

Domestic Violence

**Best Practices for
Law Enforcement Response**

DOMESTIC VIOLENCE:
BEST PRACTICES FOR LAW ENFORCEMENT RESPONSE

**A Model Policy Manual Prepared
Under the Violence Against Women Act**

North Carolina Governor's Crime Commission
Violence Against Women Committee

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**James B. Hunt Jr.
Governor**

Department of Crime Control and Public Safety
Secretary Richard Moore

North Carolina Governor's Crime Commission

Linda Hayes, Chair

Robin Lubitz, Director

Violence Against Women Committee

Wanda Bryant, Chair
Jane Cousins
Tom Haigwood
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Karen Luciano
Margaret Henderson

Rusty Sherrill
Ron Spivey
Dr. David Gremillion
Heather Williams
Jennie Lancaster

Prepared by: Ada Gregory
Victims Planner
Governor's Crime Commission

Scott Peters
IS Policy Analyst
Governor's Crime Commission

For more information about the Governor's Crime Commission or the Violence Against Women Committee, please contact:

Governor's Crime Commission

3824 Barrett Drive, Suite 100
Raleigh, North Carolina 27609
(919) 571-4736

e-mail: agregory@gcc.dcc.state.nc.us
barryb@gcc.dcc.state.nc.us

You can view or obtain an electronic version of this document from the GCC web site:

<http://www.gcc.state.nc.us>.

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DOMESTIC VIOLENCE: BEST PRACTICES FOR LAW ENFORCEMENT RESPONSE

INTRODUCTION

Domestic violence is one of the root causes of virtually every major social problem that we face in the nation today.

Janet Reno

The Violence Against Women Committee of the Governor's Crime Commission developed this manual to inform law enforcement agencies of the best methods of assisting domestic violence victims. A uniform protocol will help to standardize the reporting and investigation of domestic violence throughout the state of North Carolina. The preferred arrest procedure included herein models policy endorsed by the International Association of Chiefs of Police and the American Bar Association. It follows the emerging trends in law enforcement agencies across the nation. The policy addresses the unique laws and criminal justice procedures of North Carolina to make the most progressive approaches to domestic violence relevant to local jurisdictions. The Governor's Crime Commission (GCC) recognizes that the needs of agencies will differ based on the problems of local communities, and the services and resources available. The GCC encourages law enforcement executives to review this manual critically and adapt it to their needs. This document discusses the essential background information necessary to provide greater understanding of the philosophy behind a pro-arrest protocol and to ease the implementation of the model policy in any agency.

DEFINITIONS

Domestic violence is abuse between former or current intimate partners. Most often this abuse is a pattern of physically, psychologically and emotionally destructive behavior. Intimate relationships are defined as persons who are married, separated, or divorced, who live or have lived together, who have a child in common, or who are or were dating.

This definition is based on North Carolina laws which recognize that domestic violence relationships extend beyond live-in or marital relationships. As of December 1, 1997, NCGS 50-B, which regulates civil protection orders, includes dating relationships between members of the opposite sex and relationships between current or former household members whether of the same or opposite sex. NCGS 50-B also recognizes abuse by an adult child and child abuse; however, this protocol is specifically designed to address domestic violence, *not* family violence. Child abuse is mentioned, but a separate standard operating procedure is necessary to address the unique laws and reporting requirements of child abuse. This protocol limits the statutory definition of NCGS 50-B by excluding other family members, such as children or parents, and individuals living together in a situation in which the relationship is usually not considered intimate, such as a dormitory or rooming arrangement.

Agencies may want to extend their departmental definition by including same sex dating relationships in which the victim and the batterer do not live together, nor have in the past. To date, that is the only dating relationship excluded from protection by 50-B. Dating relationships between members of the same sex can be just as violent and threatening as any opposite sex relationship. Although the legal remedies are limited for this population, officers should be aware of the presence of domestic violence. They should conduct and document thorough investigations, and provide the victim with safety information and referrals. Officers should recognize domestic violence in all contexts.

For the *purpose of warrantless arrest only*, the North Carolina legal definition of domestic violence is limited to members of the opposite sex who are former or current spouses or live-in partners. All dating relationships, same sex relationships and couples with a child in common are excluded. Although the criminal legal remedies for these relationships differ, officers can still make arrest pursuant to a warrant, safety plan with victims and make referrals to victim service agencies.

