Investigating Domestic Abuse:

Law Enforcement’s Role in Homicide Prevention and Ending Intergenerational Violence

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Power & Control Wheel

Using Coercion and Threats:
- Making and/or carrying out threats to do something to hurt her
- Threatening to leave her, to commit suicide, to report her to welfare
- Making her drop charges
- Making her do illegal things

Using Intimidation:
- Making her afraid by using looks, acting, gestures, smashing things, destroying her property, abusing pets, displaying weapons

Using Economic Abuse:
- Preventing her from getting or keeping a job
- Making her ask for money
- Giving her an allowance
- Taking her money
- Not letting her know about or have access to family income

Using Emotional Abuse:
- Putting her down
- Making her feel bad about herself
- Calling her names
- Making her think she's crazy
- Playing mind games
- Humiliating her
- Making her feel guilty

Using Privilege:
- Treating her like a servant
- Making all the big decisions
- Acting like the "master of the castle"
- Being the one to define men's and women's roles

Using Children:
- Making her feel guilty about the children
- Using the children to relay messages
- Using visitation to harass her
- Threatening to take the children away

Using Isolation:
- Controlling what she does, who she sees and talks to, what she reads, where she goes
- Limiting her outside involvement
- Using jealousy to justify actions

Minimizing, Denying & Blaming:
- Making light of the abuse and not taking her concerns about it seriously
- Saying the abuses didn't happen
- Shifting responsibility for abusive behavior
- Saying she caused it
Power & Control Wheel with Wisconsin State Statutes

Crimes of Physical Violence
- 940.19(1)-(6) Battery – Simple, Substantial, Aggravated
- 939.32(1)&(3) Attempted Battery
- 940.20(1m) Battery to Person Subject to Restraining Order or Tribal Order
- 940.21 Mayhem
- 940.23 Reckless Injury
- 940.24 Injury by Negligent Handling of Dangerous Weapon
- 940.235 Strangulation and suffocation

Using Coercion & Threats
- 943.30 Threats to injure or accuse of crime
- 940.42-45 Intimidation of Victim/Witness
- 941.23 Carrying Concealed Weapon
- 943.32 Robbery
- 946.31 & 939.30 Solicitation to Commit Perjury

Using Economic Abuse
- 943.20 Theft
- 943.38 Forgery
- 943.02 Arson
- 943.10 Burglary
- 943.32 Robbery
- 943.39(2) Fraudulent Writings
- 940.285 Abuse to Vulnerable Adult

Using Privilege
- 941.01 Negligent Operation of Vehicle
- 941.20 Endangering Safety by Use of Dangerous Weapon
- 931.30 Recklessly Endangering Safety
- 943.01 Criminal Damage to Property

Using Children
- 940.31 Kidnapping
- 940.32 Stalking
- Ch. 948 Crimes Against Children
- 949.31 Interference with Custody

Using Emotional Abuse
- 941.30 Recklessly Endangering Safety
- 943.01 Damage to Property
- 947.013 Harassment
- 951.02 Mistreating Animals

Using Isolation
- 940.30 False Imprisonment
- 940.305 Taking a Hostage
- 940.31 Kidnapping
- 943.14 Criminal Trespass to Dwelling
- 942.05 Opening Letters

Using Intimidation
- 940.32 Stalking
- 940.42-.45 Intimidation of Victim/Witness
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- 947.013 Harassment

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The following crimes might fit any of the behaviors listed on the wheel:

Chapter 813 Violation of a restraining order, including foreign orders of protection
- 939.05 Parties to Crime
- 939.24 Criminal Recklessness
- 939.26 Criminal Negligence
- 939.30 Solicitation
- 939.31 Conspiracy
- 939.32 Attempted Crimes
- 939.46 Coercion
- 946.49 Bail Jumping
- 947.01 Disorderly Conduct
- 940.42.45 Intimidation of Victim/Witness
- 940.32 Stalking
- 940.225(1) First Degree Sexual Assault
- 940.225(2) Second Degree Sexual Assault
- 940.225(3) Third Degree Sexual Assault
- 940.225(3m) Fourth Degree Sexual Assault
- 947.013 Harassment
- 947.012 Unlawful Use of Telephone
- 947.0125 Unlawful Use of Computerized Communication System
- 940.225 Abuse of Vulnerable Adult
- 943.30 Threats to injure
Escalation of Violence

verbal abuse

↓

throwing things, punching walls

↓

pushing, shoving, grabbing, throwing things at the victim

↓

slapping with an open hand

↓

kicking, biting

↓

hitting with a closed fist

↓

attempted strangulation

↓

beating up—pin to wall, floor, repeated kicks, multiple punches

↓

threats with a weapon

↓

assaults with a weapon

Many abusers do not use violence until other forms of control have failed. If law enforcement is called to the scene of an attempted strangulation it is probable that most of the lesser acts have occurred in prior incidents whether reported or not.
Dispelling the Myths of Domestic Violence

Myth: Domestic abuse is less serious than other crimes.
Truth: Domestic violence accounts for a significant proportion of all serious crimes—aggravated assaults, rapes and homicides.

Myth: Domestic abuse occurs mostly in poor families or in families of color.
Truth: Domestic abuse occurs in all economic, racial, religious and cultural backgrounds. People with few economic resources/options are more likely to call law enforcement for assistance.

Myth: “Minor” incidents of violence are normal in every relationship.
Truth: Violence usually does not occur until other forms of control have failed and tends to escalate. No level of violence should occur in a healthy relationship.

Myth: Bad relationships result in or cause domestic violence.
Truth: Violence is learned behavior where the abuser believes there is a right to abuse. This behavior can also be unlearned in treatment if an abuser recognizes it as a problem and wants to change how to deal with the need to control and use of violence.

Myth: Alcohol and drug use cause domestic violence.
Truth: Many people use alcohol and drugs and are not violent. However, when these substances are used during a violence incident, injuries tend to be more serious and the police are more likely to be contacted for assistance. Many abusers have substance abuse problems also.

Myth: Stress causes domestic violence.
Truth: Everyone has stress in his or her life. Abusers believe they have the right to “take out their stress” on their victims.

Myth: “It takes two to tango.”—Domestic abuse is often provoked.
Truth: No one can make another person be violent. It is a choice made by the abuser.

Myth: Men are abused at the same frequency as women.
Truth: Federal studies show that women are the victims in over 90% of violent incidents between intimate partners.
Myth: Batterers “just snap.”
Truth: If being out of control caused the violence, there would be more homicides. Many batterers are so in control they make sure that injuries inflicted on their victims will be on less visible parts of a victim’s body.

Myth: Leaving an abusive relationship will ensure safety for victims and their children.
Truth: When an abuser learns that a victim is leaving the relationship or has taken a step to stop the power and control (i.e. calling the police, getting a restraining order, filing for divorce) the risk of homicide or serious bodily harm to the victim and her children increases dramatically.

Myth: No one would hit a pregnant woman – especially not the father of the child.
Truth: There is a very high incidence of battering during pregnancy. Many victims are physically battered for the first time during the pregnancies.

Myth: Abuse to elders is not domestic violence.
Truth: Many elders are physically or emotionally abused or financially exploited by family members or others who hide behind the excuse of caregiver stress.

Myth: Abuse in same sex relationships is mutual.
Truth: Same sex domestic violence involves similar issues of power and control and the predominant aggressor analysis should be used.

Myth: Domestic abuse is more prevalent and is condoned in the immigrant population.
Truth: Immigrant populations are not more violent than the general population. Immigrant victims of domestic abuse may be afraid to report their abuse for fear of deportation of themselves, their children and their abusers.
NEUROBIOLOGY OF TRAUMA

**Neurobiology** is the study of cells of the nervous system and the organization of these cells into functional circuits that process information and mediate behavior. It is a sub-discipline of both biology and neuroscience.

**Trauma** is a single experience, or an enduring or repeating event or events, that completely overwhelm the individual's ability to cope or integrate the ideas and emotions involved with that experience. The sense of being overwhelmed can be delayed by weeks, years, even decades, as the person struggles to cope with the immediate circumstances. Trauma can be caused by a wide variety of events, but there are a few common aspects. There is frequently a violation of the person's familiar ideas about the world and of their human rights, putting the person in a state of extreme confusion and insecurity. This is also seen when people or institutions depended on for survival violate or betray or disillusion the person in some unforeseen way.

