questions of “on-going emergency”, they should note their questions, in addition to the statements and the demeanor.

Other court decisions affecting the admissibility of these statements are relevant to prosecutors—but need not be taught in law enforcement training.

SECTION 3: FIRST RESPONSE & OFFICER SAFETY

INTRODUCTION

Law enforcement officers must be always vigilant for threats to their own safety. Responding to domestic abuse incidents creates situations that can always be lethal or life threatening to officers. Trainers should address this issue and use it as an opportunity to have officers share with each other steps they take to make their first responses and investigations as safe as they can be for their colleagues and themselves.

Main Points for This Section

- Dispatchers are crucial first responders and should be trained to understand the dynamics of domestic abuse.
- Departments should communicate to dispatch what information should be requested of the caller.
- Officers responding to domestic calls are at the highest risk for lethality during the first 60 seconds at the scene.
- Officer safety is paramount. If the officer is not safe, no one is safe.
- Officers should *always* interview children
- Investigations need to be done to the level of beyond a reasonable doubt, not merely probable cause

Audio/Video List [[Click Here](#)]

- Officers Killed Video

INITIAL CONTACT: 911

Training Tip

- It is recommended that dispatchers, as first responders, be invited to the training. If they are present, use their expertise.

As a first responder, dispatchers play a crucial role in letting victims (or children who report) know that they will not be judged for living in violent relationships. Dispatchers also have a unique opportunity to assist law enforcement in gathering evidence. The [United States Supreme Court in Davis v Washington, 547 U.S. 813 \(2006\)](#) held that statements made to dispatchers during 911 calls are admissible. It is considered non-testimonial when elicited statements are made to dispatch because the statements were necessary to enable the police to resolve the emergency.

SECTION 3: FIRST RESPONSE & OFFICER SAFETY

Dispatchers should not terminate the calls if the suspect is still on the scene, if there is any likelihood of the suspects' return prior to the arrival of law enforcement or if the caller has been traumatized. If at all possible, dispatchers should always stay on the line with a child until officers arrive. Children or victims should not be forced or encouraged to stay on the phone, if they believe it is unsafe. If the victim needs to leave the phone, dispatch should request that the phone be left "off the hook" so that dispatch can continue to hear and record any sounds.

Sometimes a victim or child will be making a 911 call without the knowledge of the perpetrator and then the perpetrator sees them. If dispatch hears the perpetrator or observes a change in the reporter's demeanor, it may help for dispatch to quickly suggest code answers to the caller.

It may help to diffuse a situation if dispatch requests to speak to the perpetrator. Since abusers are masters of controlling their behavior, they tend to become very calm when speaking to dispatch. This buys the victim some time while law enforcement is on its way.

Dispatch Information to First Responders

- Who placed the call?
- What was reported?
- How distressed was the caller?
- Are there any weapons on the premises?
- Has the suspect ever been violent with law enforcement?
- Is the perpetrator still on the premises?
- Is there a restraining order or no-contact order in place?
- Are drugs or alcohol a factor?
- How many people are at the premises?
- Are there children at the scene?

APPROACHING THE SCENE / OFFICER SAFETY

If possible, law enforcement should arrive at the scene without a siren or light, and park a slight distance away from the scene. In an ideal situation, law enforcement would not approach the scene alone – waiting for back up if available. Because of the lethality risks in domestic abuse calls, agencies should be encouraged to develop assistance policies with neighboring agencies.

Whether alone or with backup, officers should approach the scene with caution, and assess the physical environment for safety issues. Consider any information available from dispatch. Listen for sounds, screams, statements you can hear prior to entering the scene and document any observations. Officer safety is the primary concern when approaching the scene.

SECTION 3: FIRST RESPONSE & OFFICER SAFETY

Training Tip

- For those agencies that do not have back-up or for which back-up can take up to 30-60 minutes to arrive—have the officers talk about steps they take when approaching the scene and entering the premises.

As the officer enters the scene, the officer should separate all parties (suspect, victims and witnesses), keeping them out of earshot and eyeshot of each other.

Training Tip

- For those agencies that have two officers at the scene—have the officers share how they separate the parties while, at the same time, protect their partners at the scene.

Officers should document any attempts by a party to intimidate another party or attempts to refuse to separate. Many agencies will put a suspect in cuffs, explaining that the action is being taken for the safety of everyone and will place the suspect in a squad car while the officer speaks with the other parties. It is recommended that the same officer interview both parties to directly get first hand interview responses and to better determine credibility.

SECTION 4: INVESTIGATIONS

INTRODUCTION

All domestic violence investigations should be performed with the assumption that victims and child witnesses will later recant their statements to law enforcement. It should also be assumed that access to victims, child witnesses and the scene of the incident will be denied to law enforcement after the initial investigation. In collecting statements and evidence from all parties, officers can build a solid case that will hopefully result in pleas from abusers and prevent victims from having to decide whether it is safe for them and their children to testify.

Main Points for This Section

- Law enforcement should consider “the golden hour” at the scene as their sole chance to interview all parties, lock parties into their statements and collect supportive evidence.
- Investigations should proceed with the assumption that all parties will recant and deny future access to the scenes.
- The manner in which law enforcement treat victims and their children during their investigations can impact whether victims will continue to work with officers, and, more importantly, will contact law enforcement in the future.
- Officers should canvass for witnesses.
- Reports should capture all the necessary information in an objective way so as to protect an officer’s credibility as a professional, unbiased witness.
- Officers should always interview children
- Officers should investigate a case to be proven beyond a reasonable doubt.

Training Tip

- Trainers should avoid the inappropriate term “uncooperative” when referring to victims who recant. Use of the term “reluctant witness” is suggested. If an officer uses the term uncooperative, trainers should redirect the focus, asking the officers to apply what they know about domestic abuse to explain why a victim would be reluctant to assist in the prosecution of her abuser.

Audio/Video List [[Click Here](#)]

- Sheboygan 911 Call & Transcript
- Fox News: Jimmy

Suggested Exercises

- [Report Writing](#)

INTERVIEWING

Handouts

- [Interviewing Perpetrators](#)
- [Interviewing Victims](#)

All parties and witnesses should be interviewed. As required by [Wisconsin Stats. §968.075](#), officers should obtain information about the incident and history of abuse. **In addition, the safety of everyone, including children, elders and even pets should be the focus of the officer's questions.**

Interviewing the Perpetrator

Interviewing a suspect can set the tone for the investigation. Abusers are masters of manipulation and intimidation. Following is a list of best practices for officers interviewing suspected perpetrators:

- Interview the suspect separately from all the other parties. If there is only one officer, or for other safety reasons, the suspect can be detained in the squad car during interview. If the perpetrator is given any opportunity to influence/intimidate the victim or witnesses, it can affect their willingness to tell what really happened. In addition, if a victim and a witness hear what a perpetrator is telling the officer, they may alter their stories to match the perpetrator's story.
- Do not use accusatory words and remain neutral until the predominant aggressor analysis has been made.
- Abusers may attempt to control the interview. Document any attempts to manipulate or to divert the interview. If attempts to control the interview (or access to the victim or witness) are documented, an officer can testify to this and help jurors understand the dynamics of domestic abuse.
- Encourage the suspect to tell his/her version of events. Get specific quotes!! Develop a frame by frame timeline, asking the suspect what happened before the incident started, what happened during the incident and what happened after the incident. Lock the suspect into a story. Get specific details. If there are gaps in a story, there will be an opportunity to have the holes creatively filled by the defense and the victim/witnesses may be pressured into using the "newly discovered facts."
- Ask about history of violence or threats of violence with all other family members (and pets) and in prior relationships.
- Document any admissions made by the suspect. Use specific quotes.
- Do not collude with the suspect. Batterers' treatment experts advise that collusion is a dangerous technique because abusers will take colluding statements as reinforcement for their beliefs that they have a right to be emotionally and physically abusive to victims. Colluding statements coming from law enforcement are especially self-affirming to an abuser.
- Document the suspect's demeanor.
- Document any indication of alcohol or drug use.

Suggested Scenario

- [Scenario 12](#)
- [Scenario 16](#)
- [Scenario 18](#)

SECTION 4: INVESTIGATIONS

It is always important to remember that perpetrators tend to blame an incident on the victim, deny that anything took place or minimize actions and injuries.

Interviewing the Victim

Interviewing a victim can also set the tone for the investigation. If victims feel they that are not being judged and that law enforcement officers are concerned for the safety of victims and their children, they are more likely to share information and, maybe more importantly, be willing to report abuse in the future. Following is a list of best practices for officers interviewing victims:

- Interview the victim separately, by sight and sound. (If only one officer, or for safety reasons, suspect can be detained in squad car during interview of victim.)
- Establish trust. Consider body language, tone of voice, inflection, and eye contact and choose words carefully.
- Do not attempt to intimidate the victim or witnesses into speaking with you. The perpetrator may have made threats to them if they cooperate with law enforcement.
- If victim is agitated, distract. A victim who has been scared may now feel safe in your presence and angrily vent her anger towards the perpetrator or direct it towards you or other officers.
- Encourage the victim to tell his/her version of events. Get specific quotes!! Develop a frame by frame timeline, asking the victim what happened before the incident started, what happened during the incident and what happened after the incident.
- Ask about history of violence or threats of violence in suspect's prior relationships.
- Document any fear, anxiety, anger or ambivalence about what has occurred.
- Document any fear expressed by the victim or witnesses about having spoken with law enforcement.
- Get non-consent statements, if applicable to elements of the crime.
- Ask about history of abuse in the relationship, including information about prior arrests and any restraining orders.
- Ask lethality risk questions. (See [Section 7: Special Considerations, Assessing Whether Batterers Will Kill](#) for specific risk factors.)
- Ask if perpetrator is violent or threatening to anyone else in the home.
- Ask if victim has confided in anyone else about past abuse.
- Be non-judgmental and acknowledge any expressed fear, anxiety or ambivalence.
- Do not make promises to the victim that you cannot keep.
- Be sensitive to cultural markers, differences.
- Advise the victim of the right to 72 no contact protection.
- Discuss safety planning and refer victim to local domestic abuse program.

It is always important to remember that victims tend to take responsibility for the violence towards them or to minimize or deny it in fear of the perpetrator.

SECTION 4: INVESTIGATIONS

Interviewing Witnesses

Most domestic violence incidents do not occur in front of witnesses, with the exception of children. Children witness and know more about the dynamics of domestic abuse in their homes than perpetrators and victims think they do. Children should *always* be interviewed about the history of abuse in the home, including parent, children, pets, elders and what they witnessed in the current incident. For more, refer to [Section 6: Children & Domestic Violence](#)).

In addition, officers should ask the victim who she has talked with about the incident and prior abuse (friend, sister, mother, etc.)

If there are witnesses on the scene, they need to be interviewed. Officers should always canvass for other witnesses, such as:

- Emergency medical personnel
- Neighbors
- Passersby
- 911 dispatcher

Best practices for interviewing witnesses include:

- Interview witnesses separately
- Ask about statements made by any party
- Ask about prior incidents or threats to victim and anyone else, including the witness
- Record witness' observations about parties' physical appearance, emotional demeanor, injuries, torn clothing, etc.

It can be extremely important to a case if a witness heard “excited utterances” made by the victim, perpetrator or other witness. For example: If a neighbor heard a child yell, “Daddy, stop hitting mommy!” The neighbor can testify to what the child yelled and the child may not have to testify. Document specific quotes: who said them, who heard them and the demeanor of the speakers.

Do not promise a witness that his/her identity can be kept anonymous. Officers should not report they spoke with an unidentified witness. Witnesses who are never identified are of little or no use in a domestic case. If a 911 caller doesn't reveal his/her name, dispatch may be able to identify the phone number of the caller.

FORENSICS & EVIDENCE COLLECTION⁹

Evidence Collection

Handout

- [Evidence Collection Summary](#)

In addition to describing observations and taking photos of physical evidence, law enforcement officers should be encouraged to collect evidence at the scene. If the evidence is not collected immediately, much of it will be disposed of

⁹ This section was written by C. Jill Poarch, RN, BSN, SANE-A

SECTION 4: INVESTIGATIONS

or no longer available to law enforcement. Any instrument/object used to cause or threaten injury should be collected (i.e. belt, bat, rod, shoes, ashtrays, etc.).

Other evidence to be collected includes medical releases, 911 tapes and jail phone call tapes, which can generate new charges if the calls include attempts to coerce a victim to recant, or not testify.

Suggested Scenarios

- [Scenario 1](#)
- [Scenario 2](#)
- [Scenario 3](#)

In domestic violence and sexual assault, there are at least three crime scenes: the location(s) where the assault occurred and the bodies of the victim and of the suspect. The primary goal of the collection of physical evidence in crimes of interpersonal violence is to connect the victim, the suspect, and, if possible, the location(s) of where the crime occurred. The key to building a strong forensic case hinges on proper evidence collection and preservation. Forensic evidence includes documentation of injury, photographs, clothing and evidence found on the bodies of the victim and suspect. Such evidence may serve to identify a suspect, prove an element of a crime, or prove the theory of the case. Evidence can be compromised in a number of ways. Failure to recognize evidence, improper storage, and failure to maintain chain of custody are all too common.

General Considerations:

1. Wear gloves and change them often – This will protect you from bodily fluids which may contain HIV, hepatitis and other diseases, keeps your DNA out of the evidence and decreases issues of cross contamination. It is best practice to wear a mask when collecting evidence to avoid contamination.
2. Items that might contain residual moisture should be packaged using a material that allows moisture to pass through – paper or cardboard. Items for DNA examination should always be packaged in paper or cardboard, even if they appear dry.
3. If you think about collecting something – collect it! If you do not collect an item, you may not get a second chance to collect it later.
4. The evidence and the place from which it is collected may be important...
 - Unlike evidence from the same source must be packaged separately
 - Like evidence from different sources must be packaged separately
 - When in doubt, separate!

Body Map

Documentation of injury is most easily done with the use of body maps. Documentation of injury on body/injury maps is much easier for a jury to comprehend and is easier than documenting in a narrative form. Body/injury maps are available that are gender and age specific. Documentation of injury should include a description of the injury including the size, shape and color of the injury. How an injury was acquired and the mechanism of injury is very important. Most cases involving intimate violence go to court months or years after an incident and memory of every injury and how it was acquired is not easily recalled.

SECTION 4: INVESTIGATIONS

Chain of Custody

The chain of custody is a written record that documents every person that had custody and control of an item from the time it was collected until its introduction into court. The importance of a properly documented chain of custody cannot be overemphasized. The chain is often closely scrutinized (especially since “OJ”). Evidence is challenged and sometimes rejected because of improper handling or documentation. Never leave evidence alone or alone with the victim and/or suspect. Do not collect evidence from the victim and then the suspect or visa versa without documenting all precautions taken to prevent cross contamination.