North Carolina statutes recognize certain assault and trespass crimes as domestic violence crimes for purposes of arrest (NCGS. 15A-401(b)2); however, abuse may encompass a myriad of crimes. Any violent act may be considered domestic violence related if an intimate relationship exists between the offender and victim. A relatively minor offense, such as vandalism, may be viewed as a much more threatening crime when considered in the context of an escalating domestic violence relationship. The common domestic crimes include, but are not limited to, homicide, rape, assault, breaking and entering, burglary, trespass, kidnapping, damage to property, cruelty to animals, harassing phone calls, and communicating threats. All domestic violence cases should be handled according to this policy, regardless of the perceived severity of the offense.

For grammatical purposes, the feminine pronoun may be used to describe the victim and the masculine to describe the offender. However, this is not to say there are not male victims, both gay and heterosexual, and female batterers. Some husbands/boyfriends are abused; however, the vast majority of domestic violence victims are women. According to FBI statistics, 26% of female homicide victims are murdered by their intimate partners, compared to 3% of males. A woman is seven times more likely to experience nonfatal violence by an intimate than a man.(FBI, *Crime in the United States 1995: Uniform Crime Reports*, and BJS, *Violence Against Women: Estimates from the Redesigned Survey*, August 1995, NCJ-15438.) In a North Carolina study of female homicides, 51% of female victims were murdered by an intimate. (Injury Prevention Research Center, 1997) Regardless of gender, every victim should be afforded protection and assistance.

BACKGROUND

If no permanent injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forgive and forget..

State of North Carolina Vs. Oliver 1874

Historically, domestic violence has been treated differently than other violent crimes. Into the late 19th century, a North Carolina court held that a man could physically punish his wife without fear of legal reprisal as long as the "stick was no thicker than his thumb." (Marshall, L. J. *Wife Abuse Legislation in California, Pennsylvania and Texas, supra* note 4, at 290, 1982) Even when such laws were reformed, the public viewed wife abuse as a private matter to be resolved within the family and without public interference. Law enforcement has traditionally reinforced social norms by leaving the "parties to forgive and forget". Written policies up into the 1950's directed officers to "recognize the sanctity of the home" and to end the disturbance "without making an arrest."(Finesmith, *Police Response to Battered Women*, 1983)

In the 1970's, domestic violence victims, advocates, researchers, and other professionals worked together to expose the true nature and extent of the problem. Greater understanding of domestic violence created more pressure on law enforcement to change, and tasked officers with "crisis intervention". The preferred response to family violence waffled from "separate" to "mediate." The result was often sporadic, discretionary decisions that were sometimes influenced by frustrating experiences with repetitive calls, dropped charges and uncooperative victims. Officers often felt they were thrown into the role of preacher, social worker, and marriage counselor under the guise of "crisis intervention." The violence was yet to be recognized as a crime. Batterers were seldom arrested, and rarely tried in court because prosecutors failed to actively pursue cases where the victim and offender had an intimate relationship. Officers returned to the same addresses to "mediate" the same couples again and again, until eventually the "family problem" was passed down to the next generation.

In the last twenty years public pressure to recognize domestic violence as a crime, rather than a family problem, continued to grow due to educational efforts by victims and advocates. As a result, North Carolina like many other states introduced statutory changes to expand the authority of law enforcement officers in domestic violence cases, and to protect victims of domestic violence from continued abuse through civil emergency relief. NCGS 50-B has twice been amended to encompass more victims of violence, and to provide more options to officers in dealing with these cases. Warrantless arrest is now authorized in certain domestic violence misdemeanor cases, even when the offense was committed outside the presence of the officer. The focus for law

enforcement is now on arresting lawbreakers. One of the most significant influences on this shift in public policy came from widely publicized research on the effectiveness of arrest.

Arrest Studies

The research began in the early eighties with a study in Minneapolis, Minnesota that analyzed the effect of arrest in misdemeanor domestic assaults. The experiment looked at three possible police responses: arrest, separation, and mediation. The study found that those suspects who were arrested were less likely to repeat the violence within six months. As a result of this study and lobbying efforts, law enforcement departments across the country began introducing pro-arrest policies. By 1986, 50% of departments, which served populations over 100,000, encouraged officers to make arrests of domestic violence offenders in written policy, compared to 10% in 1984.

As more and more policies were introduced, social science attempted to re-evaluate their effectiveness, particularly in regard to deterring recidivism. Many researchers felt this public policy flip-flop was based on only one experiment in Minneapolis, which was questionable in its design and implementations. Replications were attempted in six other cities. Despite the initial positive results of the Minneapolis experiment, studies in five of the other cities found the results inconclusive.