**QUESTION: WHY IS IT IMPORTANT FOR INVESTIGATORS TO HAVE A WORKING KNOWLEDGE OF THE NEUROBIOLOGY OF TRAUMA?**

**ANSWER: TO UNDERSTAND HOW AND WHY VICTIMS AND WITNESS PROVIDE INFORMATION POST TRAUMATIC EVENT!**

Traumatic event occurs
Hormonal cascade is triggered
Evolutionary survival responses engage
Physical and psychological reactions begin

**Adrenaline/Epinephrine:** is secreted by nerve endings and increases the heart rate, opens airways to improve oxygen intake, dilates pupils, cause auditory exclusion and increases blood flow to muscles when a person is scared, excited or under stress. Think OIS, pursuits. This is the hormone responsible for what is known as the "**Fight or Flight**" response.

**Oxytocin:** is a hormone released from the blood stream and nerve centers inside the brain. It is an endogenous opioid that controls pain and overwhelming emotions and is known to have an amnesia effect. It is the hormone that triggers labor and creates bonding, think childbirth/lactation. It lowers blood pressure and other stress-related responses. ‘**Tend & befriend’**.

**Testosterone:** is secreted from the testes, ovaries and the adrenal glands. In conditions of stress it increases rates of blood circulation, breathing and carbohydrate metabolism. This prepares muscles for exertion. It is know as the fight hormone. Both men and women produce and secrete testosterone in trauma situations. ‘**Stand and fight’**.
Wisconsin Mandatory Arrest Law - 2005 Act 104
Effective April 1, 2006

When Arrests Are Mandatory:

1. Arrest is mandatory if an officer has probable cause that a person has violated one of the following:
   • Domestic abuse restraining order or injunction
   • Child abuse restraining order or injunction
   • Harassment restraining order or injunction
   • Foreign protection order. Or...

2. There are circumstances requiring arrest under the mandatory arrest analysis (the officer has reasonable basis for believing that continued domestic abuse against the alleged victim is likely and/or there is evidence of physical injury to the alleged victim.)

3. There is a change from Analyzing the Primary Physical Aggressor to Predominant Aggressor. Predominant Aggressor is defined as the most significant, but not necessarily the first, aggressor in a domestic abuse incident.

Legislative Intent That Officers Not Arrest Victim:

The law reflects the legislative intent to protect victims from arrest.

Mandatory Investigative Strategies to Be Used in Determining the Predominant Aggressor:

- History of domestic abuse between the parties, if it can be reasonably ascertained by the officer 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.

Immediate release of arrested person under mandatory arrest is prohibited.

Release of the predominant aggressor is not permitted until the person posts bail or appears before a judge or commissioner for an initial appearance.
Law Enforcement Agencies Must Have Policies Which Reflect:

- A statement reflecting a pro-arrest policy if the officer has probable cause that a crime of domestic abuse has been committed which does not meet the requirements of mandatory arrest. (i.e. the officer has reasonable basis for believing that continued domestic abuse against the alleged victim is likely and/or there is evidence of physical injury to the alleged victim)
- The prohibition of immediate release in a domestic abuse arrest as stated above.
- A statement emphasizing that the officer’s decision as to whether or not to arrest may not be based on the consent of the victim to any subsequent prosecution or the relationship of the parties.
- A statement emphasizing that law enforcement officer’s decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.
- A statement discouraging, but not prohibiting, the arrest of more than one party.
- A statement stressing that an officer, in determining whether to arrest a party, should consider whether the party acted in self-defense or in the defense of another.
- While the agency can establish policies that require arrests under more circumstances that set forth under mandatory arrest—those policies may not conflict with the presumption that the officer should only be arresting the predominant aggressor. Unless the arrest is mandatory, “it is generally not appropriate for a law enforcement officer to arrest anyone…other than the predominant aggressor.”
- The other requirements for departmental policies in this section of the statute regarding policies were not amended. They include:
  - A procedure for the written report and referral required where no arrest is made.
  - A procedure for notifying the alleged victim of the incident of the provisions of the No Contract Prohibition, the procedure for releasing the arrested person and the likelihood and probable time of the arrest person’s release.
  - In the development of these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents.
  - The issuance of a citation for a misdemeanor for a domestic abuse crime meeting the requirements of mandatory arrest is prohibited.

While not currently mandated by the State, it is a best practice for agencies to develop a policy for any officer-involved domestic call.
Felonies Common in Domestic Violence Cases:

- Possession of a firearm (when enjoined by injunction) - 941.29 (1) (f)
- Battery: special circumstances (battery by persons subject to injunction) - 940.20 (im)
- Increased penalty for certain domestic abuse offenses - 939.621(a) (2 acts w/in 72 hours)

In addition to:

- Felony Bail Jumping - 946.49(1)(b)
- False Imprisonment - 940.30
- Endangering Safety - 941.30
- Felony Criminal Damage to Property - 942.01 (2)
- Stalking – 940.32
- Aggravated Battery Offenses - 940.20
- Felony Intimidation of a Victim - 940.45
- OMVOC - 943.23
- Threats to Injure - 943.30
- Strangulation/Suffocation - 940.235

Violating a Probation Condition of No Contact May be a Crime - IF DEFENDANT IS WARNED ON THE RECORD WHEN PLACED ON PROBATION:

941.39 Victim or co-actor contact. Whoever intentionally violates a court order issued under s. 973.049 (2) is guilty of a Class A misdemeanor.

973.049 (2) When a court imposes a sentence on an individual or places an individual on probation for the conviction of a crime, the court may prohibit the individual from contacting victims of, or co-actors in, a crime considered at sentencing during any part of the individual's sentence or period of probation if the court determines that the prohibition would be in the interest of public protection. For purposes of the prohibition, the court may determine who are the victims of any crime considered at sentencing.

U.S. Supreme Court Decisions Affecting Investigations:

- Hearsay statements made to law enforcement, Crawford v Washington 124 S. Ct. 1354 (2004). In Crawford, the United States Supreme Court held that statements which are testimonial are not to be admitted into evidence unless the witness takes the stand and is subject to cross-examination.
- The admissibility of 911 tapes as evidence. 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.
Federal Study Finds Two Thirds of Battered Women Also Raped

Prevalence
- Over two-thirds (68%) of women physically assaulted by an intimate partner had been sexually assaulted by their partner
- Almost 80% reported more than one incident of forced sex
- Most of the women did not report the assault to law enforcement or seek assistance—6% contacted police after the first rape and 8% applied for a protection order

Reporting Can Protect Victims
- *Women reporting to law enforcement and the court were less likely to be re-victimized*
- 59% of the women who contacted law enforcement after the first rape were 59% less likely to be raped by the partner again, *whether or not the abuser was arrested*
- 70% of the women who applied for a protection order after the first rape were less likely to be raped again by the abuser
- More likely to have had their abusers harass them at work
- More likely to have death threats

Effects of Sexual Assault on Victims and Their Children
- Women who had been sexually assaulted by intimate partners have:
  - Worse mental and physical health than women who had been physically but not sexually abused
  - More post-traumatic stress disorder (PTSD) symptoms
  - More pregnancies resulting from rape
  - More sexually transmitted diseases.
- 27% of the women surveyed began or increased their use of alcohol, illicit drugs (usually cocaine), or nicotine after they were sexually assaulted by an intimate partner.
- Almost 90% of children of women in the study who were physically assaulted or both physically and sexually assaulted were exposed to these incidents against their mothers.
- By the age of 3, 64% of the children had witnessed the abuse; 30% of them received counseling.
- Older children (aged 12 to 18 years) of sexually abused mothers showed more depression and had appreciably more behavioral problems than children of mothers who had not been sexually assaulted.

Sexual Assault and Domestic Violence:
Assessing for Sexual Violence in the Relationship is Critical to Good Safety Assessments

- Forced sex is associated with increased frequency and severity of physical violence
- Forced sex is associated with more severe injury
- Sexual assault in violence relationship are common and can range from “consensual” sex out of fear to violent assaults

How to Talk about Sexual Violence

- Take your time getting to questions about sexual abuse
- Ask questions that do not call for conclusions (Ex. Have you ever been raped by your partner?)
- Go from the general to the specific
- Use the victim’s terminology when appropriate
- Ask about impact to the victim as well as the act
- Give something back to the victim—information/referrals, validation

Sample Questions (if appropriate to situation)

- Does your partner respect you when you don’t want to have sex, but your partner does?
- Do you and your partner have disagreements about sex? How do you resolve those disagreements?
- Has your partner ever said or done sexually degrading things to you? What happened?
- Have you ever had unwanted sexual experiences with your partner? What happened? Was there force or pressure involved? What happened?
- Have you ever submitted to sex out of fear?
- Has your partner ever hurt you during sex? What happened?