Forensic Photo-documentation

Handout

- [Best Practices in Forensic Photo-documentation](#)

A picture is “worth a thousand words” but is NOT a substitute for written documentation as a picture can be lost, damaged and may fade with age. Take photographs of all injuries sustained by the victim and the perpetrator. Remember that injuries may be hidden by clothing – perpetrators often deliberately inflict injury where it cannot easily be seen.

Injuries (especially bruises) may take time to develop and appear; indeed it may take as long as 1 to 2 days for an injury to become visible. Ask the victim to return for photographs when the injury does appear. Areas of complaints of pain, which have no visible injury, should be thoroughly documented, including how the area was injured.

Know your equipment, practice its use and review the use of equipment periodically. Nothing is more frustrating (and embarrassing) than not being able to use/work an essential piece of equipment when it is needed.

Consider using a digital camera – you can see instantly what your picture will be and therefore, there are no surprises days or weeks later when it is too late to retake the picture.

Forensic Medical Examinations

If there has been a sexual assault, strangulation or severe beating as part of the domestic incident law enforcement should request the victim receive a forensic medical examination during which a forensic nurse can document injury to the victim and swab or possible DNA. If a forensic examination is not available in the county, then the emergency room medical personnel should be encouraged to document all observable injuries and medical complaints. Communities that do not have SANE or forensic nurses available to them should be encouraged to develop these programs. The Wisconsin Coalition Against Sexual Assault can assist communities in this effort.

Forensic evidence should also be collected from suspects if there has been a sexual assault, strangulation or severe beating. During a strangulation or severe beating, there will probably be evidence of the victim’s and perpetrator’s sweat, saliva and skin cells, and possible defensive wounds on a perpetrator. It is helpful if law enforcement share

SECTION 4: INVESTIGATIONS

information about the incident with the forensic nurse so the nurse knows where to look for or swab for evidence.

Authorizing documentation (consent form, search warrant, court order, etc.) is required in order for an examination of the suspect to be done. This is essential especially in those cases in which the suspect is not consenting to the examination and evidence collection. The appropriate authorizing documentation assures that the evidence collected will be considered properly obtained and admissible in court. In Wisconsin, certain procedures are considered invasive, such as drawing blood and photographing a suspect's genitals and a search warrant specifically stating the acquisition of these items must be procured if the suspect is not consenting.

In order to ensure there would be no question of cross contamination, the victim and suspect should not be examined by the same examiner. The examination of the suspect should not be performed in the same room used for the victim's exam. Although the possibility of cross contamination is virtually impossible if proper procedures are followed, all a defense attorney has to do is cast "reasonable doubt" in the minds of the jury that there "could have" been cross contamination of one or more crucial pieces of evidence to achieve a not guilty verdict. If a separate examiner is not available to perform the victim and suspect exams, it is prudent to meticulously document the measures taken to prevent any cross contamination such as the changing of gloves and clothes, the washing of hands and/or the cleaning of the room between the exams.

In Wisconsin, statutes dictate that a same sex law enforcement officer be present throughout the examination and collection of evidence from a suspect. This provides safety for the examiner performing the exam. The victim and suspect (and any other significant others of each) should never encounter each other in the emergency department. This prevents any altercation between the victim and suspect and/or significant others from occurring within the emergency department. Safety and security are important to the victim, the examiner and to other patients who are being treated in the emergency department.

Spontaneous statements made by the suspect may be noted. These statements should be documented exactly as they were heard in quotes. Why these statements were made and what these statements were made in response to should also be noted.

The examiner will not offer a final impression or render an opinion as to whether a particular individual is indeed the assailant.

REPORT WRITING

Handout

- [Domestic Violence Report Checklist](#)

It is crucial that all information obtained from parties and witnesses be recorded as well as observations by law enforcement. Gaps in statements and timetables will enable defendants to manufacture facts at trial and pressure victims and their children to agree to those new facts.

Defense attorneys will attempt to convince jurors that officers' investigations are

SECTION 4: INVESTIGATIONS

incomplete and therefore not credible by using areas not covered in reports. Supervising officers should be reviewing incomplete reports or those investigated merely to the level of probable cause for follow-up and training.

What should be included in a report:

The Basics:

- Who, What, When, Where and How (If known, why)
- Elements of the crime, if crime committed
- Identifying information
- Observations at the scene
- Documentation of mandated investigative strategies
- Directions for follow-up (if needed)
- (See p. 34)

Initial information from dispatch should be documented. Officers should include any visual and audio observations made on approach. Officers' questions concerning ***on-going emergency*** should be documented. If there are excited utterances in response to those questions, document the quotes and demeanor. See [Section 2: Mandatory Arrest: Exception to Crawford Ruling: Questions of On-Going Emergency](#).

Elements of the Crime

An officer's report serves as the basis for a complaint and for the officer's testimony in court. Unless *all* of the elements of the crime are included in the officer's report there is nothing to show that the crime took place. The element most often left out is *non-consent*.

For, example, to show that a battery took place, a report must include a statement of *non-consent*. This is important in domestic abuse cases. A victim at trial may recant and say she did consent, but her prior statement of non-consent can impeach her testimony. However, if she indicates at trial that she did consent and the defense points out that this question was never asked at the scene, the report looks incomplete, can more easily be attacked and the jury may believe the denial of non-consent.

Statements that prove intent

Sometimes the actual words are needed to show intent. For example, in a domestic battery, in which the woman was violently pushed against a wall, the suspect might claim that he accidentally fell against the victim rather than intentionally pushed her. Your ability to quote his exact words ("I'll teach you to try and push me around!") overheard as you walked up to the door might help the charge stick, *even if the victim recants*.

SECTION 4: INVESTIGATIONS

Dispatch Information

Include in your report any information given to you by dispatch prior to arrival, including who made the 911 call. Remember that listening to 911 can reveal additional information and witnesses.

Identifying Information

At a minimum, a report should contain the following identifying information for every victim, suspect, witness, and bystander. Include information about all the children.

- Full name (last, first, middle)
- Sex
- Race
- Date of Birth
- Height
- Weight
- Hair color and style
- Eye color
- Other identifying characteristics (scars, marks, tattoos)
- Address (home and work, if available)
- Phone numbers (home, work, cell)

Victims should be encouraged to give the name and phone number of a contact person so they can be reached if they move. This information should be redacted from any copy given to the defense for the victim's safety.

It is a best practice not to ask for social security numbers of victims and witnesses. Social security numbers freely available on forms that are shared with numerous people pose a risk to number holders. In addition, collecting social security numbers has a chilling effect on immigrant victims and witnesses.

It is important to list the height and weight of all the parties. If there is a trial and the victim is recanting, the prosecutor needs to know the comparative sizes of the victim/defendant because the victim, out of fear of the defendant, may refuse to meet with the prosecutor prior to trial. This is also important in the prosecutor's consideration of self defense.

Observations at the Scene

Document the conditions at the scene, including any observations upon approach to the scene that might give any information about what happened. For example, if there is evidence of a physical struggle (chairs or lamps overturned, fist-sized holes in drywall, telephone cords pulled out of the wall, etc.) document it in your report and photograph it. Also ask the victim, suspect and witnesses to describe what caused the damage or chaos. Describe all the people on the scene, including their demeanor. Report how everyone is behaving at the time of (or shortly after) the incident. Pay attention to facial expressions,

SECTION 4: INVESTIGATIONS

body language, tone of voice and other indicators of people's emotional state, as well as to the actual words they say and actions they do.

Be sure to focus on observable aspects to describe people. For example, "the victim was distraught," is a conclusion. Write down the things that led you to think the victim was distraught, such as "she was trembling and crying and her voice shook when she described the event." It paints a more accurate picture for jurors and makes the observations more credible. Especially avoid the word "hysterical."

Here is an excellent example of a detailed description of a suspect, rather than just saying he was nervous: "The subject's hands shook, and he kept wiping the palms against his trousers. I could see beads of sweat forming on his forehead and upper lip. Sweat stains were visible on his shirt at the armpits."

Follow-up Photos

Victims should not be expected to come on their own to police departments for follow-up photos for all the reasons presented in the dynamics of domestic violence. Information for an officer/investigator to follow-up for photos of increased bruising should be noted in a report. In addition, in felony cases, a victim may still show evidence of injury at the preliminary hearing. If so, the officer subpoenaed to testify should request if a photo can be taken.

What Does Not Belong in a Report?

Including inappropriate information can quickly undermine an officer's credibility as an unbiased reporter. Sometimes inappropriate information can even jeopardize someone's safety. Among the things that do not belong in law enforcement reports are these:

DO NOT INCLUDE

- Unsubstantiated opinion, including the opinions of medical personnel or any other witnesses regarding the credibility of the parties.
- Editorializing
- Assumptions

These items provide opportunities for a defense attorney to attack an officer on cross-examination by showing that the officer is not a neutral fact-finder and therefore cast doubt upon *any* statement in the report.

Unsubstantiated Opinion

There should be no opinions, unless an officer can articulate a factual basis for it. For example, finishing off an account of a witness' description of events by adding, "This witness was probably lying" would be inappropriate.

DO NOT ATTEMPT TO DETERMINE THE AGE OF A BRUISE. (For more, refer to [Forensic Photo-documentation](#).)

SECTION 4: INVESTIGATIONS

Assumptions

If a victim of a domestic dispute points to a radio lying overturned on the floor and says, “She broke my radio,” you might assume the statement was correct. The officer should confirm that the radio does not operate. It is a best practice for the radio to be taken as evidence. If the broken evidence is not seized, a victim may be pressured by a defendant to say she thought it was broken but later discovered that it worked.

LAW ENFORCEMENT MAKING THE DIFFERENCE

Handout

- [Best Practices in Domestic Violence Investigations](#)

An arrest should only be made when appropriate. When an arrest is made, whether charges are filed or not, it sends strong messages. The message to the perpetrators is that criminal behavior will result in a consequence. Early intervention provides the best chance for a perpetrator to benefit from batterer’s treatment programming. An arrest also sends a message to the victim that she does have options and there are people who will believe her when she speaks of the abuse. An arrest teaches a child that abusive behavior can result in having law enforcement arrive at your house and can help in breaking the intergenerational cycle of abuse.

Initial information from dispatch should be documented. Officers should include any observation they make (visual, audio) as they approach. Questions concerning on-going emergency should be documented (i.e. are all the parties still there, how many people in the house, weapons, etc.) and if there are excited utterances in response, document the quotes and demeanor of the speaker.

See [Section 2: Mandatory Arrest: Questions of On-going Emergency](#).



SECTION 5: RESTRAINING ORDERS, INJUNCTIONS & NO CONTACT ORDERS

INTRODUCTION

Restraining orders and injunctions can be important protection tools for some victims. Many respondents will obey court orders and give victims a chance to safely leave their relationships or to stop the abuse. If a respondent does not obey a protection order, a victim depends upon law enforcement to enforce the order and to protect them and their children. Perpetrators/respondents who do not obey court orders are potentially lethal and should be considered for stalking and other serious charges in addition to violations of restraining orders/injunctions.

Main Points for This Section

- A violation of restraining order or injunction in Wisconsin is a **mandatory arrest**.
- A victim **cannot** violate her own order.
- Constructive knowledge of injunctions
- Foreign protection orders must be enforced.
- Invited contact does not negate an order.
- A person with an injunction has been through two formal hearings.
- The difference between a TRO and an injunction
- **Restraining orders are not for every victim**

Training Tips:

- Trainers should expect officers to express a lot of frustration during this section of the training. Some will blame victims for “setting up abusers.” It is important that the prosecutor and law enforcement trainers be committed to assisting the advocate when this happens. It can be more effective if the officer or prosecutor steps in and loops their frustrations back to dynamics of domestic violence to explain the actions of victims and abusers.
- Trainers can reinforce, when discussing all no contact violations, that in addition to investigating the violations, officers should be looking at possible stalking cases.
- Officers do not need to be trained on eligibility and how to get protection orders. Trainers need to focus on encouraging officers to refer victims to local domestic violence programs for assistance, on victim-blaming issues and on making mandatory arrests.

SECTION 5: RESTRAINING ORDERS

Audio/Video List [[Click Here](#)]

- Hawaii Video
- “I just came to get my tools”

Suggested Exercises

- [No Contact Exercise](#)

THE PROCESS

Obtaining a restraining orders or injunction requires a victim to identify situations where there has been abuse, threats or escalation of behavior that show imminent danger or harm. In granting an injunction, a judge or commissioner can order the abuser not to physically or sexually hurt the petitioner, move out of the house, have no contact or stop harassing the petitioner.

Getting a temporary restraining order is an *ex parte* legal process for emergency situations. A respondent must be served with the restraining order and notice of the subsequent injunction hearing. The injunction hearing is before a judge or a commissioner where a respondent has a right to be present and to contest the issuance of the order.

If law enforcement has been called to an incident and the victim has an order that has not been served, the officer should take the victim’s copy, serve the suspect and notify the county sheriff’s department of the service.

Mandatory Arrest for Violation of Orders

Under Wisconsin, law any violation of the following protection orders is a mandatory arrest situation:

- a domestic abuse restraining order or injunction;
- a child abuse restraining order or injunction;
- a harassment restraining order or injunction; or
- a foreign protection order.

TYPES OF ORDERS

Domestic Abuse Restraining Order and Injunction

Handout

- [No Contact Table](#)
-  [Protection Order Card](#)

[Wisconsin Stats. §813.12](#). Spouses, former spouses, adults residing together, adults formerly residing together, adults with a child in common, adults in current or past dating relationships (romantic or intimate social relationship, not casual or business-related), and victims of adult caregivers are eligible to apply for the orders. In addition, an adult

guardian of an incompetent individual may file for the petitioner if petitioner and respondent have one of above relations.

The petitioner must prove the following abuse at a domestic abuse injunction hearing:

- Intentional infliction of physical pain, physical injury or illness; **or**

Suggested Scenarios

- [Scenario 8](#)

SECTION 5: RESTRAINING ORDERS

- Intentional impairment of physical condition; **or**
- Violation of 1st, 2nd or 3rd degree sexual assault under Sec. 940.225; **or**
- Damage to petitioner's property under Sec. 943.01; **or**
- Threaten to engage in *any* of the above four behaviors/conduct.

In addition, the **TRO** must allege imminent danger of harm.