However, concluding that arrest is an ineffective deterrent based on these police experiments may be premature and inaccurate. Most offenders in these experiment sites "were not prosecuted once arrested. Legal sanctions were limited to booking for most of those arrested. Few were handcuffed, most spent only a few hours in custody and only a small number were jailed overnight." (Fagan, Jeffrey. *The Criminalization of Domestic Violence: Promises and Limits*. January 1996.) The experiments looked only at the one dimensional response of police at the scene and did not take into account the effect of the rest of the criminal justice process. Thus, most researchers have concluded that the effects of arrest remain unknown.

Jurisdictions that have introduced pro-active protocols, training, and victimless prosecutions have experienced a dramatic increase in the number of cases reported to law enforcement, and a dramatic decrease in the number of domestic murders. Cities consistently experienced fewer domestic violence related homicides when police, prosecutors and judges cooperated to treat domestic abuse as criminal behavior. San Diego's domestic homicide rate dropped 59% from 18 to 7 in three years; Tulsa dropped from 16 to 1 in three years. Quincy, Massachusetts has had only one domestic related homicide in more than 11 years. The experience of these cities mirrors those of others across the country. (Stubbing, Ed. *Response to the Victimization of Women and Children*, Vol. 13, No.1, 1990.) Research has not yet even considered the effectiveness of a community wide response to deter recidivism and homicide. But, experiences in communities across the United States suggest domestic violence is preventable.

Civil Liability

Law enforcement agencies examined the way officers addressed domestic violence, not only because of public policy research and lobbying pressure, but because of mounting liability for failure to protect victims. The first hallmark case in 1984 in Torrington, Connecticut awarded Tracy Thurman \$2.3 million. The decision ruled that the city and twenty-four of its officers violated Thurman's right to equal protection under the 14th Amendment. Thurman repeatedly notified the police of her husband's threats. Police failed to arrest him despite assurances that they would. Eventually, her husband brutally stabbed her, leaving her disfigured and partially paralyzed. The court concluded that a police officer "may not automatically decline to make an arrest simply because the assailant and his victim are married to each other." (*Thurman v. City of Torrington*, 595 F Supp. 1528, 1984)

Similar court rulings have held police liable for failure to protect when a "special relationship" exists. A special relationship may be created with the existence of a protective order, knowledge of a violent history, and/or a request for assistance. For example, in *Sorchetti V. City of New York* 1985, the Court of Appeals held that Mrs. Sorchetti had a reasonable expectation of protection when she reported that her husband had failed to return her daughter after a weekend visitation. Mrs. Sorchetti had separated from her husband and received a protective order. When she dropped off her daughter for a weekend visit, her husband made threats on both their lives; she

reported this to police. When he was late in returning with her daughter, she called police but was told to wait. During this time, Mr. Sorchetti stabbed his daughter repeatedly and attempted to saw off her leg. Although no North Carolina state tort cases set precedence for failure to protect liability suits in domestic violence cases, North Carolina courts have recognized a duty to protect others against harm from third persons in at least one 1995 decision. In *Davis v. North Carolina Department of Human Resources*, the North Carolina Appeals Court ruled that negligence may be found when there is "a duty, a breach of that duty, a causal connection between the conduct and the injury, and an actual loss." In the *Davis* case, Dondiago Rivers, a man with known mental illness, a substance abuse problem, and a violent history of manslaughter, was released from an involuntary commitment to stand trial for a pending assault charge. The release was recommended by a state hospital psychiatrist who had been treating Rivers. On June 5, 1985, Rivers received a suspended sentence and supervised probation despite his previous record. Shortly after his release in August, Rivers walked across an intersection in front of Phillip Davis' car, pointing and saying something inaudibly. Rivers ran away when Davis pulled a tire jack out of the trunk of his car. When Davis stopped two blocks down the road at a convenience store, Rivers ran up from behind him and hit Davis on the head with a fence post, killing him. The courts ruled that it was "reasonably foreseeable that Rivers, if released, would harm or murder someone else." The hospital psychiatrist breached his duty to the victim by advising the court that Rivers was not dangerous. This decision suggests that a breach of duty that results in injury or loss may be negligence by the party instilled with that duty.