Trujillo, J.D., Olga R. “Examining Sexual Violence in Battering Relationships.”
www.ortsolutions.org
Protecting Victims’ Rights to Contact Law Enforcement

940.44 Intimidation of victims; misdemeanor. Except as provided in s. 940.45, whoever knowingly and maliciously prevents or dissuades, or who attempts to so prevent or dissuade, another person who has been the victim of any crime or who is acting on behalf of the victim from doing any of the following is guilty of a Class A misdemeanor:

(1) Making any report of the victimization to any peace officer or state, local or federal law enforcement or prosecuting agency, or to any judge.
(2) Causing a complaint, indictment or information to be sought and prosecuted and assisting in the prosecution thereof.
(3) Arresting or causing or seeking the arrest of any person in connection with the victimization.

940.45 Intimidation of victims; felony. Whoever violates s. 940.44 under any of the following circumstances is guilty of a Class G felony:

(1) Where the act is accompanied by force or violence or attempted force or violence, upon the victim, or the spouse, child, stepchild, foster child, treatment foster child, parent, sibling or grandchild of the victim or any person sharing a common domicile with the victim.
(2) Where the act is accompanied by injury or damage to the real or personal property of any person covered under sub. (1).
(3) Where the act is accompanied by any express or implied threat of force, violence, injury or damage described in sub. (1) or (2).
(4) Where the act is in furtherance of any conspiracy.
(5) Where the act is committed by any person who has suffered any prior conviction for any violation under ss. 940.42 to 940.45, s. 943.30, 1979 stats., or any federal statute or statute of any other state which, if the act prosecuted was committed in this state, would be a violation under ss. 940.42 to 940.45.
(6) Where the act is committed by any person for monetary gain or for any other consideration acting on the request of any other person. All parties to the transactions are guilty under this section.

Attempts to prevent victims of crimes from reporting crimes are minimally misdemeanors, and are frequently felonies, whether or not the attempt to stop the reporting is successful. When speaking with victims and witnesses, officers should always inquire if attempts were made to call 911. Some failed attempts will never been reported if not asked about. This is especially true with children. Witnesses disturbed by acts or attempted acts of violence are victims of disorderly conduct and therefore are victims under these two statutes.
Officer Safety

MOST OFFICERS KILLED INVESTIGATING DOMESTIC VIOLENCE ARE KILLED DURING THE FIRST 60 SECONDS

Considerations when approaching the scene:
1. How was the call received? If the call originated from the home—chances are the offender knows that law enforcement is responding.
2. If the suspect is on probation or has been drinking, the suspect may flee the scene.
3. The suspect may be on the property and can ambush the first responders.
4. If the call originated elsewhere, law enforcement may have the element of surprise, but the victim may feel “ambushed” and may not cooperate.
5. If you have been at the scene before, suspect may assume you will approach as you have in the past.

Safety Steps to Consider:
1. If you are alone, wait for backup, if possible
2. Consider the threat level (Have you been there before? Weapons?)
3. Emergency lights/sirens let the parties know you are coming and may raise the agitation level of a suspect.
4. Park away from the scene, if possible.

Observations:
1. What do you see and hear? Stand outside for a few minutes and listen.
2. Are there broken windows or doors?
3. Consider approaching indirectly, no up the front walk, if possible.

Safety Steps to Consider:
1. Do not join in the dispute. Stay calm. Watch your voice and body language.
3. Take control of any obvious weapons. Ask where other weapons may be located. Check furniture and cushions before you sit down or allow anyone to sit down.
4. Try to seat the parties. This makes assaults on officers more difficult.
5. Keep instructions calm, simple and direct.
6. When making an arrest, the parties should still be separated.
7. Follow handcuffing protocols to safety handcuff suspects.
Mandatory Arrest Cop Card

This is an example of the Mandatory Arrest Cop Cards produced by the Justice System Training Program at the WI Office of Justice Assistance. The actual card is orange and comes as a 3x5 pocket card.

<table>
<thead>
<tr>
<th>Domestic – Mandatory Arrest</th>
<th>Domestic – Investigative Strategies</th>
</tr>
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<tbody>
<tr>
<td>Pro-arrest policies are urged in dating relationships.</td>
<td>All DV investigations should include screening for Child Abuse (physical or sexual). All Child Abuse investigations should include screening for DV.</td>
</tr>
<tr>
<td>1. Do you (the officer) have PC to believe the suspect’s actions constitute a crime?</td>
<td>A. Interviews – Parties</td>
</tr>
<tr>
<td>2. Is the relationship domestic?</td>
<td>1. Separate parties/interview</td>
</tr>
<tr>
<td>a. Spouse</td>
<td>2. History of Abuse (reported and unreported)</td>
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<tr>
<td>b. Former spouse</td>
<td>3. Document elements of offense</td>
</tr>
<tr>
<td>c. Adults residing together</td>
<td>(If suspect not present, ATL and complete PC affidavit and proceed as above)</td>
</tr>
<tr>
<td>d. Adults who formerly resided together</td>
<td>B. Adult Family Members and Other Adult Witnesses</td>
</tr>
<tr>
<td>e. Adults with a child in common</td>
<td>1. Statements seen/heard</td>
</tr>
<tr>
<td>3. Did the suspect’s acts:</td>
<td>2. History of abuse (reported and unreported)</td>
</tr>
<tr>
<td>a. Intentionally inflict physical pain, injury or illness?</td>
<td>3. If not on scene, canvass for witnesses</td>
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<tr>
<td>b. Intentionally impair victim’s physical condition?</td>
<td></td>
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<tr>
<td>c. Constitute 1st, 2nd or 3rd degree sexual assault?</td>
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<td>d. Cause the victim to fear they are about to be physically harmed or assaulted?</td>
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<tr>
<td>4. Do you (the officer)</td>
<td>C. Interviewing Children</td>
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<tr>
<td>a. Reasonably believe there is a likelihood of continued abuse (bodily harm, sex assault,</td>
<td>1. Separate from all parties and other children</td>
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<td>impairment or threat of harm or assault) against the victim? and/or</td>
<td>2. Assess for child abuse (physical or sexual)</td>
</tr>
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<td>b. Have evidence of physical injury to the victim?</td>
<td>(If child abuse: report as mandated reporter)</td>
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<td>5. Was the crime reported within 28 days of occurrence?</td>
<td>3. Interview about DV incident and DV history</td>
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<td>4. Document demeanor/emotional state</td>
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<td>5. Ask about safety of parties, siblings, pets</td>
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<td></td>
<td>D. Sexual Assault – Adults and Children</td>
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<tr>
<td></td>
<td>1. Contact SANE program if available in your jurisdiction</td>
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<td></td>
<td>E. Physical Evidence</td>
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<td></td>
<td>1. Injuries – victim/suspect</td>
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<td></td>
<td>(Describe – Photograph – Get Medical Release)</td>
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<td></td>
<td>2. Damage to property</td>
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<td>(Describe – Photograph where significant)</td>
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<td>3. Collect evidence including any object used to injure</td>
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<td>F. Record</td>
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<td>Observations – Parties/Witnesses</td>
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<td></td>
<td>1. Demeanor</td>
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<td>2. Signs of substance abuse</td>
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<tr>
<td></td>
<td>3. Physical condition of people and surroundings</td>
</tr>
<tr>
<td></td>
<td>4. Physical sizes</td>
</tr>
</tbody>
</table>

ARREST MANDATORY IF TRO/INJUNCTION VIOLATED. IF MANDATORY ARREST – MUNICIPAL CITATIONS CANNOT BE ISSUED

To order any quantity of these 3x5 cards, contact the Justice System Training Program at the WI Office of Justice Assistance at (608) 266-3323 or OJAJusticeSystemTraining@Wisconsin.gov.
Types of Domestic Violence Injuries

Offensive Injuries on the Victim
- Lacerations, fractures, welts, abrasions or contusions from being punched, pushed, kicked, slapped and/or hit with an object
- Injuries and symptoms associated with strangulation. (note: not all victims who are strangled will have visible external injuries)
- Fingernail scratches, bite marks and cigarette, rope and carpet burns
- Pattern injury to the neck from jewelry being pulled
- Pattern injury to the face from rings during a backhand slap or from a fist
- Wrinkle injuries to the back of the ear from pulling, pinching or punching
- Clumps of hair or other indications of hair being pulled
- Injury on top or back of head
- Eye injuries (gouging)

Offensive Injuries on the Offender
A person who is being assaulted or in fear of being assaulted may realize they are no match for the violence that is about to be used against them and may use a weapon or other object as an “equalizer”
- Injuries to the hand and/or wrist cause by trauma of striking victim
- Abrasions and cuts on the knuckles
- Injuries caused by a hard object or weapon used to equalize a threat of force