Domestic Abuse injunctions have no filing fee. They can be enforceable for up to four years. The law gives the petitioner the right to decide what the terms of the order should state and the length of the order.

If the injunction is granted, a respondent may not possess a firearm during the length of the order. If the respondent is not present at the injunction hearing, the respondent has been given “constructive knowledge” of the possible issuance of the order and the firearm prohibition by being served the temporary restraining order. (For more on firearms, see [Section 7: Special Considerations](#)).

Constructive knowledge: The injunction is in effect as soon as the judge grants it. It does *not* need to be served.

Harassment Restraining Order and Injunction

[Wisconsin Stats. §813.125](#). Eligibility to apply for a harassment order is not limited to people in relationships.

The petitioner must prove the following abuse at a harassment abuse injunction hearing:

- Striking, shoving, kicking or subjecting another to physical contact or attempting or threatening to do the same; or
- Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

There is no filing fee IF petition alleges stalking or grounds for which a domestic abuse injunction would have been granted. Harassment orders can be enforceable for up to four years. The judge or commissioner can order the respondent to cease any alleged harassing behavior. If the parties are not married and the respondent owns the residence, and petitioner has no legal interest in the property, judge can order the respondent from premises for a reasonable time until the petitioner relocates.

If a harassment order is granted, a firearm prohibition may be issued if the judge or commissioner finds by clear and convincing evidence that the respondent may use a firearm to physically harm another or to endanger public safety. Many domestic abuse victims will opt to apply for a harassment order for fear that orders for respondents to turn in their guns will further inflame abusers and raise the risk of serious harm or lethality. Violation of the TRO or injunction is a mandatory arrest.

SECTION 5: RESTRAINING ORDERS

Constructive knowledge: The **injunction** is in effect as soon as the judge grants it. It does **NOT** need to be served.

RESTRAINING ORDERS AND INJUNCTIONS FOR INDIVIDUALS AT RISK

[Wisconsin Stats. §813.123](#). Petitioners can be: Any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation, any elder adult at risk who is a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self neglect, or financial exploitation, any person acting on behalf of a person at risk, or protective agency. Petition must allege any of the following:

- a. the respondent has interfered with or, based on prior conduct of the respondent, may interfere with an investigation of the individual at risk, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to an elder adult at risk under s. 46.90 (5m); and that the interference complained of, if continued, would make it difficult to determine whether abuse, financial exploitation, neglect, or self neglect has occurred, is occurring, or may recur.
- b. That the respondent engaged in or threatened to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.

The Individuals At Risk Temporary Restraining Order is in effect for up to 14 days or the Injunction Hearing. Injunctions can last for up to four years. Violation of the TRO or injunction is a mandatory arrest. **Constructive Knowledge:** The **injunction** is in effect as soon as the judge grants it. It does **NOT** need to be served.

FOREIGN ORDERS AND FULL FAITH AND CREDIT

[Wisconsin Stats. §813.128](#). Wisconsin Law requires law enforcement to enforce foreign protection orders. A *foreign* protection order is any temporary or permanent injunction or order from a civil or criminal court issued for preventing abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts or violence by or to a person from any State, Tribe or U.S. Territory. For example, a petitioner may have obtained an injunction from the State of Maryland, Red Cliff Tribe or Puerto Rico. If a victim travels from one jurisdiction to another, the U.S. Government and the State of Wisconsin have determined that the victim should be entitled to the protection of his/her order if he/she travels to another jurisdiction.

Suggested Scenarios

- [Scenario 17](#)

If the victim does not have a copy of the foreign protection order or if the officer needs to verify that the respondent was served, the officer should contact dispatch or their agency to ascertain the status of the order with the issuing jurisdiction.

Foreign protection orders should be enforced according to the terms on the face of the order. For example, some states give lifetime no contact protection to petitioners. Suspects should be arrested for violating [§813.128](#). Wisconsin penalties will apply.

SECTION 5: RESTRAINING ORDERS

INVITED AND ACCIDENTAL CONTACT

Training Tips

- It is helpful for trainers to ask a local advocate how many injunctions are granted in their county per month or year. The trainer can then put into perspective how most restraining orders/injunctions are effective and do not involve law enforcement. Acknowledge officers' frustrations, but emphasize stalking, homicide prevention and mandatory arrest.
- Officers will probably bring up invited contact on their own. If not, trainers should introduce the topic by posing scenarios of invited and "accidental contact." This is the most common time during the training for officers to blame victims. It is important to emphasize that what may appear to be "accidental contact" may indeed be stalking and that every investigation needs to begin without assumptions that victims are setting up abusers or that they are unreasonably upset when abusers are at the same location.

Invited Contact

If a respondent is prohibited from having contact with the petitioner or from being at her residence, and is invited by the petitioner and goes to the residence, the respondent is in violation of the order and is committing a crime that requires a mandatory arrest. **Invited contact is not a defense to the violation of the order.**

Accidental Contact

Trainers should discuss the difference between accidental/incidental contact (i.e. at the grocery store) and a respondent whose actions are planned to appear accidental. It may be helpful to refer to local advocates to explain how their judges/commissioners address truly incidental contact in their counties at injunction hearings. It is important to address the fact that an abuser can stalk a victim by getting to a location prior to a victim, knowing that she will be there. Stalkers can be very sophisticated.

Property Retrieval

Respondents who want to retrieve property should contact law enforcement to make arrangements with the petitioner. Law enforcement agencies should have written policies regarding property retrieval.

RESTRAINING ORDERS/INJUNCTIONS ARE NOT FOR EVERY VICTIM

For some abusers, receiving a court order telling them there can be no contact with a victim is a trigger to escalation, sometimes to homicide. Restraining orders/injunctions should always be presented as options available to victims. **Officers should never advise a victim to get one.** Referrals to their local domestic abuse program can provide victims with advocates who can help assess whether getting a court order is an option and assist the victim in getting one if she chooses.

Getting an injunction is not easily done in Wisconsin. Victims who have recently experienced abuse, threats or are in fear of imminent danger or harm must testify in court

SECTION 5: RESTRAINING ORDERS

and face their abusers at a time when the victims are attempting to end the relationship. Attorneys will frequently represent abusers at injunction hearings. Petitioners are often unrepresented and find it very intimidating to have to question and be cross-examined by their abusers or the abusers' attorneys.

Violations of court orders or no contact provisions often indicate an escalation that could lead to homicide. Violations of court orders are often accompanied by other indicators of risk such as stalking, suicide ideation or threats to others.



SECTION 6: CHILDREN & DOMESTIC VIOLENCE

INTRODUCTION

This section addresses the importance of understanding the effect of domestic abuse on children and the need to holistically approach family violence. Children are at risk, both by witnessing abuse to a parent, and by being at a higher risk for direct abuse and manipulation by the perpetrator. Children living in violent homes learn gender roles and unhealthy ways of resolving conflict. In training law enforcement effective interviewing and intervention tactics, trainers can address the risks to children and help to reduce intergenerational abuse and victimization.

Main Points for This Section

- Children are affected by living in homes where domestic violence occurs.
- Children can be intentionally or recklessly injured during a domestic incident.
- Children should always be interviewed during an investigation.
- Children should **never** be used as interpreters.

Audio/Video List [[Click Here](#)]

- *Kindergarten Cop* clip
- *How Come, How Long* music video

IMPACT OF DOMESTIC ABUSE ON CHILDREN

Trainers of law enforcement have a huge responsibility to effectively train officers to understand the complex dynamics of domestic violence, to assess for the predominant aggressor, to gather sufficient information to analyze for self-defense, to collect adequate evidence to ensure conviction, and to cross-investigate so that *all* victims (adults, children, elders and pets) can be identified and protected. In addition, officers need to learn to make options available that may protect victims and their children, without telling victims what decisions to make. For example, officers telling victims to get a restraining order could be putting victims at risk for escalating violence.

We all come to our work with cultural beliefs and biases that need to be recognized and addressed if they endanger victims and their children. No one wants to feel vulnerable. Many of us would all like to think that victims are different from us and that we could not be in their shoes. We see law enforcement, prosecutors, judges and juries all separate from victims and look at their actions, trying to find ways to confirm that we could not be as powerless. When children are involved in incidences of domestic violence, the need to separate from victims becomes even more common. We all recognize with frustration

SECTION 6: CHILDREN & DOMESTIC VIOLENCE

that children witnessing domestic violence are robbed of an environment of protection, and are themselves at risk for physical, sexual and emotional abuse.

Mother Jones magazine in their July/August 2005 issue highlighted the lack of options for battered women and their children. Their statistics on children in violent homes are sobering: Almost 9 million children are witnessing domestic violence annually in the United States¹⁰; children living in an environment of domestic abuse are twice as likely to be victims of child abuse¹¹; and, thirty percent more likely to be arrested for violent acts when they are adults.¹²

Most of us believe that mothers would do anything to prevent their children from physical, sexual or emotional harm. Those of us who have worked with victims know that often, battered women take actions that appear to not be in their best interests. They bail their abusers out of jail. They show up at initial appearances and ask for contact. They recant their accounts given to law enforcement. However, it is their fear and need to protect themselves that drive their decision making and actions. Law enforcement officers need to know the dynamics of domestic violence to understand that victims may feel required to look/act supportive in the presence of their abusers to protect themselves and their children from that abuser. As we continue to educate law enforcement, many officers have learned why victims recant and those officers have learned to not take recantations as personal affronts. That understanding frequently is missing when there are children involved in abusive domestic relationships. Indeed, it becomes more difficult for all of us to remember the difficult decisions victims make to keep themselves and their children safe. Many times victims decide that it will be safer for them and their children if they remain with their abusers than if they attempt to leave and challenge the abusers' control. They could very well be right.

Domestic abuse advocates have raised concerns to courts that children from homes where there is violence continue to be placed with abusers in custody/placement cases. Clearly one of the reasons that many victims stay in abusive situations is this fear—fear of losing their children, as well as fear of escalating violence. Even if a victim is awarded primary placement, the weekends her abuser has the children can be frightening for her. As the negative impact of children witnessing domestic abuse has been raised by advocates, not surprisingly, there has been a tendency to put more blame on victims for the impact on their children, than putting blame on the people inflicting the abuse. As trainers raise issues of increased risk to child witnesses and the high correlation between domestic abuse and child abuse, you can expect the same reaction from officers. This reaction is similar to the question always posed about victims, asking why they don't leave abusive relationships. The question always asked needs to be, what is *our* community doing to make it safe for victims and their children to leave abusive relationships? (Understanding that in the best scenario, the abuser should do the "leaving part".) It is counter intuitive that women may stay in abusive relationships to protect their children, but a clear understanding of the dynamics can dispel the notion that it is always safer to leave.

¹⁰ Campaign for Funding to End Violence Against Women. FY 2006 Briefing Book.

¹¹ "Domestic Violence." Administration for Children and Families (ACF), 2001.

¹² "An Update on the 'Cycle of Violence.'" National Institute of Justice – Research in Brief. February 2001.

SECTION 6: CHILDREN & DOMESTIC VIOLENCE

Certainly, if you have an officer in your training that has been on the scene of a domestic homicide, you should ask the officer about the experience. Ask if the officer is aware about any attempts the victim made to leave the relationship. The officer can help you in your getting other officers to understand the complexities. In addition, everyone needs to be reminded of the all too many cases where abusers, having lost their control over their victims, kill their domestic violence victims, their children and themselves.

If officers begin to go down the road of victim blaming, it is the responsibility of the trainers to use that opportunity as an educational moment to put the officers in the complex decision-making web victims find themselves. If there is no officer who can speak to the reality of a homicide or other serious case, there are a number of exercises that can be done to show how limited options can be. You can refer to the exercises available to trainers for teaching dynamics to reinforce that options for victims can be limited and dangerous at every turn. (Both the convenience store exercise and the \$20 exercise can be used to explore issues facing mothers in violent relationships. The limited optional triangle is also helpful.) It is always important to remind officers that for many battered women it will take several attempts to leave abusive relationships. It may also take more than one call to law enforcement before options become more realistic to victims. How a battered woman perceives her treatment by the criminal justice system may determine whether she feels calling law enforcement is an option for the future and whether she feels that attempting to leave the relationship is a viable choice. It is not until our communities speak and act with one voice to protect victims and their children and hold batterers accountable that the decision making process can become more safe.

RISKS TO CHILDREN

Handout

- [Power & Control: An Abuser's Use of Children](#)

Living in a violent home is an indicator of risk to children. Children who grow up in homes where violence is present are:¹³

- 6 times more likely to commit suicide
- 24 times more likely to be sexually assaulted
- 67 times more likely to engage in delinquent behavior as an adolescent
- 100 times more likely to be abusers themselves
- 500 times more likely to be abused or neglected

Safety and survival are the primary goals of non-abusing family members (most often the mother). Because the mother's focus on survival, it may affect her ability to parent well. However, leaving an abusive parent does not ensure a child's safety or well-being.¹⁴

- The rate of domestic assault, including homicide, increases when victims leave partners and remains elevated for two years.
- Children are more likely to witness post separation assaults.

¹³ United States Department of Justice: Special Report, 2002.

¹⁴ Bancroft, Lundy and Jay G. Silverman. *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics*. Sage Series on Violence Against Women, 2002.

SECTION 6: CHILDREN & DOMESTIC VIOLENCE

- In 20% of domestic violence homicides, a child is also killed.
- Post separation stalking re-traumatizes children and prevents healing.
- Contacts outside the family such as friends, school staff and other trusted adults promote resiliency in children who witness domestic violence. When the family leaves home, these relationships are strained or severed. Relocation is stressful for children.
- Children suffer from the economic impact of separation.
- The majority of separated abusers are granted unsupervised visitation, preventing mothers or others from monitoring abusers' contact with their children. Risks to children of unsupervised contact with abusers may include physical, psychological and sexual abuse, parenting that is rigid, authoritarian and neglectful, and efforts by the abuser to undermine the mother's parenting.
- Children may be exposed to domestic violence in their father's new relationships.
- Child protective services are less likely to believe charges of child abuse that arise during divorce.
- Domestic violence is the #1 cause for homelessness in 44% of surveyed cities.

Source: U.S. Conference of Mayors, A Status Report on Hunger and Homelessness in America's Cities: A 25-City Survey, December 2003. (This is also a helpful statistic in emphasizing the limited options to victims when deciding whether leaving is a safe choice for her and her children.)

Suggested Scenarios

- [Scenario 4](#)
- [Scenario 9](#)
- [Scenario 14](#)

INTERVIEWING CHILDREN

Handout

- [Tips for Interviewing Children](#)
- [My Nightmare – Karissa's Poem](#)

Children are wonderful observers. They will tell you what they saw and heard and if they were afraid or afraid for someone else. Their demeanor can give an officer insight into the family dynamics. Even if a child recants later, his/her original statement to law enforcement will be the most credible to a jury.