The expanded powers of law enforcement mandated in NCGS 50-B create a special duty of protection in certain circumstances of domestic violence. If law enforcement officers refuse to make an arrest, when a request for assistance is made, a protective order exists, or a history of violence is known, the officers, department and jurisdiction may be held liable. With mounting public insistence that police treat domestic violence the same as stranger crimes, failure to do so may result in court action as well as a more debilitating loss of faith by the public. Implementing and periodically reviewing policy that trains officers to understand the law and their responsibilities is essential to reduce liability and protect victims.

IMPLEMENTING POLICY

Traditionally, the freedom to exercise discretion is one of the most valued tools of officers. Anytime a policy appears to compromise that discretion, resistance can be expected. Law enforcement executives can anticipate the same response to a pro-arrest policy for domestic violence. It is important to distinguish that a pro-arrest policy is not the same as a mandatory arrest policy. Rather, a pro-arrest domestic violence policy is similar to the North Carolina DWI response in the past decade. When officers have probable cause for a misdemeanor DWI, an arrest is expected by the administration and the community. Domestic violence is now being looked upon in the same manner. Victims and the community expect law enforcement to treat domestic abuse as a crime and to make the arrest when probable cause suggests a crime was committed. Experience in other jurisdictions indicates that departments with the greatest compliance are those with strong administrative support, comprehensive in-service training, and support from the community.

Administrative Support

Support from the top down is essential for sustained success of any new policy or procedure. The Chief or Sheriff and his command staff should have a thorough understanding behind the philosophy and practice of a "pro-arrest" policy. They should strengthen the policy by allocating resources to domestic violence enforcement, by ensuring compliance to the policy, and by introducing the policy internally as well as externally.

The pro-arrest approach emerged in the 1980's; however, departments have only recently enforced their written policies to ensure victims are protected. Compliance can be difficult in law enforcement, because officers are often entrusted to make independent decisions with little direct supervision at the scene. Supervisors must be keenly aware of the policy mandates, and ensure the officers in their charge abide by them. Some departments have appointed one domestic violence coordinator to review reports, work with local shelters and prosecutors, and train officers. This position creates a central contact for victims, officers and others to pinpoint problems with particular cases, and ensure the best response is achieved consistently. Other agencies have developed specialized units through a reallocation of resources, federal grants, and grants from the GCC. These units often

review all reports, provide follow-up, train officers and other community agencies, and investigate internal complaints of domestic violence.

Officers Involved In Domestic Violence

In 1994, the Southwestern Law Institute and the Arlington, Texas Police Department surveyed 123 police agencies in communities with more than 100,000 people. They found about half lacked an internal affairs policy on abusers, and only one in five departments fired an officer after a second domestic abuse offense. (Levinson, Arlene. "Cops Who Commit Domestic Violence." Associated Press, 1997) An internal policy is essential to ensure all cases of domestic violence are handled appropriately. A sample policy is included in the final section of the protocol. This policy includes recommendations from the most recent report on cops who batter, released by the Los Angeles Police Department Domestic Violence Task Force and the Office of the Inspector General. The report evaluated the LAPD's handling of all completed internal domestic violence-related investigations of its employees from the beginning of 1990 through May 19, 1997. The researchers found that: many employees' performance evaluations lacked documentation of abuse; employees accused of domestic violence were less likely to be arrested if the incident occurred inside Los Angeles city boundaries; and, there was an apparent bias in favor of sworn officers over civilian employees. Seventy-one percent of domestic violence allegations against civilian LAPD employees were sustained, but only 37% of allegations against sworn personnel were sustained. ("Domestic Violence in the LAPD", Family Violence Prevention Fund, August 28, 1997)

The personal experience of officers in domestic violence, either as an abuser or a victim, will most certainly affect their views regarding domestic violence enforcement. Law enforcement agencies should be cognizant of this effect, and should implement internal policies that specifically address employees who are either perpetrators or victims of domestic violence. Employers can provide victims with benefit packages which include counseling and referrals, or leave policies enabling them to go to court. Some agencies have developed training programs which teach supervisors and other employees how to identify co-workers who are victims, and direct them to services in the community. (Supervisors could be required to attend a two-hour awareness seminar as a part of their in-service training). Agencies should be prepared to offer perpetrators intervention strategies, or enforce disciplinary or criminal sanctions when appropriate. Employees may need special assistance when both the perpetrator and the victim are officers working for the same law enforcement agency. Already, a growing number of agencies are beginning to develop policies and programs that are responsive to the particular needs of battered women. These policies must include all victims, even fellow officers.