Defensive Injuries on the Victim
A person using self-defense will often admit to using violence, but may not know what to call it.
- Injuries to the back of the arms or palms of hands from blocking blows
- Injuries to the bottoms of the feet from kicking away the assailant
- Injuries to the back, leg, buttocks or back of head from being struck while in the fetal or other protective position

Defensive Injuries on the Offender
- Scratch marks to the face, hands and/or arms caused when a victim is defending from attempted frontal strangulation
- Bite marks and/or scratches on chest and arms caused by a victim trying to escape from being straddled or held down
- Bite marks to the hand caused when a victim is trying to avoid having his/her mouth covered
- Bite marks on arms caused when victim is defending an attempted “choke hold”
Interviewing Perpetrators

- Interview the suspect separately, by sight and sound from all the other parties. (If only one officer, or for safety reasons, suspect can be detained in squad car during interview).
- Remain neutral until you have made the predominant aggressor analysis.
- Do not use accusatory words.
- Document any attempts to manipulate you or to divert or control the interview.
- Let the suspect tell the story (spontaneous statements, excited utterances) Ask suspect to tell you what was happening before the incident and what led up to it. Lock the suspect into a story. Get specific details.
- Document any admissions.
- Do not collude with the suspect.
- Document demeanor
- Document any indication of alcohol or drug use

Perpetrators tend to blame an incident on the victim, deny that anything took place or minimize actions and injuries.

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 into speaking with you.
- 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.
- Let the victim tell the story (spontaneous statements, excited utterances) Ask victim to tell you what was happening before the incident and what led up to it.
- 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 if perpetrator is violent to anyone else in the home.
- Ask if victim has confided in anyone else about past abuse.
- Ask lethality risk questions.
- 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 makers, differences
- Advise the victim of her right to 72 hour no contact protection.
- Discuss safety planning and refer victim to local domestic abuse program.

Victims tend to take responsibility for the violence towards them or to minimize or deny it in fear of the perpetrator.
Evidence Collection Summary

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penetrating injury</td>
<td>• Photograph/document before and after cleaning and repair of wound</td>
</tr>
<tr>
<td>Bullet wound</td>
<td>• Collect any object that comes between the muzzle and the wound</td>
</tr>
<tr>
<td></td>
<td>• When the object is an article of clothing, do not destroy the bullet hole</td>
</tr>
<tr>
<td></td>
<td>• Photograph/document before and after cleaning and repair of wound</td>
</tr>
<tr>
<td>Gun shot residue (GSR)</td>
<td>• Photograph/document</td>
</tr>
<tr>
<td></td>
<td>• Sample for firearms residue test</td>
</tr>
<tr>
<td>Bullet</td>
<td>• Collect carefully; avoid using metal instruments or storage on metal trays</td>
</tr>
<tr>
<td>Incised wound</td>
<td>• Photograph/document before and after cleaning and repair of wound</td>
</tr>
<tr>
<td>Damaged clothing</td>
<td>• Cut around (not through) bullet holes, incisions, and tears.</td>
</tr>
<tr>
<td></td>
<td>• Document/photograph</td>
</tr>
<tr>
<td></td>
<td>• Maintain chain of custody</td>
</tr>
<tr>
<td>Damp/wet clothes</td>
<td>• DRY, DRY, DRY</td>
</tr>
<tr>
<td></td>
<td>• Place each piece of clothing in separate paper bag</td>
</tr>
<tr>
<td>Bindings/restraints</td>
<td>• Do NOT cut through knots or stains</td>
</tr>
<tr>
<td>Blood spatter</td>
<td>• Photograph/document</td>
</tr>
<tr>
<td></td>
<td>• Preserve patterns until someone trained in blood spatter patterns can examine them</td>
</tr>
<tr>
<td>Body fluid stains and standards</td>
<td>• Liquid blood: Collect swab, dry, package</td>
</tr>
<tr>
<td></td>
<td>• Dried recovery: If stained object is transportable, collect intact. If not, collect using moistened swabs, dry, package</td>
</tr>
<tr>
<td></td>
<td>• Bodies of victims and suspects: SANE consult</td>
</tr>
<tr>
<td>Bite marks</td>
<td>• Swab the bite mark for DNA evidence collection</td>
</tr>
<tr>
<td></td>
<td>• Photograph by someone trained in bite mark photography</td>
</tr>
<tr>
<td>Toxicology samples</td>
<td>• Liquid blood and urine samples must be refrigerated</td>
</tr>
<tr>
<td></td>
<td>• Samples from crimes of violence should be sent to the State Crime Laboratory</td>
</tr>
<tr>
<td>Strangulation</td>
<td>• Voice recording</td>
</tr>
<tr>
<td></td>
<td>• Photograph injury, how strangled</td>
</tr>
<tr>
<td></td>
<td>• SANE / physician consult</td>
</tr>
</tbody>
</table>

Crime Laboratories

There are three state crime laboratories within the Division of Law Enforcement Services, Wisconsin Department of Justice:

- Madison: (608) 266-2031
- Milwaukee: (414) 382-7500
- Wausau: (715) 845-8626

If unable to reach any of the Laboratories at any time call the Time Control Center at (608) 266-7633.
Best Practices in Forensic Photo-documentation

- Explain the importance of photographic documentation and obtain consent to obtain photographs.
- Separate rolls of film should be used for each case to avoid losing or mixing up evidence.
- The first 3 images should be:
  a) a full body image of the clothed person,
  b) a close-up facial view and
  c) a close-up view of the patient’s identification card or plate.
- Each injury should have a medium distance body part image and then at least 2 close-ups with one at a 90 degree angle and one tangential to the injury.
- Take photographs that attempt to duplicate patient and perpetrator positions.
- Take many pictures from different angles and distances (more is better than less).
- Take color photographs and use a measuring standard (such as a ruler) to assess the size of each individual injury, ideally taking one image with the standard and one without so as to avoid suspicion that something was hidden behind the standard.
  o A scale or inclusion of an anatomic landmark establishes perspective.
- Use security measures and software to assure that the photographs cannot be altered.
- Offer the patient a visit for follow-up photographs at a later visit (2 - 4 days) to document the duration and progression of injuries.
- Obtain photographs of areas of permanent residual injury (as permanent injuries can increase penalties if a case is prosecuted).
- Use a colposcope (SANE consult) for documenting small findings or injuries to the mouth or genital area.
- Include a label on each hard copy photograph that includes the date, patient’s name, record number and photographer’s name.
  o Keep a log of all photographs taken.
- Consider photographs of clothing, strangulation posture (victim and suspect), suspect tattoos and piercings.
- Forensic bite mark photography is a specialized field of photography – consult an expert for these photographs. Remember that a bite mark will distort with time (swelling) so obtain the consult ASAP.
- If a suspect is not consenting, Wisconsin statutes require a court order be obtained for photographs of genitals.
- Adhere to the highest standards for privacy and confidentiality regarding developing, storage, retrieval and review of photographs.
Domestic Violence Report Checklist

___ Indicate reason for response to scene
___ Time of dispatch and response, details of dispatch
___ Time of incident and if is still in progress
___ Name of other officer(s) responding
___ Noises, shouting, breakage heard
   ___ On arrival, also note if quiet
   ___ Heard by dispatch, and/or
   ___ Reported to dispatch by reporting party
___ How entry was made by law enforcement
___ Position of parties at arrival
___ How entry was made—if forced, describe exigency
___ Documentation of on-going emergency questions of excited utterances
___ Identification of and physical description of all parties (including medical personnel)
   ___ Name, address, DOB, phone numbers (including confidential third party contact information where messages can be left or used to contact victim in the future.)
   ___ Height, weight, hair and eye coloring and other identifiers
   ___ Appearance, including specific location and description of injuries, limitations of movement, indicating injury
   ___ Condition of clothing
   ___ Demeanor, mental state, alcohol or drug use
   ___ Non-verbal communication
___ Description of scene
   ___ Signs of forced entry by anyone other than law enforcement
   ___ Signs of struggle
   ___ Disarray/order of room and scene
   ___ Signs of alcohol/narcotic use
   ___ Blood stains or spatter
   ___ Evidence of violence from this or prior incidents
   ___ Weapons collected or noted
__ Detailed interviews of subject(s), children, witnesses
   __ What happened and how
   __ Each person’s version of events
   __ Prior history related
   __ Each persons’ safety/fear level from present incident and past history
   __ Interview all children
   __ Check for safety of pets