If a child is not interviewed at the scene, the child becomes an "invisible victim." The risk to the invisible victim escalates. An abuser then can put pressure on the child to assist in the defense of any charges. If a child is not interviewed and then testifies falsely, under pressure from an abuser, the child's testimony will appear credible and the officer's investigation will appear incomplete to a jury and a judge.

When a child is interviewed, s/he should be interviewed out of eye and earshot of the parents, other children and other witnesses. The officer should physically get down on the child's level, and talk about something appropriate to the child's age until rapport is established. This will also help the officer determine the cognitive age or developmental abilities of the child. The child should be assured that he/she is not in trouble (especially if the child called for assistance). While **avoiding leading questions**, attempt to determine the following:

SECTION 6: CHILDREN & DOMESTIC VIOLENCE

1. Observations of the incident being investigated (what was seen/heard)
2. History of abuse between the parties in the domestic
3. History of any abuse in the family, including children, elderly, and pets.
4. The child's level of fear during the incident, and whether or not that fear remains
5. Process with a child what to do if there is ever another incident when the child is afraid for him/herself or a parent

It should be emphasized that children never be used as interpreters. The dynamics of domestic abuse can create the following situations for a child interpreter:

- The abuser could be threatening the child in the other language;
- The child might feel he/she should not correctly interpret what is being said;
- The child might be forced to lie in court and said that he/she incorrectly interpreted what was said;
- The child, used as an agent of law enforcement, could feel responsible if an arrest is made.

Law enforcement should reinforce that the child is not responsible for the violence to or for any subsequent arrest. If the child called 911, the child should be assured that a call prevents more violence and that the child did the right thing.

There is a strong possibility that a child is also a victim of violence in the home. There is a very high correlation between domestic violence and child abuse. If a good rapport is established the child may feel safe enough with the officer to disclose any abuse that s/he has suffered. Even if an abused child does not disclose, if an officer inquires as to the child's safety, the child may call for help or tell someone the next time he/she is afraid.

Because there will probably be future incidents, and the police may or may not be called, it is important to do safety planning with the child (i.e. places to hide in the house, call 911 if safe, run to neighbor's). Ask the child to identify people s/he could call for help or tell if ever afraid in the future. Emphasize that violence is not the way to show anger – everyone feels angry at times, but hitting only makes things worse.

Ask if there is a child advocacy center in the county or if any law enforcement agencies record child interviews. Children who will have to testify at preliminary hearings should be considered for recorded multidisciplinary interviews done by trained child interviewers in compliance with [Wisconsin Stats. § 908.08](#). If a child is reluctant to speak with an officer or a parent refuses to let an officer speak with a child, have the officer document everything the officer observes.

CUSTODY: WHAT IS MEANS TO LAW ENFORCEMENT

Custody disputes can be very complex, emotional and dangerous situations. Trainers should encourage law enforcement to consult with their district attorney when these situations arise and to refer victims to advocacy agencies in their county. The following statutes can give some guidance:

SECTION 6: CHILDREN & DOMESTIC VIOLENCE

[Wisconsin Stats §48.435](#), Custody of Children states: "The mother of a non-marital child has legal custody of the child unless the court grants legal custody to another person or transfers legal custody to an agency." This statute shows that a non-marital mother does not have to produce paperwork to be recognized as the sole custodian of her child. A non-marital father must produce papers to show the courts had adjudicated him.

If an unmarried father withholds a child from its mother, the mother can request the police to intervene and/or to file a criminal complaint under [Wisconsin Stats. §948.31](#), Interference with Custody. When a non-marital father who does not have a court order conferring parental rights withholds the child from the mother, Law Enforcement can make an arrest and refer the case to the District Attorney.

The Paternity Acknowledgment Form states:

Paternity means legal fatherhood. For parents who are not married, the father has no legal relationship to the child until paternity is established. This form does not give the father legal custody (the legal right to make decisions for the child) or physical placement (visitation). If the father wants to share legal rights to custody or placement, he will need a court order.

Many unmarried fathers in Wisconsin are unaware that they must be adjudicated a custodial parent to their child through the courts before they can assert parental rights. They mistakenly believe signing the Paternity Acknowledgment Form grants them parental rights. Parental rights to non-marital children are conferred by a court order.

SECTION 7: OTHER SPECIAL CONSIDERATIONS

INTRODUCTION

This section addresses special considerations that need to be addressed throughout the training. An understanding of each of these specialized areas helps reinforce the focus of the training on homicide prevention. Communities with coordinated community response to domestic abuse teams (CCRs) should be urged to address these issues and develop policies related to them to assist in protecting victims and their children and to avoid legal liabilities for their officers, law enforcement agencies and their communities. Communities that want to develop CCRs should contact the Wisconsin Coalition Against Domestic Violence for technical assistance.

Main Points for This Section

- Domestic abuse investigations should always be considered homicide prevention.
- It is difficult to assess which abusers will become lethal.
- Weapons seizures can prevent domestic homicides.
- Stalking is prevalent in domestic abuse and needs to be investigated as an indicator of potential lethality.
- Strangulation is a violent, potentially lethal, act that frequently has no external visible injuries, requiring officers to be familiar with medical symptoms.
- Many victims of domestic violence are also sexually assaulted by their abusers.
- Domestic abuse can occur in the intimate relationships of law enforcement officers.
- Law enforcement agencies are urged to develop investigation policies for officer-involved domestics BEFORE incidents occur.

Audio/Video List [[Click Here](#)]

- Cops as Batterers slide show

Suggested Exercises

- [Police Entitlement](#)

LETHALITY & RISK ASSESSMENTS

There is no exact science for determining which abusers will escalate to homicide or how quickly that can happen. Some indicators should always be taken very seriously by law enforcement including statements like, “If I can’t have you no one will” or acts like hurting or maiming animals. Many abusers who have killed have had no prior law enforcement contact or solely arrests for disorderly conduct. Others have long violent criminal histories. We do know that if a victim has indicated to an abuser that his control is ending, the danger of lethality increases.

Assessing Whether Batterers Will Kill¹⁵

Victims should be asked about the following:

Threats of homicide or suicide

- The batterer who has threatened to kill himself, his partner, the children and relatives must be considered extremely dangerous.

Fantasies of homicide or suicide

- The more the batterer has developed a fantasy about whom, how, when and/or where to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable “solution” to his problems. As in suicide assessment, the more detailed the plan and the more available the method, the greater the risk.

Weapons

- Where a batterer possesses weapons and has used them or has threatened to use them in the past, his access to those weapons increases his potential for lethal assault. The use of guns is a strong predictor of homicide. If a batterer has a history of arson, fire should be considered a lethal weapon.

Ownership of the Battered Partner

- The batterer who says “Death before divorce: or “You belong to me and will never belong to another” may be stating his fundamental belief that the woman has no right to life separate from him. A batterer who believes he is absolutely entitled to his female partner, her services, her obedience and her loyalty, no matter what, is likely to be life endangering.

Centrality of the Partner

- A man who idolizes his female partner, or who depends heavily on her to organize and sustain his life, or who has isolated himself from all others in the community, may retaliate against a partner who decides to end the relationship. He rationalizes that her “betrayal” justifies his lethal retaliation.

¹⁵ Excerpted from an article written by Barbara Hart of the Pennsylvania Coalition Against Domestic Violence on assessing for lethality.

Separation Violence

- When a batterer believes he is about to lose his partner if he can't envision life without her or if the separation causes him great despair or rage, he may choose to kill.

Escalation of Batterer Risk

- A less obvious indicator of increasing danger may be the sharp escalation of personal risk undertaken by the batterer; when a batterer begins to act without regard to the legal or social consequences that previously constrained his violence, chances of lethal assault increase significantly.

Hostage Taking

- A hostage-taker is at high risk of inflicting homicide. Between 75 – 90% of all hostage takings in the U.S. are related to domestic violence situations.

Depression

- Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, he may be a candidate for homicide/suicide. Research shows that many men who are hospitalized for depression have homicidal fantasies directed at family members.

Access to the Battered Women and/or Family Members

- If the batterer cannot find her, he cannot kill her. If he does not have access to the children, he cannot use them as a means of access to the battered woman. Careful safety planning and law enforcement assistance are required for those times when contact is required, e.g. court appearances and custody exchanges.

WEAPONS SEIZURE

Handout

- [Weapons Seizure](#)

Discussions regarding guns and domestic violence can become very controversial. It is helpful to keep looping back to officer safety and homicide prevention. For example, if a weapon was not used in an incident, but a spouse/victim identifies the presence of firearms, the officer can ask if the victim would like the weapons held by the agency while the case is pending. Taking the weapons may make the home safer for the victim and for law enforcement if they are called back to the scene after the abuser has bailed out. See the Weapons Seizure handout for a summary of firearm seizure situations.

STALKING

Handout

- [Stalking Warning Letter](#)
[Stalking Card](#)



[Wisconsin Stats. §940.32](#). Stalking is a specialized topic for which officers should be encouraged to get further training. The topic, however, can and should be woven throughout this training.

Stalking in Wisconsin is a felony. Any domestic stalking

PowerPoint Slides →



allegations should be taken very seriously. While all stalkers do not kill, almost all domestic killers have stalked their victims. It is important to emphasize that victims and stalkers need not live apart. A victim can be stalked by someone she lives with. Law enforcement agencies should work cooperatively on stalking investigations since frequently these cases will cross jurisdictions. According to the statute, the state must show that the perpetrator committed at least two acts that would cause a reasonable person, under the same circumstance of the victim, to suffer serious emotional distress or to fear death or bodily harm to that person or to his/her family member.

The perpetrator's acts that put the victim in fear of bodily harm or causing emotional distress can be criminal acts or legal ones. For example, violation of an injunction condition is a *criminal act* that could reasonably put a victim in fear or cause emotional distress. Likewise, (assuming there is no injunction) standing outside of the workplace of a victim of domestic abuse is a *non-criminal act* that could have the same effect on a victim. Because the standard to judge reasonableness is based on the victim's situation, it is important for law enforcement to get a complete history of the relationship.

<p><i>Suggested Scenarios</i></p> <ul style="list-style-type: none">• Scenario 10• Scenario 16
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Some agencies have found it helpful, if an officer is pursuing a stalking investigation but thinks he/she needs more information, to serve the perpetrator with a stalking warning letter, documenting the service with a police report. If the behavior continues, the case should be quite easy to prove. See [DV handouts](#) for sample of a stalking warning letter.



STRANGULATION & SUFFOCATION

<p><i>Handout</i></p> <ul style="list-style-type: none">• Strangulation Checklist• Strangulation Card

Strangulation and suffocation are felonies in Wisconsin.

Wisconsin Stats. §940.235 Strangulation and suffocation.

(1) Whoever intentionally impedes the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person is

guilty of a Class H felony.

Wisconsin Stats. § 939.22 (23) added the following definition:

“Petechia” means a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.

New terms added to definitions:

Wisconsin Stats. §939.22 (10) added to “Dangerous weapon” means... any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood..

Wisconsin Stats. §939.22 (38) “Substantial bodily harm” means...a petechia...

As of April 2008, Strangulation and suffocation are felonies in Wisconsin. Strangulation is a form of asphyxia (lack of oxygen) characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck. A victim may refer to it as “choking.” Because of the potential lethality or permanent injury associated with strangulation, officers need to be familiar with symptoms and recommend medical treatment to victims.

Many abusers use strangulation as a form of violence in communicating to a victim that he controls whether she lives or dies. Strangulation is also frequently the force used when an abuser sexually assaults his victim. It is a very personal way of committing a crime and (with the exception of psychopaths) is used almost exclusively in intimate crimes. Many domestic crimes involving strangulation are grossly undercharged.

Suggested Scenarios

- [Scenario 15](#)

It is crucial for officers to understand that most strangulation incidents will leave **no visible external injury** on the victim. **Therefore, reports SHOULD NOT state, “I saw no injuries consistent with strangulation.”** Officers who don’t understand this will frequently discount the strangulation or arrest the perpetrator for disorderly conduct. Emergency room medical personnel have the ability to do internal exams and document injury. Law enforcement officers and local advocates at the training should be urged to work with their local hospitals, making sure that emergency medical personnel are familiar with strangulation examinations and the potential lethality of strangulation injuries. Communities with forensic nurses can provide powerful documentation and testimony as to the level of violence committed when strangulation occurs during an incident.

A study done in 2001 by Gail Strack, Assistant City Attorney for San Diego California study looked at 300 random strangulation cases. According to the findings:

- 90% of cases had previous history of DV
- 50% of cases children were present
- 62% had no visible injuries
- Only 16% had significant visible injuries
- **Most injuries were internal**

It is also crucial for law enforcement officers to be familiar with strangulation symptoms and to know that underlying injuries from strangulation may KILL the victim up to 36 hours or more after the injury is inflicted (See [Strangulation Handout](#) for list of symptoms).

Due to the medical nature of this crime, specialized law enforcement training (including dispatchers) by medical personnel should be encouraged for every county. The topic of strangulation, however, should be woven throughout this training.

DOMESTIC VIOLENCE & SEXUAL ASSAULT

Sexual assault is common in domestic abuse relationships. It is rarely identified for several reasons. It is almost never asked about in an investigation, though it should be when gathering information on the history of abuse in the relationship. It is embarrassing to the victim or it is so normalized in the relationship that the victim may not identify it as an assault. For example if a victim agrees to sex rather than enrage her abuser or if a victim is beaten and then the abuser uses sex “to apologize” or “to make up”, a victim will relent so as not to be beaten again.

Best practices for discussing sexual assault with victims of domestic abuse include:

- Talk with the victim alone in a safe and private environment.
- Begin with a simple statement like: “Because we have learned that sexual assault/abuse is very common in situations like this, we have begun to ask all victims about it....”
- Use simple, direct questions such as:
 - “Have you ever been touched sexually by your partner against your will or without your consent?”
 - “Has your partner ever forced or pressured you to have sex when you didn’t want to?”
 - “Do you have sex with your partner so you won’t get hurt?”
 - “Do you have sex with your partner so your partner won’t get angry?”
 - “Has your partner ever refused to practice safe sex?”
 - “Have you ever been awakened by your partner having sex with you?”
- Do NOT blame or shame the abused person. Be nonjudgmental. Be supportive. Use expressions such “I am sorry this happened to you.”
- DO NOT say negative things about the abuser.