Police departments must work deliberately to eliminate domestic violence among their officers, and in the rest of the community. A strong internal policy, like the one included in this protocol, is only the beginning. Swift, certain and severe sanctions for officers who violate the policy must follow. Some police departments are taking a step farther by attempting to screen batterers out during the hiring process. The Baltimore Police Department believes that "individuals who are emotionally capable of abusing their domestic partners may be more likely to demonstrate similar behaviors while performing their duties." (Patten, Margaret. "Domestic Violence Behind the Badge," *Subject to Debate*, September 1996, p.6.) Baltimore's investigators and polygraph examiners are proactively asking additional questions or rephrasing current questions to identify batterers at the interview stage. Baltimore is also experimentally evaluating the Minnesota Multiphasic Personality Inventory test results of veteran officers who have been reported as aggressors. They are looking for common traits that may be a "red flag" to a potentially abusive officer. Before hiring an officer with these traits, a more in-depth investigation into the candidate's background would be conducted to ensure no legitimate reasons for disqualification are revealed. (Patten, p.6)

Training

The officers' knowledge and attitudes are important factors in providing effective responses. Training for all officers is the most essential element to successful implementation of policy. Effective training is what turns written protocol into street policy. Prior to introducing the policy, training schedules should include at least five hours on domestic violence dynamics, laws, procedures and departmental policies, so that officers will understand the appropriate response. Any training given to line officers and detectives should be delivered to the rest of the command staff. Dispatchers should receive comparable training designed to address their unique role in the police response. Some departments have included up to twenty hours of training on domestic violence in Academy classes and in-service programs, and developed an additional supervisor training course.

In designing training, each department must assess and deal with the existing attitudes and procedural habits of officers. Do the officers view domestic violence as a private family affair? Do they routinely clear up domestic calls with no paperwork? Have they been trained in crisis intervention skills? Do they have reasonable assurance that the department, and the rest of the criminal justice system, will back them up after an arrest is made? Training must be targeted to address these perspectives.

The GCC can provide law enforcement agencies with complementary training materials that teach officers how to use and understand the model policy in practical terms. The training manual addresses the more technical issues of: identifying self-defense and the primary aggressor; collecting evidence at the scene; interviewing victims, suspects and child witnesses; determining probable cause; and, the basics of domestic violence dynamics. These generic materials can easily be enhanced to address local needs.

Community Support

Although arrest is an essential tool for officers to use in domestic violence cases, arrest alone will not deter future incidents of violence. This manual and the model policy describe several means for officers to assist victims beyond arrest. These include offering information and support, referring victims to shelters, and assisting in safety planning. Included in the index are a domestic violence victims rights and safety plan card and a youth safety plan that can be adapted to include the name and number of local resources. Electronic versions of these documents are available from the GCC. Officers should at least provide all victims with written information that they can refer to later, and/or assist victims in placing calls to a local domestic violence service provider. This information can be printed on the back of a triplicate incident report, or simply reproduced on a pad that can be stored with other reports. Some law enforcement agencies have developed other safety programs for victims of domestic violence. These programs include: providing cellular phones to victims who are being stalked or do not have phones in the home; panic alarm amulets that victims can push to notify police of any need for assistance; and, the "Night for Life" program in which local hotels give a night's stay to a victim when the local shelters are full.

Law enforcement's role is only one part of the community-wide response necessary to address domestic violence adequately. Law enforcement must join with other criminal justice, social service and victim advocate agencies to combat domestic violence effectively. Many jurisdictions have developed task forces or councils that involve all the agencies and organizations that interact with domestic violence victims. The task force concept provides a framework in which the response to domestic violence can most effectively be improved because it brings the criminal justice system and the community together. Regular, public meetings provide the task force with a forum to detect, investigate and monitor domestic violence cases, and the community's response. With the collaboration of officers, judges, prosecutors, probation officers, doctors, magistrates, victim advocates and victims themselves, domestic violence can be stopped.

MODEL PROTOCOLS



911: DISPATCHER PROTOCOL

Dispatchers play a critical role in receiving, relaying and recording reports of domestic violence. Dispatchers should be aware of the potential dangers presented by domestic incidents and should be trained annually on the topic. Departments should assess the feasibility of implementing special prompter screens and record systems which can be immediately pulled up with an incoming call.