__ If needed, find interpreters, use language line, NO CHILD INTERPRETERS

__ Correct use of quotations for:
   __ Statements
      __ Excited utterance heard prior to making contact with declarant
      __ Excited utterance heard by witnesses prior to officer contact at scene
      __ Excited utterances made after arrival on scene
      __ Excited utterances made in response to on-going emergency questions

__ Note protective orders in place (include restraining order/injunction, current 72 hour no
   contact, bail condition, probation condition)

__ Establish through detailed description:
   __ Relationship criteria
   __ Elements of crimes charging (including non-consent)
   __ Determination of predominant aggressor

__ Indicate action taken, including arrest rights per Miranda, whether suspect invoked
   rights or if further statement made

__ Document if any evidence was collected

__ Document if any evidence has been recorded (i.e. video, DVD)

__ Document that Victim’s Rights information given and information regarding community
   resources/safety planning

__ Record evidence log, photo log

__ Indicate needed follow up directions/requests

__ Prior history, including criminal record, dispatched calls to scene, medical treatment,
   past protective orders, prior bail jumpings, prior victims, etc

__ Documentation of questions asked regarding on-going emergency if responses are
   excited utterances

The diagram on the following page was produced in La Crosse showing how many
agencies/people might have access to your police report.
Best Practices in Domestic Violence Investigations

- Assess for officer safety
- Separate ALL the parties, including witnesses
- Secure the crime scene
- Analyze information to determine predominant aggressor, using minimally mandated investigative strategies
- Keep suspect interview non-custodial and without Miranda attaching (pre-arrest silence can be used to impeach in defendant testifies at trial.)
- Never use children, family or other witnesses as interpreters
- Document everyone’s spontaneous statements
- Document everyone’s demeanor (including children)
- Lock everyone into a story, asking for details
- Document any attempt made by suspect to intimidate victim or manipulate the interview
- Document, describe, and photograph injuries. If applicable, get signed medical release
- Collect evidence (bloody clothes, weapons, damaged property)—anything that will help corroborate your report in front of a jury
- Do not ask a victim if the victim wants to “press charges” or “sign a complaint”
- Speak with the victim about safety planning and inform the victim regarding the earliest the suspect may be released on bail
- Identify community resources to address disability affecting ability to communicate with law enforcement
Power & Control: An Abuser’s Use of Children

- Blaming
  - Telling child abuse to child & parent is child’s fault

- Using Adult Privilege
  - Punishing, bossing, interrupting, using as servant

- Intimidation
  - Instilling fear thorough threats, size, being violent to other parent, siblings, pets

- Using Institutions
  - Threatening CPS will take child away if abuse to other parent or to child is disclosed

- Isolation
  - Controlling access to peers, extended family, siblings, abused parent.

- Emotional Abuse
  - Shaming, name calling, putdowns, inconsistency

- Economic Abuse
  - Withholding basic needs or child support

- Threats of
  - Abandonment, suicide, harm to abused parent, loved ones, pets
Tips for Interviewing Children:
Best Practices

Never use a child as an interpreter.

- Interview the child away from eye and ear shot of everyone else at the scene, including other children.
- Get down on the child’s level
- Talk about something appropriate to the child’s age until you have established some rapport with the child
- Assure the child that he/she is not in trouble (especially if the child called for assistance)
- Assure the child that he/she is not responsible for the violence
- Assure the child that he/she is not responsible for anyone being arrested
- Do not say negative things about the abuser
- Do not ask the child leading questions
- If a child gives you information, follow up by asking non-leading questions like, “Can you tell me more about that?”
- Ask the child if he/she was afraid
- Ask the child if he/she is still afraid
- Ask the child about anything the child heard or saw
- Ask the child about any history of violence in the home (if he/she is afraid for anyone in the home)
- Ask the child if there are any pets and if he/she has ever been afraid for a pet.
- Safety plan with the child what to do if the child is ever afraid
  - Ask the child to identify 5 people he/she could tell if ever afraid
  - Identify a safe room in the house
  - Have the child call 911 if it is safe
My Nightmare

(This poem was read at a sentencing for sexual assault of a child. The writer, 14 years old, was molested at age 13 by her step-father who had been physically abusing her mother. He ensured her silence by threatening to kill her and her mom if she told anyone. When her step-father was arrested for domestic violence, she disclosed the sexual and physical abuse she suffered to her mother, in the presence of a detective.)

You’re a nightmare…a disaster
You’re a lost cause…not a hero
We’re not gonna let you control us anymore
Spit all your insults
Go ahead and judge me
Say what you want…cause you can’t win
We’re not gonna be a part of your games
We’re not gonna be just the victims anymore
You’ve taken our dreams…and tore them apart
Controlled our lives
Made my life a living hell…so I had no where to run
No where to feel safe
All you did was watch me fall…over and over again

Well I’m standing tall now

You’ve done so many things to me
You’ve taught me things I can’t learn at school
Things I shouldn’t have learned so early if life
You’ve taught me to trust NO ONE!
Not even someone who has practically been your father
Never trust anyone with your caring love or making any decisions
Cause all they’ll do is mess everything up

Everyone’s alone here…there are no loyal friends
We’re born alone…we’ll die alone…and we’re all lost in life
The most important thing you have showed me is that life is just a dead end
The hardest thing I’ve had to learn was that drugs can kill someone deep inside
People can change dramatically on drug
I think NO ONE should be a part of this…no matter their age
Cause why should anyone go through that

You’ve showed me weed…and its mind-alliterating course shows real life
There’s no smiley faces…cause no one is really happy inside
You’ve showed me alcohol
And how people don’t know themselves enough…to know their own limit
You’ve showed me cocaine
And how everyone else should be punished…for your mistakes
And how paranoia takes over cause you know your doing something wrong
You’ve help addict me to cigarettes…this taught me the eager feeling people get
When they need something that makes them happy
But I've never got that...I've got kicked...I've got punched
I've got thrown down the stairs...I've got choked...I've got cut
I've got pushed around...and I stood there and took it

Now tell me who's the real man...how could you sit there and hit on a little kid
What did I do that could of made you that mad

But wait how could you treat my mom the way you did
All she did was love you...like she should of
Cause she didn't know the real you...or me...cause I had to keep the secret deep inside
Which hurt every time she smiled at me
Cause I didn't want to be the one who broke her heart
She didn't know...I had to pretend we were the perfect family
I had to pretend that you loved me

All you are is a druggy alcoholic molester...and a bum that has no life
Whose goal is to do wrong...and getting away with as much as you can
You're someone with no heart...no feeling...no soul
You have a steady blood stream...but no heart beat...cause you're dead inside

Well now the tables have turned...now it's your time to deal
Cause I don't have to worry about getting beaten up
Cause of a bad day at work...or a bad trip
I don't have to worry about someone coming into my bedroom...while I'm asleep
Or someone pulling my pants down to my knees

OK...now look at me
I'm no longer happy and blonde
My hair is black...so everyone's warned not to bring things up
My lip is pierced...to show the pain and fear...and so everyone knows to leave me alone

I'll never get over what you have done to me...I'll be scarred for life
No matter what anyone tells me
You should be blamed for the horror and the pain...you put everyone thru

Well now...............I'm the pain you feel...the scars that won't heal
The tears you shed...the voice in your head
The reason you cry...why you want to die
I'm the promises you broke...the sweat on your face
The blood in your veins...The fear your gonna face

The future is now mine...it's in my hands
I've got nothing more to lose...So I take the stand

TO SHOW I NOW OVERPOWER YOU!!!!!!!!!  ( by Karissa)
Weapons Seizure

- Weapons used in the commission of a crime should always be seized as evidence. Possession of a firearm by a felon is prohibited and is a felony. The person should be arrested and the weapon should be seized.

- When there is an injunction, possession of a firearm by a domestic abuse or child abuse respondent is prohibited for the duration of the injunction. If a respondent has a firearm, it is a felony. The respondent should be arrested and the weapon should be seized.
  
  *Note that, while not automatic, there may be a no firearm prohibition provision in a harassment injunction. The injunction should be reviewed to determine its terms. If the respondent is not allowed to have gun, treat the case as you would with a domestic violence or child abuse injunction. Arrest the respondent for a felony and seize the weapon.

- **Possession of a firearm OR ammunition by a person prohibited from possession by the Lautenberg Gun Ban:** If the person is prohibited from possessing a firearm or ammunition due to a prior domestic abuse conviction, take the contraband and refer case to the U.S. Attorney’s Office.