Officers should be familiar with resources in their community. Advocates from the local domestic abuse program should be presenting an overview of their services during the training (usually at lunch). If the local domestic abuse program refers domestic abuse victims of sexual assault to other agencies in their communities that information should be included in their presentation. It is important to identify each crime that leads up to the assault, during the assault and after the assault (i.e. battery, false imprisonment, RES, strangulation, intimidation of a victim, etc.) in addition to the sexual assault.

DOMESTIC VIOLENCE & PREGNANCY

Homicide is the second leading cause of death among pregnant women. The best predictor of domestic violence in pregnancy is a history of similar assault before pregnancy. However, domestic violence frequently begins or intensifies during pregnancy with 40% of assaults beginning during the first pregnancy. Pregnant women are at twice the risk of battery than non-pregnant women.

The consequences of battering during pregnancy are very serious. Approximately 25% of abused pregnant women report having been struck in the abdomen. In the first trimester, the uterus is largely confined to the pelvis and is shielded from direct trauma.

The uterus becomes an abdominal organ in the second trimester (13 – 27 weeks) and thus the fetus becomes more vulnerable to blunt trauma at this time. Physical abuse can result in fetal fractures, maternal and fetal hemorrhage, rupture of the uterus, liver, or spleen, premature separation of the placenta, or premature delivery of the fetus.

A pregnant woman should be considered a medical emergency if she reports being hit or kicked in the abdomen (second and third trimester), was strangled or suffocated, has had abdominal or uterine pain, contractions, if she reports that fetal movement has decreased or is absent and/or if she complains of bleeding from the vagina.

OFFICER INVOLVED DOMESTIC VIOLENCE

Perhaps no victims of domestic abuse have fewer options than victims of law enforcement officers. Victims are afraid to report abuse because they are not sure if other law enforcement officers will objectively investigate the report, know that law enforcement abusers can lose their jobs for committing crimes of domestic abuse, fear that officers have more knowledge of the criminal justice system and can manipulate it; and know that if victims attempt to leave their relationships that officers have access information and methods of finding people that others do not have.

Two studies have found that *at least 40%* of police officer families experience domestic violence,¹⁶ in contrast to 10% of families in the general population.¹⁷

Law Enforcement Response to Officer-Involved Domestic

The following excerpted article gives insight from a historical law enforcement perspective and can assist trainers in discussing the issue during the training:

A Family Affair by Gina Gallo

The call comes through the 911 emergency line shortly before dawn. “I need the police right away! It’s my husband. He beat me again, I’m bleeding, and C9” The loud crash that follows means the phone has fallen or been yanked away. But before the line disconnects, there’s the woman’s pleading cry: “He’s got a gun!” ...All available units are dispatched immediately. The four cars that arrive on the scene observe a man on the front porch who appears obviously drunk and not particularly worried to see the police. After just a few words with the man, three units leave while the remaining officers enter the house for a cursory check. No arrest is made, although the cowering victim they meet inside has obviously been beaten. Within moments the police leave. The code they give the

¹⁶ Johnson, L.B. (1991). *On the front lines: Police stress and family well-being*. Hearing before the Select Committee on Children, Youth, and Families House of Representatives: 102 Congress First Session May 20 (p. 32-48). Washington DC: US Government Printing Office.

Neidig, P.H., Russell, H.E. & Seng, A.F. (1992). Interspousal aggression in law enforcement families: A preliminary investigation. *Police Studies*, Vol. 15 (1), p. 30-38.

¹⁷ Straus, M. & Gelles, R. (1990). *Physical violence in American families - risk factors and adaptations to violence in 8,145 families*. New Brunswick, NJ: Transaction Publishers.

dispatcher is 1-David, which stands for: domestic violence assignment, no police service necessary.

So what's wrong with this picture? It's another example of what may be one of the best-kept secrets in law enforcement. Domestic violence within police families has always existed. It's one of the original "don't ask, don't tell" problems that have been alternately ignored, unreported, or kept carefully hidden from the public eye by officers anxious to protect their fellow cops. Retired Chicago Police Department Homicide Lt. Dennis Banahan believes it would be impossible to estimate the number of domestic homicides that occurred within police families during his 31-year career because of the unofficial protocol for handling such cases.

"Since the earliest days of law enforcement, domestic violence in police families was considered an officer's personal business, one of those private realms into which departmental administrators chose not to involve themselves," Banahan says. "Their attitude was that unless the problem affected an officer's job performance, they'd prefer to ignore it. Whatever happened behind closed doors remained private. Since a large part of a cop's M.O. is to maintain a game face, personal problems were considered just more of what we were expected to suck up and keep hidden."

Code of Silence

...Police officers have always prided themselves on their ability to keep secrets within the law enforcement family. That's the case in some departments to this day, and it was almost a universal truth when Banahan came on the force. And no incident was more likely to bring down the Blue Wall or trigger the Code of Silence than a cop who beat his wife. It was the kind of thing that cops didn't discuss. Nor did agencies want to get involved. The spin worked like this. Any witnesses beyond the victim and offender were removed from the scene. If the victim was still alive, she would be separated from the abuser. Then the responding officers would start to manipulate the victim. "She'd be told that an arrest would serve no one's best interests, and would absolutely jeopardize the officer's job, thereby threatening the family's security," says Banahan.

Rookie Training

"...one of the first lessons police learn is to protect each other, and it's that sense of loyalty that dictated our actions. As a rookie cop, I was told that my co-workers' personal problems weren't exposed, not in public and certainly not in a police report. In incidents of police domestic violence, it wasn't simply a case of abuse and injury. It was also about protecting a brother cop's career." Banahan recalls that when he was a rookie cop, other officers trained him in how to process police domestic violence cases. The most common method was failure to file an official report, followed by withholding information from the victims. Savvier victims have a tendency to take their complaints to the department brass, but that often results in no justice and in no help for the family. "When the victims took their complaints to a higher level of the Department's administration, the stonewalling continued," Banahan says.

Whistling Past the Graveyard

One cop, a 24-year veteran of the Los Angeles Police Department, still vividly remembers his first experience with a police-involved domestic homicide. In that case the officer locked his kids in the bedroom before beating and killing his wife, and then he shot himself. “There was never any question of how it would be handled,” says the officer, who asked to remain anonymous... “This is a police family, so we gotta take care of things. This was one of our own, and we owe him that.” The LAPD veteran says that not only did police cover up the evidence of domestic violence perpetrated by fellow cops, they never even discussed what caused one of their buddies to attack his wife.

Gina Gallo is a duty-disabled veteran of the Chicago Police Department, the author of “Armed and Dangerous: Memoirs of a Chicago Cop,” and a board member of the National Police Family Violence Prevention Project. This article was excerpted from Police, The Law Enforcement Magazine.

Agency Policies for Officer-Involved Domestics

Handout

- [Assessment Tool](#)

The Wisconsin State Department of Justice developed guidelines to assist agencies in developing policies for internal and external investigations for officer-involved domestics. (Officers can be perpetrators or victims, and some cases involve more than one officer.) Trainers should ask officers if their agencies have policies for investigating officer-involved domestics. Policies could include any of the following:

- For agencies within a county, investigations could be handled by their sheriff’s department; or,
- For larger police agencies or sheriff’s departments, investigations could be handled by calling in special detectives or command staff; or,
- For sheriffs’ departments, the neighboring county’s sheriff’s department could do investigations.

Suggested Scenarios

- [Scenario 6](#)

While there are several policy options, it is important for first responders to know their agency’s policy before an officer-involved call comes in. Officer-involved domestics should always be regarded as potentially lethal. Not having officer-involved policies or not following them could result in potential liability issues for agencies and officers.

VICTIM’S RIGHTS

Rights of Victims and Witnesses

[Wisconsin Stats. §950](#) provides rights that must be accorded to victims and witnesses of crimes. In expressing its intent, the legislature wrote: ...this legislature declares its intent in this chapter to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law enforcement agencies,

prosecutors and judge in a manner no less vigorous than the protections afforded criminal defendants.

Crime Victim Compensation (CVC) Program – Financial Help for Victims of Crime

Victims of intimate violence may be eligible for Crime Victim Compensation (CVC) funds. These funds may be used to pay for medical, hospital, surgical, pharmacy and mental health counseling expenses, lost wages, replacement costs of clothing or other property collected by police as evidence, et cetera. Application for these funds can be made by calling Crime Victim Compensation @ 1-800-446-6564.

APPENDIX A: ADDITIONAL RESOURCES

DYNAMICS:

Lundy Bancroft, *Why Does He Do That?: Inside the Minds of Angry and Controlling Men*. Published by The Berkeley Publishing Group. 2002.

INVESTIGATIONS

Forensic Evidence Collection

- Crowley, Sharon. *Sexual Assault: The Medical-Legal Examination*. Appleton & Lange, 1989.
- Hazelwood and Burgess. *Practical Aspects of Rape Investigation – A Multidisciplinary Approach – Third Edition*. CRC Press, 2001.
- *Physical Evidence Handbook, 7th Edition*. Wisconsin Department of Justice, State Crime Laboratories, 2003.

Forensic Photo-documentation

Fox Valley Technical College
Criminal Justice Department
Appleton, WI
(800) 648 – 4966
www.foxvalley.tec.wi.us/ojjdp

GENERAL

State Statutes

Can be found online at <http://www.legis.state.wi.us/>.

Domestics & Gender

Kimmel, Michael S. “Gender Symmetry” in *Domestic Violence: A Substantive and Methodological Research and Review*. Article can be found at <http://vaw.sagepub.com/cgi/content/abstract/8/11/1332>.

APPENDIX B: AUDIO/VIDEO RESOURCES

(TO REQUEST ANY OF THESE RESOURCES, CONTACT [OJA](#))

SECTION 1: DYNAMICS:

New Open

How Come / How Long

Reality Checks: Lisa / Lola

- Background story for Lisa
- Background story for Lola
- Handout of Lola transcript
- Lola Exercise

Hostages at Home

Profile of An Assailant – Ty

Battering: Dynamic of Abusive

Relationships

Sheboygan 911 Recording

SECTION 2: MANDATORY ARREST

Beyond the Obvious, vignettes:

- Blue Dress
- Ashtray
- Drunkard

Law Enforcement Training Center

- Lee & Deb
- Did he choke you?
- It's not your fault

SECTION 3: FIRST RESPONSE & OFFICER SAFETY

Officers Killed Slide Show

SECTION 4: INVESTIGATIONS

Sheboygan 911 Call

- Background information
- Transcript

Fox News: Jimmy

SECTION 5: RESTRAINING ORDERS, INJUNCTIONS & NO CONTACT ORDERS

Hawaii Video

“I just came to get my tools”

SECTION 6: CHILDREN

Kindergarten Cop clip

How Come / How Long music video

SECTION 7: SPECIAL

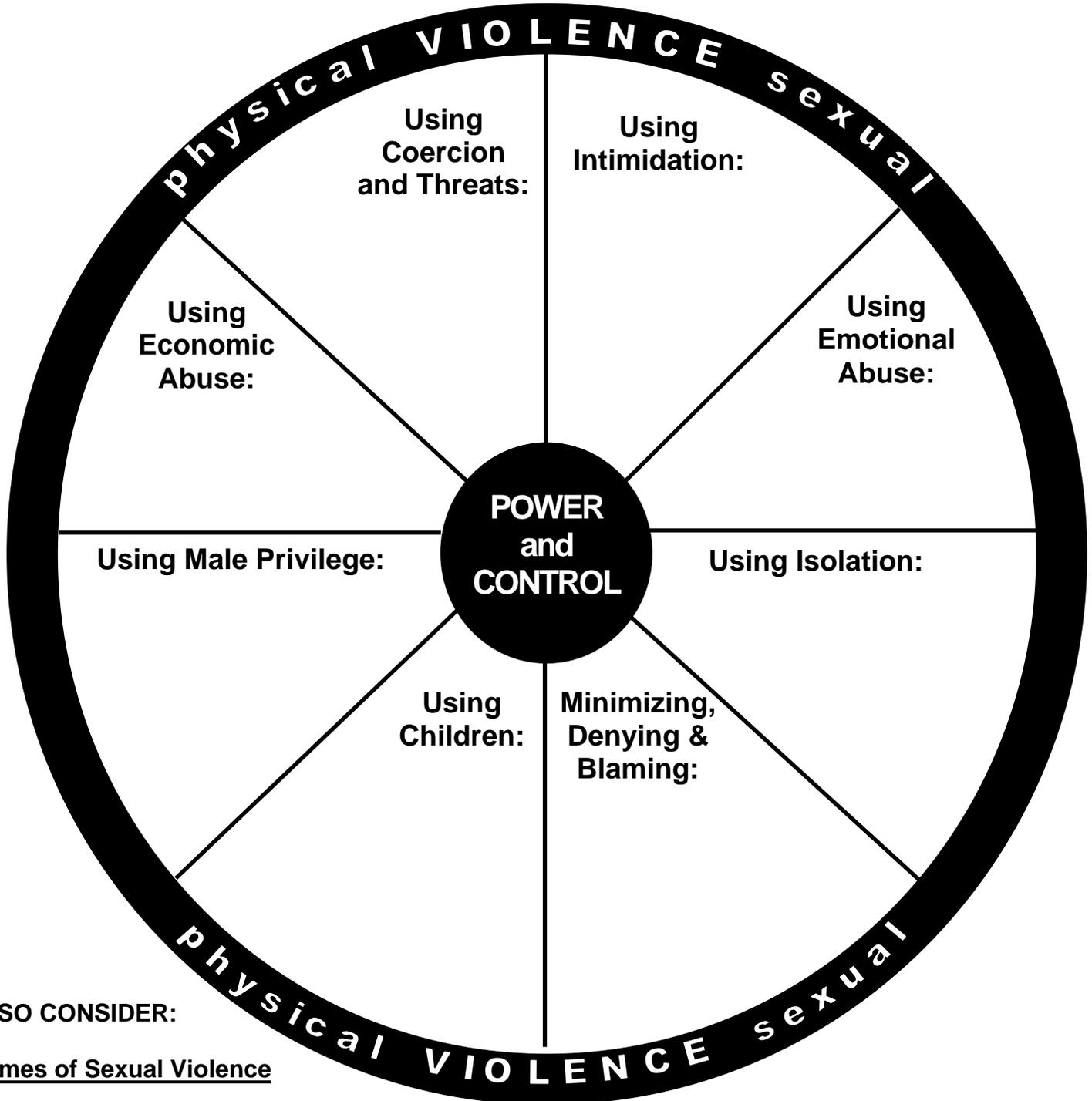
CONSIDERATION

Cops as Batterers slide show

**APPENDIX C:
EXERCISES & SCENARIOS**

The Legal Response to Power & Control

For each part of the wheel, fill in criminal acts and the corresponding crimes that are examples of the tactics used by abusers to maintain control of their victims. Then identify at least one action you are likely to see from a victim in response to the acts in each section.