A telecommunicator who receives a report of a domestic violence incident should dispatch officers to respond to the scene in every incident. Domestic violence calls should be treated with the same priority as other life-threatening calls for service. Preferably two officers should be dispatched to the scene. Should the victim call back and cancel the request for assistance, the dispatcher should not cancel the response. Instead advise officers of the call-back but have them continue to the scene to determine if further investigation is warranted.

RESPONSE PROCEDURE

During the initial call for assistance, the dispatcher should attempt to find out as much information as possible about the incident, and the previous history of the parties involved. The operator should communicate this information to the responding officers. The following information, in order of importance, should be gathered as time and circumstances allow:

The nature of the incident?

The address? Apartment number? Left or right side?
Business name?

Has anyone been injured? Is an ambulance needed?

Are weapons involved? If yes, what kind?

A telephone number for the caller?

Is the suspect present? Suspect's name? Describe the suspect and, if not present, his/her whereabouts.

Is the suspect under the influence of drugs or alcohol? If yes, what substance?

Are children present?

Does the victim have an ex parte or protective order against the suspect?

Is the caller the victim or a witness?

Has the victim been sexually assaulted?

The telecommunicator should not ask the victim if she is willing to "press charges," or "prosecute" the case. Any comment which places the responsibility for enforcement action with the victim is inappropriate.

VICTIM SAFETY

The safety of the domestic violence victim, whether the threat is immediate or remote, should be the ultimate concern of the operator. If the caller is the victim, the dispatcher should keep her on the line as long as possible and tell her that the officers are on their way and when they should arrive. The operator should advise the victim to ensure her safety by remaining on the 911 line until officers arrive, waiting at a neighbor's house, or convenience store, or simply leaving the residence if the batterer returns.

If the operator notes an abrupt change in the caller's responses, it may indicate that the offender has returned to the victim's location. The operator may be able to obtain more information by asking the caller to respond with simple yes and no questions, or in code. For example, "If the suspect has come back in the room, say a number between one and five; or, on a scale from one to five, with five being the worst, how threatened do you feel?"

If the caller is a witness to a domestic incident in progress, the dispatcher should keep the caller on the line and relay ongoing information to the responding officers.

If the dispatcher has immediate access to police records, they should review those records to identify the number of previous domestic violence related calls logged to that address, the existence of a protection order, outstanding warrants, and whether the suspect is out on bond or on probation. That information should be radioed to the responding officers.

Telecommunicators should periodically check the safety of the responding officers at the scene as they would on any other potentially life-threatening call.

All 911 tapes should be maintained and catalogued because the recordings may be vital evidence in a criminal case. Agencies should devise a systematic method for officers or detectives to review the 911 tape when a criminal case is pending.

THE DOMESTIC VIOLENCE MODEL PROTOCOL

PURPOSE

This document establishes a standardized protocol for effective response to domestic violence related calls. It recognizes that domestic violence differs from other crimes because of the intimate relationship between the victim and the accused. Domestic violence victims may require extra assistance to ensure their safety. Notwithstanding that difference, officers should respond to domestic violence as they would any crime, by pursuing the criminal remedies appropriate to the offense. Physical arrest is the preferred response to every domestic violence situation where an arrest is legally permissible.

DEFINITIONS

Domestic Violence

Based on the North Carolina legal definition of domestic violence in NCGS. 50-B, this protocol defines domestic violence as abuse committed in any intimate relationship, including:

- spouses or former spouses
- persons who are, or were living together
- persons who have a child in common
- persons who have, or had a dating relationship

Domestic violence for the purposes of this protocol does **not** include family violence such as violent behavior against children or parents, or violence between individuals living together in a situation in which the relationship is not considered intimate--such as a dormitory or rooming arrangement.

Abuse

Patterns of abuse may include: sexual assault; stalking; property crimes; violation of a court order; criminal trespass; intentionally causing or attempting to cause bodily injury; or, placing another person in reasonable fear of imminent bodily injury to him/herself or another.

The legal remedies may differ based on the type of intimate relationship and the type of crime. Officers should take whatever action is appropriate and authorized within the confines of the law to ensure

every victim of domestic violence is afforded equal protection.

TRAINING

All officers should receive **annual** in-service training on domestic violence to inform officers of:

- Domestic violence laws
- Departmental policy and procedures
- Dynamics of domestic violence
- Investigative techniques

Additional training should include written bulletins, videotapes, verbal reminders, and updates during assemblies. The Chief of Police, Sheriff, or his designee, should review the department's training policies annually and make any revisions deemed necessary.