- **Taking weapons for safekeeping.** If you are at the scene of a domestic and no weapons were used in the commission of a crime, you should still ask about access to weapons. REMEMBER: The danger to the victim may be escalating now that the police are involved. If the victim is a spouse, ask her if she would like you to take the weapons (marital property) for safekeeping while the case is pending.

You may be called back to the scene when the perpetrator returns from jail, angry with the victim for his arrest. It is safer for officers if there are no longer any firearms in the house.

**If you have seized a weapon and the owner asks how to have the guns returned to them, refer the question to his/her lawyer. Do not give them legal advice.**
Strangulation Checklist

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.”

When an abuser strangles his victim, he is committed a potentially lethal act. Encourage medical treatment especially if any of the following symptoms are observable or elicited from the victim:

- **Mild hoarseness**
- **Complete loss of voice**
- **Difficulty swallowing** - may feel like lump in the throat
- **Painful swallowing**
- **Difficulty breathing**
- **Raspy breathing**
- **Unable to breath**
- **Mental status changes**
  - Early stages:
    - restlessness or combativeness
  - Long term effects
    - psychosis, amnesia
- **Involuntary urination or defecation**
- **Redness of the neck** may be fleeting
- **Bruises** - may not appear for hours or days

**Finger tip bruises** are circular and oval and often faint. A single bruise on the neck is most frequently caused by the thumb.

- **Tiny red spots** (petechiae) - ruptured capillaries. Found around the eyes, anywhere on the face and neck in and above the area of constriction. Most common in ligature strangulation.
- **Blood red eyes** are due to capillary rupture in the white portion of the eyes. May suggest a vigorous struggle or intermittent pressure.
- **Swelling** of the neck may be caused by any one or combination of the following: internal bleeding, injury of any of the underlying neck structures or fracture of the larynx allowing air to escape into tissues of the neck.
Strangulation Checklist:
Document in Police Report

Questions to Determine Strangulation
Did he use one or two hands?
Did he shake you while strangling you? If so, how much?
A little or did he whip you back and forth?
How much force did he use and how hard did he grab you?
Did he grab from the front or from the back?
How long did he strangle you?
Did he use his hands or his arm?
Did he use an object?
Was he wearing rings?
Did you try to get his hands off?
Did he say anything while he was strangling you?

Physical Signs, Symptoms, & Evidence on Victim
Spots around eyes or face from ruptured capillaries (petechiae)
Bruising
Impression marks
Rope or cord burns
Swelling of the neck
Loss of bodily functions
Ringing ears or light-headedness
Hoarse and/or raspy voice
Difficulty talking, breathing, or swallowing
Sore throat
Bleeding from the mouth
Fainting

Questions to Determine Internal Injuries
Did you have difficulty breathing?
Describe.
Did you feel light-headed, faint, or close to losing consciousness?
Did you experience any loss of bodily functions?
Are you experiencing nausea or vomiting?
Are you in pain or discomfort?
Are you having trouble swallowing?
Have there been past incidents of strangulation or choking?

Physical Evidence on the Subject
Scratches or cuts
Bite marks on the arms, hands, or chest
Finger impressions on hands or arms

Charges Based on Method Used, Symptoms, Expressed Intent and Reason for Disengagement
Battery §940.19 (1)
Substantial Battery §940.19 (2)
Aggravated Battery §940.19 (4)
Aggravated Battery §940.19 (5)
1st Degree Reckless Injury §940.23 (1)
2nd Degree Reckless Injury §940.23 (2)
1st Degree Recklessly Endangering Safety § 941. 30 (1)
2nd Degree Recklessly Endangering Safety §941.30 (2)
Attempted Homicide §940.01/939.32
Strangulation/Suffocation §940.235
Strangulation and Suffocation – New Wisconsin Laws

As of April 2008, the acts of strangulation and suffocation become felonies. 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.

The Legislature also added 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...

In Wisconsin Stats. §939.22 (38) “Substantial bodily harm” means…a petechia…
Dried Secretions and Skin Cell Evidence Collection Technique

April 2009

TO: Field Services Personnel
FROM: Marion Morgan, Detective, Madison Police Department
SUBJECT: Dried Secretions and Skin Cell Evidence Collection Technique

Described below is the best practice method for the collection of dried secretions and skin cell (epithelial cell) collection for DNA purposes. This applies to any investigation where one might find biological substances such as saliva, semen, vaginal fluid, urine, fecal material, skin or blood. It also applies to the presence of saliva at bite mark sites. Biting occurs frequently in many cases such as batteries, sexual assaults, domestic assaults and/or physical abuse to children. A key application of this method is in strangulation or smothering incidents.

The preferred technique for collection is to use two swabs, the first a wet swab with distilled or tap water. Please note in your report which water source is used. DO NOT use saline solution as it will create crystals and degrade the sample. The second swab is a dry swab. So as not to overwhelm the sample with the source DNA, instead of rubbing the site with the swabs, roll them over the site. First roll the wet swab over the location and then follow by rolling the dry swab in the same location. The two swabs can be placed in the same envelope for air-drying.

Another application for this collection method is skin-to-skin contacts such as strangulation cases, battery cases or any situation where a person is grabbed by another. We would be swabbing for skin (epithelial) cells on the contact surface. There may not be visible injuries with strangulation cases so listen to the victim and let his/her statement drive your evidence collection. If the suspect used his/her hands or other body parts to strangle the victim there is a high probability there will be epithelial cells present on both the victim and suspect. Any place where there has been kissing, sucking licking or biting is a possible location for DNA recovery.

If a suspect grabs a victim’s clothes, pr other object remember to take the clothing or item and note where the contact occurred so that analysis for skin cells can be conducted.

If you have specific questions about this, do not hesitate to contact me by email at mmorgan@cityofmadison.com or phone, 608-266-4324.

REMEMBER
ALWAYS WEAR GLOVES WHEN COLLECTING BIOLOGICAL SUBSTANCES
New Requirements for CODIS Searches

The CODIS (Combined DNA Index System) is operated and controlled by the FBI. Before an evidence profile can be uploaded to the National level of CODIS, the FBI requires that standard samples be obtained from anyone that could have legitimately contributed a DNA profile. The purpose of the standard sample is to determine if the forensic profile developed from a crime scene sample actually came from the perpetrator or from someone else who legitimately had access to the forensic evidence. If someone other than the criminal perpetrator could have contributed the DNA profile, the other individuals must be eliminated or the samples cannot be uploaded and searched at the National level of the CODIS system. This rule should help prevent innocent individuals from having their DNA profile entered into the National index, which is prohibited by federal law. If these elimination samples are not obtained or if there is not a valid reason why they cannot be obtained, the profiles cannot be searched at the National level of CODIS. The laboratory must document the submission of the elimination standards or the reason they have not been obtained in order to send the profiles to the National level.

For instance if a cigarette butt is obtained from a crime scene, the police agency must inquire as to whether anyone at the scene, victims or others legitimately there, smoked. If they smoked, did they smoke that particular brand that was recovered? If anyone smoked that brand then elimination buccal swabs from those individuals must be submitted with the case.

In the case of a sexual assault, elimination samples must be submitted from the victim’s consenting sexual partner(s) if she engaged in sexual activity in the last five days prior to the assault. If the elimination samples are not obtained or reasons why they were not submitted are not documented, any evidentiary profiles developed in the case cannot be uploaded to the National level of CODIS.

In cases where neither the elimination samples are provided nor a legitimate reason given as to why they weren't provided, the laboratory can and will search the profiles at the state level of CODIS. These profiles will be entered into a special state index and maintained there until either the proper elimination samples are provided or a rationale for why they can't or won't be submitted is documented. When required elimination samples are provided and analyzed, and it is determined that the forensic profile probably originated from the criminal perpetrator, the forensic crime scene profiles will be moved to the National level and searched there.
§940.32 Stalking

(1) In this section:

(a) “Course of conduct” means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim’s workplace or contacting the victim’s employer or coworkers.
4. Appearing at the victim’s home or contacting the victim’s neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim’s telephone or any other person’s telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim’s family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim’s family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subds. 1. to 9

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

(b) The actor knows or should know that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor’s acts cause the specific person to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.
(2e) Whoever meets all of the following criteria is guilty of a Class I felony:

(a) After having been convicted of sexual assault under s.940.225, 948.02, or 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense. (b and c) same as above.

Statute creates higher penalties for repeater offenders or for offenders who are stalking prior victims
Sample Stalking Warning Letter

ANYTOWN POLICE DEPARTMENT
CITY OF ANYTOWN, MY COUNTY, WISCONSIN

SERVICE OF WARNING - STALKING LETTER

CASE NUMBER _______________________

RE ____________________________________________
(Complainant)

Warning letter served to ____________________________________________
_____________________________________, ___________________________
(DOB)
____________________________________________________
(HOME ADDRESS)

The Anytown Police Department has recently investigated a complaint about your behavior toward the above-named individual.