ALSO CONSIDER:

Crimes of Sexual Violence

Crimes of Physical Violence

Dynamics Skit

Moderator (Reads to audience): The following is an interactive skit designed to demonstrate the dynamics of domestic violence, as well as some barriers to victims' leaving. Audience members are handed out cards designating what member of the community they represent with a question for the couple. *Jeff* and *Amy* have been married for twelve years and have two children, ages 7 and 9. At the end of the skit the players stay in character for you to ask additional questions to them.

1. *Minister*: Why did he hit you? Is he having a hard time at work?

Victim: You're probably right. He has been working a lot of overtime and his boss is constantly on his back. I suppose I should be more understanding. Perhaps this is God's way of showing me how selfish I have been.

Husband: (very apologetic) It will never happen again. It's just that work has been stressful and when I come home to a messy house and the kids are hollering I get overwhelmed. I promise you it will never happen again. Maybe you could try a little harder to understand me.

2. *Doctor*: You say you are having trouble sleeping because of family problems. I will give you a prescription for sleeping pills. The receptionist can give you a list of counselors and a card for the family violence center.

Victim: I've been sober now for seven years. I can't be taking sleeping pills. I guess there really is no hope for me. I feel so exhausted though.

Husband: What's this I see? A prescription bottle for drugs! So what now instead of hitting the bottle you're going to turn into some kind of drug addict. And what's this card to some violence center? We don't need that. Family violence my ass.... (Tears up card.)

3. *Friend*: I just don't understand why you stay with him.

Victim: It's so hard to explain to people. He can be so sweet sometimes and he is a good dad to the kids. He works hard so we can have things. I mean, it's awful when he goes into his rages, but it's really not that often.

Husband: (Approaches as she is on the phone with friend.) Are you talking to that fucking bitch Carol again? You know what I think about her. Slutting all over town. Is that what you do when you're with her? I don't want her calling here. (Approaches audience member and points finger stating he doesn't want her near his wife.)

4. *School Counselor.* You need to leave. Do you know what this is doing to your kids?

Victim: I am really worried about the kids. They've been acting out at home too. But if I leave I would need to take them out of their school, away from their friends and all their familiar surroundings.

Husband: (Approaches the counselor.) I hear my kids are having some problems. You know my wife never informs me of anything. She has a bit of a drinking problem and isn't always on top of things. My kids are my life, so if there's ever a problem you just call me. Here's my card.

5. *Her Dad:* I have always told you he was no good. Why didn't you listen to us. If he ever lays a hand on you again I will personally kill him.

Victim: I knew I never should have told Dad what was going on. It's just like Dad to overreact. He will go after Jeff and get hurt. My whole family thinks I am stupid.

Husband: (Very angry.) Got a call today. Guess from who? Your fucking dad. What business does he have getting in the middle of our family problems? What you go and tell him a bunch of lies about me again? Your family has never liked me and it's because of all the shit you fill their head with. They are not ever welcome in my house again. (Wife tries to get him to let them come for dinner next week. He won't budge.)

6. *Police Officer.* When your neighbor called she was really afraid for you. We've been here three times now this month. Are you going to follow through this time?

Victim: This is really embarrassing. I wish she hadn't called again. They are probably so sick of dealing with me. I know I need to follow through but he'll kill me if I ever send him to jail.

Husband: Officer, we just had a little argument. All couples have their stressors. (Put arm around wife.) I could never hurt my wife, I love her. She just tends to overact sometimes. (Whispers to officer:) I think her doctor is putting her on some new pills, drinking problem you know.)

7. *Hotline Worker:* You can stay in the shelter up to 30 days.

Victim: 30 days! How can I ever get on my feet that quick. That's not enough time. When I graduated from college I wasn't thinking I would end up in a place like this. I am such a failure.

Husband: (Pleading on the phone.) Honey you need to come home. Why would you put our kids through this? Living in a shelter? I miss you. Just come home and we can work on this. You don't need to be in a place like that.

8. *Housing Authority:* We will need references from all the places you have lived for the past five years. After we get those we can check if there are any units available. That can take up to six months. You're a battered woman? We'll need a police report to verify that.

Victim: I don't have any references. We have lived in the home his parents bought for us for the past six years. They won't give me a reference. How do I even go about getting that police report from last time?

Husband: (Angry) Great! Now you're going to take our kids and put them in public housing. What will people think? You are such a fucking loser!!!! Turn out kids into ghetto kids, white trash, nice!!!!

9. *His Mom:* How can you drag this through the courts? He'll lose his job. You know he loves you. He just needs your support.

Victim: Great, just who I need to get advice from. The woman that has taken beatings from her own husband. She has always coached me on how to be a better wife to her sweet son.

Husband: (Says nothing)

10. *Kid #1:* Mom, I want to go home. I miss my kitten and my room. I don't want to go to a new home.

Victim: This is breaking my heart. The kids are so sad and I know they miss their dad. Their whole world has been turned upside down.

Husband: I saw the kids at school today. This is breaking my heart. I miss them so much. They miss me too. Won't you just please come home. They belong back in their real home and so do you.

(Amy and kids go home for a visit with Jeff.)

11. *Child Protective Service Worker:* We have to follow-up with an investigation on some abuse allegations the school made.

Victim: Oh my god, what have I done. Now they will take away my kids. I can't live without them.

Husband: (Extreme anger. Either kicks a trash can or tips over a chair. Gets right in Amy's face, screaming:) Now look at what you've done. They're going to take away our kids all because of your stupidity. That's just great. Now what are people going to think of you as a mother?

12. *Lawyer:* These custody cases can be messy and complicated. I will need \$1500 for a retainer fee.

Victim: Where will I ever find money like that. I don't have anything. Jeff has all the money. Just like he has always said, he will take the kids from me!

Husband: (Laughing) How will you ever get a lawyer to help you. You don't have a pot to piss in. I have the best attorney money can buy and you will see I will get those kids away from their psychotic mother. Plus I have already had a free consultation with every good attorney in town so none of them can take your case.

13. *His Sister:* He called me crying and real upset. He said he couldn't live without you. I fear he might hurt himself. You really need to go see him.

Victim: Maybe I should go see him. I've never stayed away this long before. I know the last time I left he took a bunch of pills. I could not live with myself if he tried to kill himself.

Husband: (Begging, Pleading:) I can't live without you. I don't eat or sleep and I haven't even been able to go to work. Please come back!!

14. *Defense Attorney:* Isn't it true that you invited him in that night?

Victim: How do I explain this? There we were. The kids and I in our horrid little apartment for the past month. I did everything they told me to do. I got the restraining order. I was in the kitchen that night making dinner. He came to the door with presents for the kids. I never even heard him. The kids let him in. I couldn't just tell him to leave when the kids were so excited to see him.

Husband: See you have no case. What a joke this piece of paper you call a restraining order is. I can come anytime I want and you cant stop me. Go ahead. Try calling the police again.

15. *Judge:* The children will visit their father every other weekend.

Victim: What will happen to them. He has never been alone with them before. He doesn't know how to take care of them. When he would be drunk or angry, I was always there to protect them.

Husband: Great! Now you've done what we said we would never do and that is make me into a fucking weekend dad. I have been working weekends just to pay you fucking child support, so I sleep when I am not working. The kids will just need to care for themselves. You're damn right they WILL come every other weekend.

16. *Kid #2:* Dad said you don't really love us anymore. He says you lie to us and it's your fault that he can't see us.

Victim: That's not true. You must know how much I love you guys. Dad shouldn't be talking to you about adult issues.

Husband: Look what you are doing to our kids. Jason's been acting out at school. You know what though, my new girlfriend will help me teach the boys not to be such sissies.

17. *Judge #2:* Guilty of Disorderly Conduct. 2 days jail, deemed served, \$100.00 fine, one year probation.

Victim: What! All this has been for nothing. He doesn't even go to jail! Probation? What's that about?

Husband: (Laughing.) See everyone knows you just make this shit up. Abuse. What a joke. But hey, by the way, thanks for the record.

Skit developed by Ursula Bunnell, advocate, Golden House (Green Bay) and Rich Dey, volunteer, Golden House.

\$20 Exercise

Select a male officer to be victim of domestic violence. Select two other officers for “her” children. Make them 2 and 8 years old. Ask the officer to give you his wallet, credit cards, checks, etc.--Give the officer \$20. Tell him he is a battered woman who is in fear for her life. She has two kids, \$20 and is running for her life. Ask “her” where she is going to go. Raise a barrier to anything “she” says.

Examples:

- To her family or friends? Isn't that the first place he would look for you? Has he ever threatened to kill everyone dear to you?
- To a domestic violence shelter: Is it full? Do you know how to access it?
- To a homeless shelter: Is there sufficient security to protect you and your children from your abuser should he come looking there for you?
- If you work, can you keep your job? Wouldn't he look for you there?
- If you are going to look for work or a new job, who is going to watch your children during the day? Can't afford day care. Shelters do not provide day care.
- Can your 8 year old stay in school? Wouldn't he look for the child there?

How far would \$20 take you to get away? \$50, \$100, \$500?

Let's say there is room in the shelter. Most shelters only give housing for 30 days because of the demand and need to triage. Few communities offer transitional housing. So what can a shelter do in 30 days for a woman and her children who are fleeing violence? Ask for positive and negatives.

Examples:

- Positive: immediate safety, safety planning, support groups for victims, support groups for children, legal advocacy.
- Negative: limited shelter or safe house availability, no money to give victims for security deposits, few housing options, no safety guarantees.

Continually ask person who is the victim how she would be feeling? Continually ask the people who are the children what they think they would be feeling? Ask the group for suggestions on how she can survive. Remember to bring up all her barriers. Ask the group what they think the abuser is doing every step of the exercise.

The purpose of this exercise is to show how difficult it is for a victim to leave, how dangerous it might be, and that we need to stop asking why doesn't she leave, but ask our communities how can we make abusers accountable and provide for victims and children to safely remain in their homes, if possible.

(Tip: This exercise is best facilitated by a person familiar with the communities in which you are training so that you can correctly address their suggestions depending on the resources available in those communities.)

This training exercise was adapted from a speech by Sarah Buel.

Convenience Store Exercise

The purpose of this exercise is to demonstrate that a decision to use violence is made by a perpetrator and that no matter what actions a victim takes, she may not be able to avoid the violence. In addition, the exercise demonstrates that perpetrators change their “rules” in an effort to intimidate victims and that there are times when a victim will parent her child, using methods she would not choose if she were not trying to protect her child from the perpetrator’s abuse.

The trainer tells the audience that each of them is to put himself in the place of a woman with two children, ages 2 and 6. They enter a convenience store. The six year old runs to the candy aisle and the woman and child head for the household cleaning supply aisle. Suddenly an armed man enters the convenience store and yells at everyone to freeze.

Ask the audience what steps the woman can take to ensure the safety of her and her children. It is assumed that the safest answer is to comply, even though not even compliance can guarantee safety. Remember, the officers need to think like a female civilian with two children (one of whom is not within her immediate control.)

Tell the audience that some time has passed. One customer asks to go to the bathroom and is allowed to go. When the customer returned, another customer asks to go to the bathroom and that person is shot. The two-year-old child, newly potty-trained, needs to go to the bathroom. Ask the audience what the mother should do. The child cries louder in response to every suggestion. The perpetrator shouts to the woman to “shut up that kid.”

After processing answers, ask the audience why you chose to do this exercise and have them draw the parallels to living with an abuser.

If no one suggested that the woman try to flee, ask why and tie the response to options available to victims of domestic abuse.

Sandbag Exercise

The purpose of this exercise is to assist law enforcement officers in understanding why victims of domestic abuse may act in ways that appear to not be in their best interest.

Divide the room in half. Tell one half of the room to pretend they cannot hear what you are telling the second half of the room.

The trainer/abuser addresses the second half group (victims): Tell them that each of them is sitting under a 50 pound sandbag and that you have the power to release it at any time, wiping each of them out. Tell the victim group that you expect them to laugh at your jokes, look lovingly into their eyes when spoken to, not speak when you want them quiet, etc.

The trainer informs the first group (observers: family, friends, employers, community members, etc.) that they do not know about the sandbags. Have the observe group watch the trainer abuse individual members of the victim group. (I.e. why wasn't my dinner ready, bitch?)

Have individual observers attempt to talk to individual victims trying to get the victims to get help. If a victim does anything to indicate they are in danger, a sandbag wipes them out. If a victim doesn't follow the trainer/abuser's directions, a sandbag wipes them out. Sometimes for no reason, the trainer/abuser will have a sandbag wipes out a victim.

Then process what happened. I.e. what observers would think of victims, why they would stop trying to help, etc.

Victims of Domestic Abuse Limited Options Exercise

The purpose of this exercise is to demonstrate to law enforcement that victims face barriers and risks of escalated violence no matter what choices they make to survive violent relationships.

Draw this triangle on a flip chart or board and label each angle. With each option have officers identify their perceptions of the victims at each option, why there is a risk of escalated violence and other ramifications of each choice. (Remember to include kid related issues at each option.)



Diverse Victims Exercise

Directions: Listing answers on a flip-chart, ask officers to identify special populations of victims who might find it even more difficult to report the abuse to law enforcement. The purpose of the exercise is to have the officers identify these populations and explore the reasons why these victims might be hesitant to report.

The answers should include:

Elders: Identify their abusers (caretakers, children, spouses/partners). Threats to elders to keep them from reporting include, “If you call, I will put you in a nursing home.”

Immigrant Population: *Those legally in U.S.:* There may be language issues or ignorance of our laws. May fear deportation even if person has legal status. Also the victim’s legal status may be based on the abuser’s legal status. An immigrant victim may have come from a country where law enforcement is feared.

Immigrant Population: *Those not legally in U.S.(non-documented):*
A threat can be, “If you call the police you will be deported.”

Gays/Lesbians: Gays and lesbians who are not “out” fear being “outed”.
The threat may be “If you call the police, your mother, employer and priest will know you are gay.”

Males: Male victims of women perpetrators may be embarrassed to report abuse.

People with “Standing in the Community”: An elementary school principal, doctor, minister, coach or their spouses fear media coverage of abuse.