RESPONSE PROCEDURE

I. Initial Contact

A. Approach. At least two officers should respond to the scene of any domestic violence call that is in progress or has just occurred. However, since the availability of two officers is not always an option, individual agencies should establish their own policies and procedures for one- and two-officer responses to domestic violence calls. Officers should employ standard precautionary measures in approaching the scene of the incident, including: parking away from the residence, waiting for back-up, and, checking the outside of the residence for assailants.

B. Entry. The officers should request entry into the home and ask to see the person who is the subject of the call. If the person who called the police is someone other than the victim, the police should not reveal the caller's name or whereabouts. If access to the victim is refused, officers should be persistent about seeing and speaking alone with the victim. The officer should ask the dispatcher to contact the caller by phone, if the caller is the victim. If entry is still refused, a supervisor should be advised of the situation. The officers may decide to do one of the following:

1. If there is any evidence to indicate that a crime has occurred, the officers will not leave the scene without speaking to the victim. Evidence could include the condition of the scene, or the state of the person who is speaking with the officers.
2. If the officer has reason to believe that serious injury has occurred or may occur if the officers leave, the officers will not leave the scene.
3. In some circumstances forced entry, pursuant to NCGS. 15A-285, may be necessary and appropriate in order to save life or prevent bodily harm. Under NCGS. 15-43, an officer is authorized to force entry into a house to prevent the commission of a felony therein. If time allows, officers will contact a supervisor before forced entry is pursued.
4. If the officers leave, they should drive by later to observe any further disturbance.
5. If the officers remain to observe, they should move to public property and observe the premises from that location.

C. Contact. Once inside the residence, the officer should immediately:

1. Identify potential weapons
2. Separate the victim and the assailant
3. Assess injuries (including inquiry about possible internal injuries and other injuries which are not readily visible, such as strangulation). Notify EMS if needed.
4. Separate witnesses from the victim and the accused, keeping them out of hearing range to avoid influencing their statements.

II. On-Scene Investigation

A. Interview. The responding officer should interview the victim and the assailant *separately*. The officer should ensure the victim's safety and privacy by interviewing the victim in an area *out of sight and hearing range* of the assailant, witnesses and bystanders. In questioning, the officer should:

1. Use supportive interview techniques
2. Ask the victim about previous domestic incidents, their frequency and severity
3. Not reveal to the victim what action he/she intends to take until all available information is evaluated

4. Ask the victim and the suspect if they are in pain, even if there are no visible injuries
5. Document victim's and suspect's condition, demeanor, relative size, and evidence of injury
6. If the victim does not speak English, a translator should be located as soon as possible to assist in investigating the incident. Although family members may volunteer to translate for the victim, an outside translator is preferred because the family member may attempt to cover up the suspect's actions and protect the family.

B. Domestic Violence Protective Orders (DVPO).

If the dispatcher has not advised the officer of the existence of a protective order, the officer should ask the victim whether there is such an order, and ask them to produce a copy. If the victim cannot produce a copy of a valid order but maintains that an order is in place, the officer should verify the existence and effective period of the order by checking the DCI registry using the defendant's name. They should confirm the order by:

1. Local orders: Contact the local Sheriff's Office, the civil clerk of courts or other departmental unit that maintains the DVPO registry.
2. Other jurisdiction: Contact the local law enforcement agency which should have a copy on file. (Ask the victim to specify the jurisdiction in which the order was filed and the appropriate agency to contact.)

If an order is verified, an immediate arrest may be mandatory. (See **DVPO Arrests Section IV**)

C. Witnesses. Interview any witnesses as fully and as soon as circumstances allow. If the witnesses provide information about prior incidents, document such incidents to establish a pattern.

1. Document names, addresses and phone numbers of the witnesses for follow-up interviews or possible court testimony.
2. Check with neighbors if no witnesses are at the scene.

D. Children. Children should be interviewed in an age-appropriate manner, preferably alone. If the child was present during the incident, or the victim was holding the child when the suspect inflicted an injury, possible child abuse charges may be appropriate. If the officer has cause to suspect any

child has been abused or neglected, the officer must report the case to the Department of Social Services in the county where the child resides, or was found. Even if the children did not witness the incident but were present in the home, officers should:

1. Document names and ages.
2. Document signs of trauma and any apparent healing of abuse wounds.
3. Photograph children if possible.
4. Document statements.