The behavior you have engaged in could be interpreted as “stalking” as defined by WI State Statute 940.32. Stalking can be described as intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress, or place the specific person in reasonable fear of bodily injury. Your behavior has induced such fear or distress in the above named individual.

The Wisconsin law makes stalking a crime. The Anytown Police Department takes this law very seriously.

Please consider this a formal warning that any future stalking behavior done by you towards the above named individual could result in arrest by law enforcement and prosecution by the My County District Attorney’s Office.

Chief of Police

Served in hand _____________ by ____________________________________________
(date) (Name of Officer and IBM)

of the _____________________________ Police Department

at __________________________________________________________
(location)

White to recipient; yellow & pink to Anytown PD, 211 S Main St, Anytown, WI 53703
Incident # __________________________

1. You have been arrested for a domestic-related offense.

2. During the next 72 hours you are required:
   a. to stay away from the victim’s residence or temporary residence.
   b. to avoid contact with the victim and to avoid having any other person contact the victim, except for your attorney.

3. If you violate the above restrictions, you are subject to a fine of up to $1,000. in addition to the penalties for the original offense(s).

4. If you violate the above restrictions, you may also be charged with stalking, which is a felony in Wisconsin.

5. If you commit an act(s) of domestic abuse to this or any other victim during the next 72 hours and the act(s) is a crime, the second offense may become a felony.

I acknowledge receipt of this notice and understand the requirements explained above. I agree to refrain from any threats or acts of domestic abuse against this or any other victim.

________________________                 ________________________________
Name printed    Signature

Date______________________________________________________

Officer ___________________________________________
## No Contact Provisions Under Wisconsin Law

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Who Determines</th>
<th>Criminal Sanction</th>
<th>How Long In Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>72 Hour No Contact Order</td>
<td>Victim decides if there will be a no contact order</td>
<td>Violation is a forfeiture</td>
<td>72 hours begins from time of arrest, unless waived by victim</td>
</tr>
<tr>
<td>No Contact Bail Condition</td>
<td>Condition set at initial appearance by commissioner or judge</td>
<td>Violation is a crime – a misdemeanor if underlying charge is a misdemeanor, a felony if underlying is a felony</td>
<td>Condition is in effect until defendant is sentenced</td>
</tr>
<tr>
<td>TRO/Injunction Condition of No Contact</td>
<td>Condition set at civil hearing by commissioner or judge</td>
<td>Violation of condition is a crime (misdemeanor)</td>
<td>No contact condition if TRO or injunction granted. *See below.</td>
</tr>
<tr>
<td>Probation Condition of No Contact</td>
<td>Condition set by a judge at sentencing or imposed by probation agent</td>
<td>Violation is a crime IF notified by the judge at sentencing. Officers should always contact probation agent to see a “hold” should be ordered.</td>
<td>Condition in effect for length of probation unless modified by judge or agent</td>
</tr>
<tr>
<td>Family Court Order</td>
<td>Condition set by family court in civil action</td>
<td>Violation is not a crime but person can be held in contempt by the court</td>
<td></td>
</tr>
</tbody>
</table>

**Domestic Violence - TRO (temporary restraining order)**

*Ex parte* proceeding (only the petitioner) meets with a commissioner or judge. No contact up to 14 days or until Injunction hearing (unless extended) Respondent must be served with notice of injunction hearing.

**Domestic Violence Injunction**

Hearing held before a commissioner or judge. If injunction granted, no contact can be for up to four years and respondent (abuser) may not possess a firearm for the period of the injunction.

### Criminal No Contact Time Line

- Victim decides whether there will be a **72 hour No Contact** from time of arrest
- At **initial appearance, bail conditions** are set (note: if defendant bails out before an initial appearance, the only no contact protection a victim has until the initial appearance is the 72 hour no contact, unless your county has its own more restrictive policies.)
- At sentencing the bail conditions no longer apply, if the judge places the defendant on **probation**, then the no contact or no acts or threats of violence to the victim probation condition would apply.
Wisconsin Protection Orders

Types
- Domestic Abuse
- Harassment
- Child Abuse
- Individuals At Risk
- Foreign Protection Orders

Temporary Restraining Orders (TRO's)
- Must be served to be valid
- Violation is a mandatory arrest

Injunctions
- (Except for foreign protection orders), injunctions are in effect as soon as they are granted. NEED NOT BE SERVED TO BE VALID
- Violation is a mandatory arrest

Gun Prohibition §941.29 Possession of a Firearm
- (f) [a person] Enjoined under an injunction issued under s. 813.12 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin
- Violation of the gun possession is a felony.
INJUNCTION – Domestic Abuse
(Order of Protection - 30709)

Case No. XX-CV-XXXX

PETITIONER/PROTECTED PERSON

Name of Petitioner/Guardian (First, Middle, Last)  
Pat Doe

Name of Protected Person (if different than Petitioner)

RESPONDENT/DEFENDANT

Name of Respondent/Defendant (First, Middle, Last)  
Chris Doe

SEX  RACE  DOB  HT  WT
W  3/01/63  5'8"  190

HAIR COLOR  EYE COLOR
Brown  Brown

Respondent/Defendant’s Street Address, City, State, Zip

Please specify Petitioner/Protected Person’s relationship(s) to Respondent/Defendant:
- spouse
- former spouse
- person in dating relationship
- current or former live-in relationship
- other: (be specific) _______________

CAUTION:  (Check all that apply)  
- Respondent/Defendant has access to weapon(s).  Type of weapon(s): hunting rifle
- Location of weapon(s): under the bed
- Weapon(s) were involved in an incident (past or present) involving me.

THE COURT FINDS:
Findings are on the following page(s) of this injunction.

THE COURT ORDERS:
Orders are on the following page(s) of this injunction.

THIS INJUNCTION SHALL BE EFFECTIVE UNTIL
1/31/13  
Not to exceed 4 years

NOTIFICATIONS/WARNINGS TO RESPONDENT/DEFENDANT:
This order shall be enforced, even without registration, and is entitled to full faith and credit in every civil or criminal court of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265; Wis. Stats. 813.128). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. 922(g)(8). Additional notifications/warnings are on the following page of this injunction.

Violation of this order shall result in immediate arrest and is punishable by imprisonment not to exceed 9 months or a fine not to exceed $1,000, or both, and payment of filing and service fees.

Only the court can change this order.
THE COURT FINDS:

1. The petitioner/protected person has filed a petition alleging domestic abuse under §813.12, Wisconsin Statutes.
2. This court has personal and subject matter jurisdiction. The respondent has been properly served and had an opportunity to be heard.
3. There are reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner/protected person and the respondent, may engage in domestic abuse of the petitioner/protected person as defined in §813.12, Wisconsin Statutes.

THE COURT ORDERS:

1. The respondent to refrain from committing acts or threats of domestic abuse against the petitioner/protected person.
2. The respondent to avoid the petitioner/protected person's residence and/or any location temporarily occupied by the petitioner/protected person.
3. The respondent to avoid contacting or causing any person other than a party's attorney or law enforcement officer to contact the petitioner/protected person unless the petitioner/protected person consents in writing. Contact includes: contact at petitioner/protected person's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.
4. The sheriff to assist in executing this injunction, if requested.
5. The sheriff to accompany the petitioner/protected person and assist in placing the petitioner/protected person in physical possession of his/her residence, if requested.
6. Other: (may not be inconsistent with remedies requested in the petition)

THE COURT FURTHER ORDERS:

The respondent/defendant is prohibited from possessing a firearm until the expiration of this injunction. Possession of a firearm is a Class G Felony punishable by a fine not to exceed $25,000 or imprisonment not to exceed 10 years, or both. A respondent may retain a firearm only if the respondent is a peace officer and only to the extent required by the peace officer's employer. The respondent shall immediately surrender any firearm(s) that he or she owns or has in his or her possession to:

- the sheriff of this county.
- the sheriff of the county in which the respondent resides: ___________________________.
- another person: (Name and Address) ___________________________.

Note: Court shall complete CV-432 – Notice of Firearms Possession Penalties and send to the third party unless the third party is personally served in court.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.

BY THE COURT:

Judge Judy
Name Printed or Typed

1/31/09
Date

Distribution:
1. Original – Court
2. Petitioner/Protected Person/Guardian
3. Respondent
4. Law Enforcement
5. Other: ___________________________.