Law enforcement officers who are victims: Officers have a macho persona. They may be reluctant to have other officers think they are in fear of their partners. **Male officers** may be ashamed to be labeled a victim of a woman or “outed” as gay. **Female officers**, while more likely than male officers to be a victim, there is pressure for female officers to prove they are as powerful as males.

Victims of law enforcement: Victims of law enforcement are fearful of incident response by other officers, fear that reporting could result in an officer’s losing his job and knowing that the officer is more familiar with the criminal justice system and with methods of finding a victim should she dare to leave.

Predominant Aggressor Exercise

The purpose of this exercise is to demonstrate that the predominant aggressor may not have used obvious force or is not necessarily the first person to use force in an incident.

The speaker in this exercise should be a woman and the person interrupting the speaker should be a male.

The speaker should say something about mandatory arrest. When the words predominant aggressor are spoken, the male trainer charges towards the female, yelling at her and using his body to make her walk backwards until she there is no more space behind her. The female yells back at the male. When back into a corner or the wall, the speaker forcefully pushes the male away. The male should never touch the female.

Speaker then asks an officer in the audience to ask her what happened. Speaker/victim says "I yelled at him and pushed him hard. He never touched me."

The group should then be asked if the speaker is the predominant aggressor, analyzing what they saw. Pose the question as to how an interview/investigation can reveal what happened. The group leading to a discussion of self-defense processes that information. Make sure they recognize that when the male used his body to make the woman walk backwards it was a physically aggressive act. Emphasize how history of abuse is crucial in the analysis here.

At the end of a self-defense discussion and review of the law the presenter should emphasize that the person with the greatest injuries could still be the predominant aggressor. The person who is dead could even be the predominant aggressor.

Probable Cause and Dynamics Exercise

Directions: The purpose of this exercise is to have law enforcement officers identify factors that arise in investigating domestic violence cases that should *not* be considered when establishing probable cause. It is an opportunity to loop what they see back to dynamics, if time permits in the mandatory arrest section of the training.

This exercise can be done very quickly by having officers shout out answers or working in small groups. Following are sample responses.

What NOT to Consider When Establishing Probable Cause

- The marital status of the parties
- If the victim is living with the suspect
- If the parties are of the same gender
- If the parties are transient to your community
- If the house has not been cleaned
- Jail space problems in your county
- If the victim recanted in the past or expressed anger at a perpetrator's arrest.
- If a victim left the suspect in the past and has returned to the relationship
- If the victim appears reluctant or afraid to proceed with a case
- If there are no witnesses
- If the victim's injuries are not considered "bad enough"
- If the victim has rejected the idea of no contact with the perpetrator
- The wishes of either party concerning arrest or prosecution
- Assurances that the violence or threats will stop
- Financial consequences of arrest
- The race, gender, ethnic origin, social class, sexual orientation, education or occupation of either party
- If the officer knows the suspect
- If the suspect is a law enforcement officer

Report Writing Exercise

- Following are two reports on the same incident.
- You will notice that neither report is “bad.” The “meat” of the report is basically the same in both regarding the facts of the domestic. However, the second report has significantly more detail.
- In small groups have officers identify the difference between the reports – e.g. what was not collected in the 1st report; what makes the 2nd report better.
 - Those areas include: demeanor, history, more detail on observations, interviews with children, information regarding pet abuse, firearms issues.
 - Process with the group why every one of those areas is important to the case and/or for safety planning/homicide prevention.

You should provide a copy of each report for each person or small group.

ANYTOWN POLICE DEPARTMENT

DATE OF REPORT: October 12, 2005

DISPATCHED AS: Domestic/Family Trouble

CASE OFFENSE: ARRESTED PERSON/DOMESTIC/DC

ADDRESS OF OCCURRENCE: 123 Sesame Street

CALL DATE/TIME: 10/12/05 20:46

DISPATCH DATE/TIME: 10/12/05 20:47

REPORTING OFFICER: PO Michael March

SPECIAL ROUTING:

SUSPECT: ALLEN A. ADAMS
M/W DOB 11/23/63 (42 yrs.) 6' 1", 200 lbs.
Hair color: Bro Eye Color: Bro
123 Sesame Street H: 555-1234
EMPLOYER: Anytown Public Schools
HOW ID'D: WI Photo ID
STATUS: County Jail

VICTIM: Veronica Adams
F/W DOB 1/20/65 (40 yrs) 5'5" 145 lbs.
123 Sesame Street H: 555-1234

EMPLOYER: Anytown Public Schools
HOW ID'D: WI Photo ID

RELATIONSHIP: Parties have been married for 20 years. They have three children in common.

ATTACH: 72-HOUR VICTIM NOTIFICATION OF NO CONTACT PROVISION—
WAIVED

On October 12, 2005 @ approximately 8:47 p.m. I was dispatched to 123 Sesame Street for a domestic involving a man and a woman. Dispatch advised that the male was intoxicated and had firearms in the house. I requested back-up and was notified that Officer Smith was on his way.

Upon arrival I knocked on the door and a woman, later identified as Veronica Adams, answered. Also in the entrance was a male, later identified as Allen Adams. I asked the male to have a seat on the couch.

Veronica Adams and I went into a back first floor bedroom and I asked her what was going on. She had fallen asleep earlier in the same bedroom where I was interviewing her. Adams entered their bedroom and began to wake her up. She stated she was annoyed with his behavior and his drinking and told him to leave

her alone, but that he did not. She stated that she eventually went out into the living room where the argument continued. She said he was saying things like "You stupid bitch" and that he also called her a "whore." She stated that they were both standing in the living room in front of the couch when he began approaching her with his arms up like a boxer and with his hands clenched in a fist. She stated as he approached she had to keep backing up and she ended up in a corner in the connecting kitchen. Veronica Adams stated that as Adams was "backing her up" he yelled, "I'm going to smash your head into something." She stated she was disturbed by his actions. Adams stated at this time she slapped him across his face and that he responded, "Go ahead, hit me again, I'll hit you back."

I asked Veronica Adams if any of their children witnessed the incident and she said that only her daughters were home and that her daughters were asleep the whole time.

I interviewed Allen Adams in the living room. I asked Adams if he was injured in any way and he stated "No" but said that his wife had slapped him. I asked him if the slap caused him pain and he said "No." I did not see any injury to him. I asked Adams what happened tonight and he said, "Nothing." I told him that it was unlikely that the police were called to his house for nothing, at which point he informed me that he had nothing else to say to the police.

I advised Adams that he was under arrest and placed him in double-locked handcuffs, checked for fit. He was searched incident to arrest. Adams was then placed in the back of my squad. I then returned to the house and went over the 72 Hour No Contact Form with Veronica Adams who waived the 72 hour no contact protection. Veronica Adams said that she and her husband work at Central High School and that a no contact would be too embarrassing to her.

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STATUS: County Jail

VICTIM: Veronica Adams
F/W DOB 1/20/65 (40 yrs) 5'5" 145 lbs.
123 Sesame Street H: 555-1234

EMPLOYER: Anytown Public Schools
HOW ID'D: WI Photo ID

RELATIONSHIP: Parties have been married for 20 years. They have three children in common.

WITNESSES: Bill Adams, DOB 7/8/89, Central High student, 11th grade
Laura Adams, DOB 3/8/95, Anytown Elementary, 4th grade
Jill Adams, DOB 1/1/02

ATTACH: 72 HOUR VICTIM NOTIFICATION OF NO CONTACT PROVISION—
WAIVED

On October 12, 2005 @ approximately 8:47 p.m. I was dispatched to 123 Sesame Street for a domestic involving a man and a woman. Dispatch advised that the male was intoxicated and has firearms in the house. I requested back-up and was notified that Officer Smith was on his way.

Upon arrival I stood outside the entrance of the home and heard a male voice yell, "Who the hell called the police?" I knocked on the door and a woman, later identified as Veronica Adams, answered. I observed that she was crying and had apparently been crying for some time. Also in the entrance was a male, later

identified as Allen Adams. I asked the male to have a seat on the couch. Officer Smith arrived and I asked him to stay with Adams while I interviewed Veronica Adams.

Veronica Adams and I went into a back first floor bedroom and I asked her what was going on. She stated that she was "tired of being a prisoner in her own home." She stated that her husband gets "crazy when he drinks." I asked her what happened tonight. She stated that he arrived home around 8:00. She had fallen asleep earlier in the same bedroom where I was interviewing her. Adams entered their bedroom and began to wake her up. She stated she was annoyed with his behavior and his drinking and told him to leave her alone, but that he did not. She stated that she eventually went out into the living room where the argument continued. She said he was saying things like "You stupid bitch" and that he also called her a "whore." She stated that they were both standing in the living room in front of the couch when he began approaching her with his arms up like a boxer and with his hands clenched in a fist. She stated as he approached she had to keep backing up and she ended up in a corner in the connecting kitchen. Veronica Adams stated that as Adams was "backing her up" he yelled, "I'm going to smash your head into something." She stated that she was very threatened by this behavior because he is very unpredictable when he drinks. She stated she was disturbed by his actions. Adams stated at this time she slapped him across his face and that he responded, "Go ahead, hit me again, I'll hit you back." Throughout her statement, Adams continued to softly weep.

I asked Veronica Adams if any of their children witnessed the incident and she said that only her daughters were home and that her daughters were asleep the whole time.

Veronica Adams said that her husband only acts this way when he has been drinking. She stated that he had one conviction for battery in the early 90's. The judge gave him a fine. She said that he frequently threatens her, but hasn't hit her since then. I asked Veronica Adams to remain in the bedroom while I continued my investigation.

I interviewed Allen Adams in the living room and asked Officer Smith to stay with Veronica Adams. I asked Adams if he was injured in any way and he stated "No" but said that his wife had slapped him. I asked him if the slap caused him pain and he said "No." I did not see any injury to him. I asked Adams what happened tonight and he said, "Nothing." I told him that it was unlikely that the police were called to his house for nothing, at which point he informed me that he had nothing else to say to the police.

I then asked to speak with the two girls. Veronica Adams was hesitant to let me speak with them. I told her I had to check on their welfare. I first met with Laura Adams who is 10 years old. She told me that she hadn't heard anything, but that

she “doesn’t like to be around Dad when he is drinking.” Laura would not make eye contact with me and was reluctant to speak with me. I asked her if she felt safe in the house and she said “yes.” I asked her if she was worried for anyone’s safety and she said no.

I then met with Jill in her bedroom. Jill will be 4 years old in January. I asked her if she knew why the police were in her house and she said, “Daddy was screaming at Mommy. It woke me up.” I asked her if she knew what Daddy was screaming and she said she did not. She said she was up in her room during the argument. I asked her if she felt safe in the house and she said “Not when Daddy gets angry.” I asked her what she is afraid of but she did not say anything. I asked her what happens when she is punished. She said she gets a time out and yelled at by both of her parents. I ask her if she has any pets. She said she has a dog, Bingo. I asked her if the dog is safe in her house. She said that Daddy sometimes says he will hurt the dog when he is angry. I asked her to give me more information about that, but she didn’t say anything.

After returning downstairs I asked to see the family dog, a golden retriever. I did not see any sign of injury.

I advised Adams that he was under arrest and placed him in double-locked handcuffs, checked for fit. He was searched incident to arrest. As Adams was being taken out of the residence he started to yell that Veronica was a “bitch.” All of the family members were separated from Adams the entire time we were present in the home. Adams was then placed in the back of my squad. I then returned to the house and went over the 72 Hour No Contact Form with Veronica Adams who waived the 72 hour no contact protection. Veronica Adams said that she and her husband work at Central High School and that a no contact would be too embarrassing to her. I then asked her if there were weapons in the house. She said yes. I asked her if she would bring them to me since Adams was not allow to possess them due to his prior conviction for battery. Officer Smith took three weapons tagged them under Property Tag #123445. See Officer Smith’s report regarding the weapons.

No Contact Exercise

The purpose of this exercise is to get law enforcement to change the paradigm in which they consider no contact violations as misdemeanors at most.

Prior to referring officers to the no contact handout—have officers identify the different types of no contact orders and whether violations of those orders are crimes. Use a flip chart and list them.

Following are examples:

72 hour no contact order	violation has a forfeiture remedy only
No contact bail conditions	violation is a crime (misdemeanor is underlying crime is a misdemeanor, felony is underlying is a felony)
Probation or ES no contact	violation is not always a crime—but agent should be contacted for a hold
TRO/Injunction	violation is a crime
Family Court order	violation is not a crime (although conduct may be)

Then ask the officers if any of these violations are happening—what felony should be considered for investigation? STALKING

Police Entitlement Exercise

Select a male officer from the audience

Comment on the privileges given to officers by their community, rights entrusted upon them, which members of the general public do not have:

- They can be armed
- They can use force
- They can even use deadly force

Tell the officer he is entering into a potentially explosive situation and ask him how he would use his body to indicate he is in taking control.

Tell the officer that he has ordered you to stay put and you are not listening. Walk away and ask him to use a “verbal stun” telling you to stop.

Discuss with the audience how officers have been trained to be in control at work and how important it is for officers “not to be in control of their intimate partners.” Remind them that bringing their control techniques home can be intimidating to their partners and may be in violation of the law.

Self-Defense Exercise

Law enforcement officers seldom question the use of force in self defense in stranger assaults. Indeed, in sexual assault cases, they frequently question the credibility of victims who comply with the demands of their assaulters, expecting victims to use force in self defense (rather than understanding that they may be afraid to not comply.) When victims use force in domestic incidents, however, they are frequently arrested without officers doing a self defense analysis. This exercise explores various ways that victims might defend themselves, what levels of force are reasonable and non-leading investigative questions to explore self defense.

Setting up the exercise:

The trainer (an officer or prosecutor) selects an officer from the audience. Select someone larger than the trainer to make it comparable to the average domestic couple. If both trainers are men, consider selecting a female officer to act as the victim in the demonstration. Remind them that the victim doesn't have the skills and training of a law enforcement officer. If there is a dramatic difference in age between the two, tell the audience to pretend they are the same age.

Have officers think about their right to self defense:

First have the "volunteer officer" play the role of an officer. The trainer pretends he/she is holding a broken wine bottle in the air, appearing (without moving) to be threatening the officer. Then ask how many steps the trainer has to take towards the officer before the officer can defend himself. Process the analysis: bottle is deadly force, could kill quickly or immediately by throwing the bottle, officer gets to use up to deadly force to defend himself. Ask what kind of investigation you would want done if you (officer) had to use deadly force.

Segue to domestic investigation:

Have the "volunteer officer" raise his fist to the trainer. Explain to the audience that the trainer is in a domestic relationship with the volunteer and that the trainer reasonably fears immediately threat of violence to his/her person. Also tell the audience that you are going to explore victim's options, assuming that there is nothing within reach for a victim to use.

