

### Training Law Enforcement on the Initial Investigation

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### The Changing Role of Law Enforcement

- Who are the players?
- Victim
- 911
- LAW ENFORCEMENT
- Advocacy
- Emergency Medical Services
- Jail

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### Who are the Players?

- Prosecutor (Conditions of Bail)
- Release Agent / Probation
- Social Services (Child or Vulnerable?)
- Now Who?
- Civil proceedings?
- How about the trial and beyond?

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## Who are the Players?

- Prosecutor
- Defense?
- Judge / Jury
- Probation (sentencing)
- Treatment Programs

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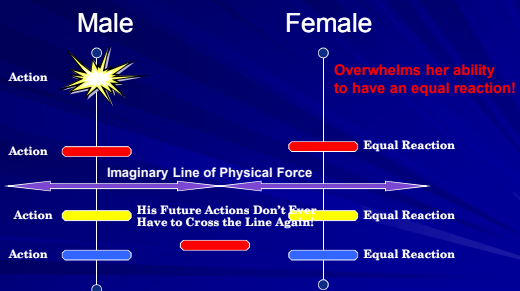
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## Scale of Relationships



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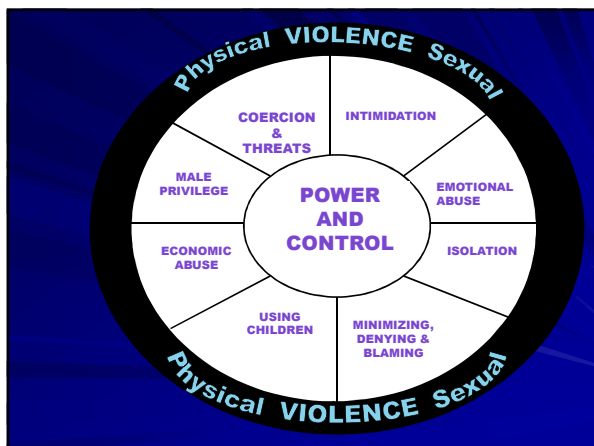
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### Self Defense Test

- Did the subject use force to protect themselves or another from imminent bodily harm?
- If so, was the force they used reasonable?

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### Predominant Aggressor

- Custodial Issue Only
- Only utilized when both players fail the Self Defense Test

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Questions? Comments?

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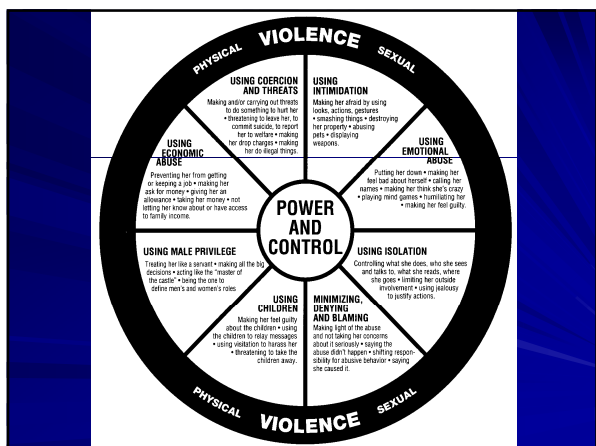
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## **BARRIERS TO WOMEN LEAVING**

- The dynamics of domestic violence, coupled with a community's inability to help keep battered women safe and hold offenders accountable, create barriers to women leaving violent relationships.

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## **BARRIERS TO WOMEN LEAVING cont.**

- Relentless behavior of batterer
- Fear of what batterer might do
- Fear for children
- Financial dependence
- Conflicts with religious beliefs
- Isolation/lack of support
- Access to the batterer

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**BARRIERS TO WOMEN LEAVING** cont.

- Culture
- Shame – making excuses for his violence
- Self-Esteem
- Immigration Issues

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**BARRIERS TO WOMEN LEAVING** cont.

■ Key Point: A victim is the best expert at determining her own level of safety, and therefore is the best expert at determining how to survive a violent relationship, even if that means staying in the relationship.

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**BATTERING**

■ Key Point: For the batterer, the violence is about power and control. Looking at the victim's behavior as an explanation for the violence takes the focus off the perpetrator's responsibility, and unintentionally supports the abuser's violent behavior.

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## **BATTERING** cont.

- The victim has *no control* over the batterer's violence.
- Many perpetrators repeat their pattern of control in all their intimate relationships.

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## Victim's Goals

- Safety (self and children)
- Stop the Violence

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## What are we asking her to do?

- Women who leave violent relationships are 75% more likely to be severely injured or killed in the next few days
- Over 50% of women killed in the U.S. die at the hands of their partner
- How many times will she leave?
- (green light)

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**Questions? Comments?**

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**Investigations**

- Looking Beyond the Obvious

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**Children**

- Primary and/or secondary victims
- Biographical and relationship information
- Children living at home not present during incident for follow-up purposes
- Spontaneous statements
- Individual interviews
- Emotional state
- Injuries
- Consider having children draw pictures if they cannot write

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## Building a Case

- Our Goals:
- Victim Safety
- Offender Accountability
- Without re-victimizing the Victim
- In what order?

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## 7 Common Areas of LE Liability

- Failure to provide information to victim as law requires
- Failure to adequately train officers
- Arresting citizen without establishing probable cause
- Exhibiting pattern of differential treatment or application of the law in DV cases

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## 7 Common Areas of LE Liability

- Failure to take proper actions to protect citizen
- Failure to appropriately enforce court order protecting victim of domestic abuse
- Failure to respond or respond in timely manner

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## Ways to Avoid Being Found Liable

- On-going, updated training
- Follow policies and procedures
- Do not make promises
- Supervisors review, update policies and procedures

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## Goals

- Officer and victim safety
- Offender accountability
- Increased effectiveness in investigation, intervention, reporting, and prosecution of domestic violence crimes
- Evidence-based prosecution and investigation
- Increased communication and partnership between law enforcement, prosecutors and other criminal justice personnel, advocacy agencies, and community members.

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## Importance of a Well-Written Report

- Multiple readings and uses of the report.
- Documentation in domestic violence incidents.

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## Multiple Uses of a Domestic Violence Report



- Report is used by many different groups.
- Report information is used for many different purposes.

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## Defense Strategies to Achieve Goals

- Six:
- Discredit testimony unfavorable to defense by:
- Discrediting memory
- Discrediting perception
- Discrediting communication
- Discrediting record of events
- Pointing out inconsistencies
- Pointing out omissions
- Pointing out contradictions
- Showing bias

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## What is Full Faith and Credit?

- In 1994, Congress enacted the full faith and credit provisions of the Violence Against Women Act (VAWA)
- Valid orders of protection must be enforced to protect victims wherever a violation of an order occurs, regardless of where the order was issued.
- Any State, Anywhere, Any Time.

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## Measuring Success

- Coming together is the beginning
- Working together is the process
- Staying together is success

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## Questions? Comments?

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### Additional resource:

Praxis St. Louis County Sheriff's Manual

<http://files.praxisinternational.org/sheriffhandbook.pdf>

### To contact me:

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