CV-404, 04/09 Injunction (Order of Protection – Domestic Abuse)
This form shall not be modified. It may be supplemented with additional material.
Page 2 of 2
On the basis of the petition, the court finds reasonable grounds to believe that the respondent has violated §33.206(1)(d).

IT IS ORDERED that a hearing for an injunction be held:

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10:00 A.M.</td>
<td>Lac Tribal Ct.</td>
</tr>
</tbody>
</table>

PRESIDING JUDGE: 

and until said hearing, respondent is prohibited from harassing Jane Doe in any manner.

Harassment is defined in s. 33.203 (1) of the Lac du Flambeau Tribal Code/Ordinances as (a) Striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same. (b) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

THIS ORDER IS IN EFFECT UNTIL THE INJUNCTION HEARING IS HELD

Violation of this temporary restraining order shall be punished by the imposition of a civil remedial money penalty of not more than $1000.00 per violation, together with court costs. In addition the court may impose sanctions for contempt of court.

BY THE COURT:

Judge

Tribal Court Judge

Date
Municipal Court
County Court
District Court
Denver Juvenile
Denver Probate
County, Colorado

Court Address:

Plaintiff/Petitioner: __Jane Doe

v.

Defendant/Respondent:  ____John Doe

Address: __2 State Street

__Denver, CO

COURT USE ONLY

Case Number: #

16 Character #:

Division Courtroom

PERMANENT CIVIL PROTECTION ORDER ISSUED PURSUANT TO §13-14-102, C.R.S.

<table>
<thead>
<tr>
<th>Full Name of Restrained Party</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Race</th>
<th>Weight</th>
<th>Height</th>
<th>Hair Color</th>
<th>Eye Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe, Sr.</td>
<td>1/1/80</td>
<td>M</td>
<td>W</td>
<td>6'</td>
<td>230</td>
<td>BR</td>
<td>BL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full Name of Protected Party</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Race</th>
<th>Full Name of Protected Party</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Race</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANE DOE</td>
<td>2/2/80</td>
<td>F</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JOHN DOE, JR.</td>
<td>1/2/03</td>
<td>M</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Court finds that it has jurisdiction over the parties and the subject matter; that the Restrained Party was personally served and given reasonable notice and opportunity to be heard; that the Restrained Party constitutes a credible threat to the life and health of Protected Parties named in this action; and sufficient cause exists for the issuance of a Civil Protection Order.

The Court finds that the Restrained Party is not governed by the Brady Handgun Violence Prevention Act, 18 U.S.C. §922 (d)(8) and (g)(8).

This Protection Order DOES NOT EXPIRE and only the Court can change this Order.

The Court Orders that you, the Restrained Party, shall not contact, harass, stalk, injure, intimidate, threaten, or molest the Protected Parties or otherwise violate this Order. You shall not use, attempt to use, or threaten to use physical force against the Protected Parties that would reasonably be expected to cause bodily injury. You shall not engage in any conduct that would place the Protected Parties in reasonable fear of bodily injury.

You must keep a distance of at least ______ yards from the Protected Parties, including the children.

1. Contact.
   - It is ordered that you, the Restrained Party, shall have no contact of any kind with the Protected Parties, including the children and you shall not attempt to contact said parties through any third person, except your attorney, except as follows:

   NO EXCEPTIONS
2.  **Exclusion from places.**

   It is ordered that you be excluded from the following places and shall stay at least ______ yards away from the following places:
   (Please specify the address(es) where the Protected Parties reside, work or attend school.)

   - The Protected Party has requested that the address be omitted from the written order of the Court, including the Register of Actions.
   - **Home:** 3 Peace Boulevard, Denver
   - **Work:** Name: 5TH Natl Bank  Address: 1 Main Street
   - **School:** Name: Learning Tree Day Care  Address: 123 Sesame Street
   - **Other:** __________________________________________________________________________________________
   - **Exceptions:** _________________________________________________________________________________________

3.  **Care and Control Provisions.**

   - It is in the best interest of the above-named minor children that care and control of these children be awarded to: _____ Jane Doe (name of party). This temporary care and control order expires on 3/30/03 (date a maximum of 120 days from this Order); all other provisions of this Order remain in full force and effect permanently.

   This Order governs any other Orders concerning the care and control of said children. However, provisions in another Order concerning the children that do not conflict with this Order must be followed.

4.  **Issues Concerning Children. (Parenting time and decision-making responsibilities)**

   - Restrainted Party is granted parenting time with the minor children.
   - Parenting time expires on _________ (date) or does not expire until further order of the Court and shall be as follows:

     __________________________________________________________________________
     __________________________________________________________________________
     __________________________________________________________________________
     __________________________________________________________________________

   - Interim decision-making responsibilities expire on _________ (date of next hearing) and shall be as follows:
     - _______________ (name of party) shall have sole decision-making responsibilities.
     - The parties shall jointly share decision-making responsibilities.
     - Other as set forth in the “Other Provisions” section below.

   Parenting time and decision-making responsibilities shall be as previously ordered by the _______________ District Court, Case #______________

5.  **Other Provisions.**

   - The Court waives all fees and no fees for service should be assessed pursuant to §13-14-102(21)(b), C.R.S.
   - Fees shall be paid by the Plaintiff/Petitioner  Defendant/Respondent.
   - It is further ordered that __________________________________________

     __________________________________________
     __________________________________________
     __________________________________________

   - This Permanent Protection Order is identical to the Temporary Protection Order and does not require service on the Restrained Party.
   - This Permanent Protection Order is different from the Temporary Protection Order and requires service on the Restrained Party before its provisions become effective.

   - Served Restrained Party in Open Court on ___1/30/03___ (date).
IMPORTANT INFORMATION ABOUT PROTECTION ORDERS

GENERAL INFORMATION
✓ This Order or injunction shall be accorded full faith and credit and be enforced in every civil or criminal court of the United States, Indian Tribe or United States Territory pursuant to 18 U.S.C. §2265. This Court has jurisdiction over the parties and the subject matter.
✓ Pursuant to 18 U.S.C. §922(g)(8), it is unlawful for any person to possess or transfer a firearm who is subject to a court order that restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

NOTICE TO RESTRAINED PARTY
✓ A violation of a protection order may be a misdemeanor, municipal ordinance violation or a delinquent act (if committed by a juvenile) and is a deportable offense. Anyone over the age of eighteen who violates this Order may be subject to fines of up to $5000.00 and up to 18 months in jail. Violation of this Order may constitute contempt of court. Anyone under the age of 18 who violates this Order may be subject to commitment to the Department of Human Services for up to two years.
✓ You may be arrested or taken into custody without notice if a law enforcement officer has probable cause to believe that you have violated this Order.
✓ If you violate this Order thinking that the other party or anyone else has given you permission, you are wrong, and can be arrested and prosecuted. The terms of this Order cannot be changed by agreement of the parties. Only the Court can change this Order.
✓ Possession of a firearm while this Permanent Protection Order is in effect, may constitute a Felony under Federal Law, 18 U.S.C. §922(g)(8).
✓ You may apply to the Court for a modification or dismissal of a protection order after four years from the date of issuance of the Permanent Protection Order, per §13-14-102(17.5)(a-e), C.R.S.

NOTICE TO PROTECTED PARTY
✓ You are hereby informed that if this Order is violated you may call law enforcement.
✓ You may initiate contempt proceedings against the Restrained Party if the Order is issued in a civil action or request the prosecuting attorney to initiate contempt proceedings if the order is issued in a criminal action.
✓ You cannot give the Restrained Party permission to change or ignore this Order in any way. Only the Court can change this Order.
✓ You may apply to the Court for a modification or dismissal of a protection order at any time, per §13-14-102(17.5)(a-e), C.R.S.

NOTICE TO LAW ENFORCEMENT OFFICERS
✓ If the Order has not been personally served, the law enforcement officer responding to a call of assistance shall serve a copy of said Order on the person named/Restrained Party therein and shall write the time, date, and manner of service on the Protected Parties’ copy of such Order and shall sign such statement. The officer shall provide the Court with a completed return of service form. (§13-14-102(11 - 12), C.R.S.)
✓ You shall use every reasonable means to enforce this Protection Order.
✓ You shall arrest or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Restrained Party when you have information amounting to probable cause that the Restrained Party has violated or attempted to violate any provision of this Order subject to criminal sanctions pursuant to §18-6-803.5, C.R.S. or municipal ordinance and the Restrained Party has been properly served with a copy of this Order or the Restrained Party has received actual notice of the existence and substance of such Order.
✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
✓ You shall take the Restrained Party to the nearest jail or detention facility.
✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.