Ask these step by step questions:

- Does the victim (female trainer or officer volunteer) have to let the abuser (officer volunteer) punch him/her before the victim can punch the abuser to try and stop the abuser? Process how this is legally self-defense (unless the victim is much more powerful and strong than the abuser). Also process why victims might not do this. (i.e. won't stop the abuser, will make him feel even more empowered to hit victim and he will tell the officers that the victim hit him first.)
- Ask what else a victim can do in self-defense (reminding them there is nothing within reach for a victim to use (throw up obstacles with every suggestion.) Following is a list of the most common suggestions and how to respond:

- Kick the abuser in the groin. Why victims might not do this (i.e. won't stop the abuser, will make him feel even more empowered to hit victim and he will tell the officers that the victim kicked him.)
- Run away. Why victims might not do this (assuming victims aren't back into a place where running away is not an option). Ask the officers if they have ever chased a perpetrator and whether it calmed them down. Now relate that to the victim's options, noting that if the victim knows that the victim can't outrun the abuser and does, that the victim will be hurt more severely
- Scratch and bite. Talk about these being most commonly defensive wounds.

Segue to use of other objects to equalize the threat:

- Ask if victim can throw a chair or something else at the abuser.
- Then ask if victim can stab or shoot the abuser. The answer, of course, in determining whether a level of force is reasonable is whether the fear was reasonable. History or threats during the incident are crucial in determining reasonableness.

Have officers identify those non-leading and non-judgmental questions that will get to the fear to see if the force is reasonable (i.e. what did you think would happen if the abuser hit you? Ask victim to explain the answer. Determine if the threat to victim is based on history of violence and threats or threats made during the incident.)

General Domestic Abuse Scenarios

The main issues that these scenarios have been designed to discuss appear at the top of each scenario. If you are going to give officers copies of the scenarios, they should be given a copy without the issue identification information.

It is suggested that with each question, officers be asked if the relationship fits the statutory definition of a domestic relationship in Wisconsin and if the facts require a mandatory arrest. Each element of mandatory arrest should be explored with each question separately. Note: most of the scenarios require more information. Praise officers who recognize this and ask what kind of further investigation needs to be done.

Have the officers identify every crime committed and state the elements of those crimes.

Scenarios can be answered in small groups or with the entire audience. Some can be acted out. Role-playing officers should come cold to the scene and try and determine the facts of the scenario. It also gives the participating officer(s) a chance to show how the officer(s) will try to ensure officer safety, separate the parties and secure the scene.

It is recommended to use experienced officers who have demonstrated during the training that they would be good interviewers.

1. Issues: Which acts constitute a crime (identifying elements), determining the predominant aggressor, evidence collection.

An adult male and female have been living together for two years. The male is physically larger than the female. Dispatch tells you a neighbor called in a noise complaint and only heard what sounds like a female voice. No other witnesses are available.

Your interviews reveal the following:

The female came home and was upset about a poor grade she received in her evening class. She became increasingly upset that the male appeared disinterested in her problem. The female picked up the male's pocket calculator and threw it to the floor to show how upset she was. The calculator broke. The male then took a can of furniture polish and threw it at her head, hitting her in the forehead, causing visible redness and a slight abrasion. You are able to determine that the female did not threaten the male and he tells you he was not fearful for his safety, but was upset about the broken calculator. The female admits being angry and breaking the calculator and states she thought he was trying to hit her with the can. Neither wishes to pursue a complaint against each other.

You locate the remains of the calculator and the can of furniture polish on the floor. Both subjects seem angry with each other, but will not speak with you any further about the incident.

What if the female had ducked and the can of furniture polish did not hit her?

2. Issues: Which acts constitute a crime (identify elements), determining the predominant aggressor, evidence collection, possible same sex relationship.

Two adult men, Archie and Reggie, have lived together for two years. There is no reported history of violence between them. Reggie is physically larger than Archie. A neighbor called in a noise complaint but only heard an unknown loud male voice. No other witnesses are available.

Your interviews reveal the following:

Reggie came home, upset over something that happened at work. Archie was not interested in hearing about Reggie's problems. Reggie grabbed Archie by the arms, yelling and complaining that Archie didn't care about Reggie's problems. Archie had a can of oven cleaner in his hand. He sprayed Reggie in the eyes with it, causing Reggie to let go of Archie's arms. The oven cleaner blinded Reggie. Upon your arrival you are able to determine that Archie was upset that Reggie grabbed his arms. Archie has visible bruises on his arms where Reggie grabbed him. He tells you it hurt and he didn't give consent. Archie tells you he sprayed Reggie in the eyes to get away from him and he was aware that oven cleaner could cause blindness.

You locate the oven cleaner on the floor. Neither man wants the other arrested.

What if Archie tells you he was not aware that oven cleaner could cause blindness?

3. Issues: Which acts constitute a crime (identify elements)? Reasonable belief no further likelihood of abuse against victim.

Three adult males have lived together for three months. There is no history of violence among them. A neighbor called in complaining of noise coming from the male's apartment. No other witnesses are available.

Your interviews reveal the following:

Tom was upset because something happened at work. He was in his bedroom, alone, shouting and throwing his property around because he was mad at his boss. Dick was awakened by the noise and told Tom to quiet down. Tom responded stating, "Shut up and leave me alone!" Dick told Tom to stop making noise and Dick returned to bed.

Harry arrived home from work and heard Tom shouting and throwing things around his bedroom. Dick awakened again and told Harry that if Tom did not stop making noise he would "punch his lights out" to quiet him down.

Upon your arrival you observe Tom to be visibly upset about what happened to him at work. The other two roommates express their annoyance with his behavior. Dick admits he told Harry he was going to punch Tom's lights out, but he really didn't intend to.

None of the parties wants anyone arrested.

4. Issues: Determining predominant aggressor, two incidents vs. dual arrest, charging victims with obstructing, interviewing children, evidence collection.

Mom and Dad have lived together for twenty years. Dad was arrested for domestic battery one year ago. Mom was the victim in the previous case. Mom is physically larger than Dad.

When you arrive you observe an EMT treating Dad for blindness. Mom has a bruise forming on her face.

Your interviews reveal the following:

Dad says he accidentally sprayed oven cleaner into his eyes. Mom says she fell earlier while jogging. You interview a child who tells you that Dad came home upset over something that had happened at work. Dad became increasingly angry that mom appeared disinterested. Dad walked up to mom and slapped her hard in the face. Dad then sat down in the living room. Dad yelled at Mom from the living room that this whole incident was Mom's fault. Mom then walked into the living room and sprayed oven cleaner into Dad's eyes causing blindness.

Should anyone be arrested? Would this be a dual arrest? Should anyone be charged with obstructing?

5. Issue: Do you have probable cause that a crime has been committed? If not, what do you do with the vulnerable adult?

You are sent to a call from an *anonymous* complainant who is concerned for the welfare of a mentally disabled adult male. The complainant, using a non-traceable cell phone, told dispatch that she witnessed the male's father hit him in the past, but police were not called. The caller tells dispatch that the father punched the son in the face a few minutes prior to the call.

Upon your arrival you note that the family's home is in an isolated area with no observable neighbors or potential witnesses. You make contact with the father and son and separate them. The son has very limited cognitive and communicative abilities. You observe a large, fresh bruise on the left side of his face.

Your interviews reveal the following:

The father denies having ever struck his son and tells you that his son must have fallen down again. He admits to being upset and frustrated but tells you that this is a family matter and you are no longer welcome in his house. The son appears timid and withdrawn when you ask him how he got the bruise. He begins to cry and is unable to provide you with any other information.

6. Issues: Officer involved domestic call. Do officers know if their agencies have policies and what they are? Have some officers share their policies. Address weapons concerns and officer safety issues.

You are the first officer to arrive on the scene of a domestic. Dispatch informs you that the caller is one of your colleagues. In what ways, if any, do you approach this investigation differently than other domestic calls?

7. Issue: What acts constitute a crime? Is this a mandatory arrest?

You are dispatched to a house on a noise complaint. The couple is married and has been arguing over money problems.

Your interviews reveal the following:

The female yelled at the male for spending too much money on a new stereo system. While the male was at work, the female returned the stereo system to the store. Upon returning home the male discovered the missing stereo. The two tell you they were in a heated argument but no threats or physical violence took place. A neighbor called the police and told the officer that the arguing disturbed him. The male stated that it disturbed him that the female took the stereo back to the store.

8. Issue: What to do when the parties have conflicting court orders. What would be a best practice here?

You are called to a house on a Friday evening by a neighbor who hears a couple arguing about their child in their driveway. The father shows you a Family Court Order giving him visitation rights every Friday through Sunday evening. The mother shows you a Domestic Abuse Injunction that has a condition of no contact with her and a condition that he cannot be at her residence. The child is 12 months old and is crying.

9. Issues: Sensitivity to cultural issues--need for interpreters, not using children as interpreters.

You are called to an apartment regarding an intoxicated man who threatened his brother with a gun. You are led into a room with ten Hmong men who are sitting around a table drinking in celebration, having just learned that a family member is expecting a child. You learn that the suspect has been a part of this group. The suspect and the adult men

do not speak English. There is a ten year old cousin of the suspect whose speaks Hmong and English fluently.

What are some other issues that may come into play with immigrant victims and suspects?

10. Issue: Stalking, stalking warning letter

You are called to a clinic. Your interviews reveal the following:

Jane is a receptionist in a medical clinic. Today is her birthday. She received flowers from her ex-boyfriend, Joe. The card with the flowers read, "Too close in the past, not to remain friends." Tonight he text-messed her telling her he would like to see her new apartment. For the past two weeks, Jane has "run into" Joe several times during her drive to work, leaving work and at the supermarket. She does not want to have any contact with Joe. She confides in a doctor at the clinic who advised her to call the police.

What additional information do you need to know to determine whether a crime has been committed? If you find out more information, what crime might this be?

If you do not believe you have enough to arrest Joe and believe this is potentially a crime, what steps can you take and what steps can you advise the victim to take to attempt to intervene with Joe?

11. Issue: Constructive Notice, Serving the Injunction

Clark is served with a copy of a domestic abuse temporary restraining order. Clark chooses to not attend the injunction hearing. The order is granted against him. On the evening of the injunction hearing, prior to being served with notice of the injunction, the respondent makes contact with the petitioner. The petitioner calls to report the contact.

12. Issue: Possible same sex relationship, possibility of recent incident

While you are on patrol, a woman named Betty approaches you. Betty tells you that she has lived with another woman, Veronica, for approximately one year. Betty requests that you respond to the residence with her so that she can retrieve some things from the apartment. She tells you she is moving out and is concerned that Veronica will be upset. Betty states that there have been some problems recently and she would just like to avoid any conflicts.

You notice that Betty has a bandage on her forehead. Being the good officer you are, you ask Betty about it. She tells you that Veronica hit her with her fist about a week ago. Betty says she didn't call the police because it was Betty's fault. She hasn't been back to the apartment since then.

What do you do next?

13. Issue: Is this a mandatory arrest situation? (pro-arrest policies) What crimes have been committed (elements)?

Rachel and Ross have been dating for two years. Rachel lives with her roommate Monica. Ross lives alone. One night Ross and Rachel have an argument at her apartment. He is angry because he thinks she has been flirting with his friend Joey. Ross slaps Rachel hard across her face, leaving a red mark. When she tries to pick up her cell phone to call for help, he grabs it out of her hands. Monica runs in from her bedroom when she hears Rachel yelling. Monica then calls the police.

14. Issue: Checking for the safety of everyone in the home. Establishing rapport with a child.

You are called to the scene of a domestic to the Cleaver home of a family of four, Ward and June and their sons Wally and Beaver. June is crying and says that Ward hit her because she didn't vacuum the living room twice today. Wally, a teenager, runs out of the house just before the police arrive and leaves the scene. Beaver, a 9 year old, is dusting the living room furniture (which already sparkles.) He is trying to avoid your gaze.

What issues should you address in your interview of Beaver?

It is recommended that this scenario be acted out. A trainer should portray Beaver who is very reticent about given any information. Select an officer who you think will do a good job in interviewing the child.

15. Issue: Victim, pregnant—health concerns, documentation--interviewing exercise.

You are called to the scene of a domestic. A neighbor called in a report of hearing a woman crying and a male screaming at her to stop crying. Upon arrival you find a women who appears to be approximately five months pregnant. She tells you that she and husband are stressed out because they are having financial difficulties and that during the argument her husband "choked" her. Continue to interview her.

It is recommended that this scenario be acted out. A trainer should portray the victim. The focus should be on encouraging the victim to get medical assistance and determining and documenting any symptoms the victim is experiencing.

16. Issue: Possible immigration issues, workplace/domestic violence, possible stalking (address issue of whether a victim can be stalked if living with perpetrator)

You are called to the workplace of a young woman who speaks some English, but has difficulty understanding you. Her first language is Spanish. Co-workers called because the woman's husband came to the workplace and was yelling at her, accusing her about

having an affair with one of her co-workers. You were informed by dispatch that he threatened to kill her. She is reluctant to speak with you. How do you proceed with the interview? What are some concerns you must recognize and address?

17. Issue: Enforcing Foreign Protection Orders, Mandatory Arrest

Kevin presents law enforcement with an injunction from California that was granted five years ago. The order states that Brittany cannot have any contact with him and that he has custody of their son. Kevin states that the Brittany violated the injunction by coming to Wisconsin, having contact with him and trying to take their son.

18. Issue: Elder Abuse, probable cause, further investigation

You are called to an apartment of a 75 year old woman who lives with her 50 year old son. A neighbor called 911 when she heard the woman scream for help. The neighbor told dispatch that she went to the next apartment and knocked on the door and the son just screamed at her to go away. The woman appears timid and confused. The son has nothing to say to you. What do you do?

19. Issue: Minimum age for adult perpetrator in a domestic for mandatory arrest.

You are called to an apartment of an 18 year old college student, Madison, living with her 17 year old boyfriend, Denver. The 18 year old is a victim of the 17 year old. Would this relationship be covered for mandatory arrest?

What if the 17 old were the victim of the 18 year old?

APPENDIX D: HANDOUTS

The handouts associated with this manual are located in a separate document. This was done to make printing and distribution easier. To access that document, [click here](#).

Note: The last handout, entitled “[Medical Forensic Terminology](#),” is **optional**.

If the handouts document does not open when you click the link above, please contact the Justice System Training Program at the Wisconsin Office of Justice Assistance at: (608)266-3323 or OJAJusticeSystemTraining@wisconsin.gov.