E. Crime Scene. Officers should assess the scene of the incident, and note the disturbance of furniture, the presence of weapons, broken windows or doors, the presence of blood stains, etc. to corroborate the statements of the involved parties. If possible, the agency should notify the victim if the weapon is returned to the abuser.

F. Seizing Weapons for Safekeeping If there is a weapon in the abuser's possession, which in the officer's judgment puts the victim at risk, the officer should seize the weapon for safekeeping. Weapons may be seized for safekeeping, whether or not an arrest is effected.

III. The Arrest Decision

The responding officer should arrest the assailant whenever an arrest is authorized, including warrantless arrest for certain domestic misdemeanors which *did not occur in the officer's presence*. If the officer decides not to arrest despite the existence of probable cause, a clear and compelling reason for such action, and the actions taken to ensure the safety of the victim must be documented in the written report of the incident.

Warrantless Arrest for Domestic Violence

Arrest is authorized without a warrant under NCGS. 15A-401, if an officer has probable cause to believe that a person has committed any of the following:

- A felony crime in or outside of his/her presence
- A misdemeanor crime committed in his/her presence
- A domestic violence crime committed outside of his/her presence, that is one of the following:

- Simple Assault 14-33(a)
- Assault on a Female 14-33(c)(2)
- Assault with a Deadly Weapon 14-33(c)(1)
- Assault Inflicting Serious Injury 14-33(c)(1)
- Domestic Criminal Trespass 14-134.3

Warrantless arrest is only applicable for domestic violence cases in which the victim and the perpetrator are of the opposite sex and are former or current spouses, or former or current live-in partners.

Arrest for Other Relationships

In cases of domestic violence in which the victim and the perpetrator have a dating relationship or a child in common, but have never lived together, or are current or former household members of the same sex, the misdemeanor warrantless arrest statute does not apply. In such instances, if probable cause exists, the officer should seek a warrant from the magistrate prior to effecting the arrest.

A. The arrest decision is the responsibility of the officer; therefore, the officer should **not** consider any of the following factors, except as they relate to the elements of the crime:

1. Victim's opposition to arrest or claims of being unwilling to prosecute
2. Any speculation that the victim may not follow through with prosecution
3. Concerns about the financial consequences of arrest
4. Speculation that the arrest may not lead to conviction
5. Relationship or marital status of the parties (i.e. not married, separated, pending divorce, etc.)
6. Denial by either party that the abuse occurred when there is evidence of domestic violence
7. Verbal assurances that the violence will cease
8. Racial, cultural, social, political or professional background, or the sexual orientation of either the victim or accused
9. Location of the incident, i.e. public or private
10. Injuries are not visible

Officers should not advise victims of domestic violence that they may "press" or "drop" charges. If a victim maintains that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. **The officer should emphasize to the victim and to the accused as well, that the arrest is the State's decision, not the victim's.**

B. Injury to Both Parties. If visible bodily injury exists on both involved parties, the officer should follow these procedures before making an arrest:

1. Determine if one of the parties was acting in **self-defense**. If so, arrest only the other party;

Definition of self-defense: A person is entitled to use a reasonable amount of force to protect themselves from an assault. A person must have a reasonable fear of bodily injury to justify the use of force. A person may not use more than necessary force nor continue the force once the threat has ceased or been withdrawn. Self-defense is often more difficult to determine in cases of domestic violence and requires careful investigation.

In cases where a history of domestic violence exists between the parties, *an initial strike by the battered person is more than likely self-defense*. The experiences of battered persons may lead them to believe that such action was necessary to defend themselves from an impending violent attack, similar to a law enforcement officer's use of force based on the officer's experience and knowledge. In that situation, the law does not consider the battered person to be an aggressor at all: they may strike first to prevent being struck.

2. If neither party can be determined to have acted in self-defense, decide if one of the parties was the **primary aggressor** in the violent incident. If so, arrest only this party.

a) **Definition of Primary Aggressor.** The primary aggressor is the party who is responsible for the perpetuation of the violence, not necessarily who initiated it in one particular incident. Officers should consider the intent of the law to protect victims of domestic violence from continuing abuse.

b) **Initial Strike.** In cases where a history of domestic violence exists between the parties, an initial strike by the battered person may be completely justified in self-defense. (See Self-Defense section above.)

c) **Relative Severity of the Injuries.** In some cases involving a history of domestic violence, a battered person may commit a minor assault on the batterer, and the batterer responds with excessive force. For example, a battered woman scratches her husband, and the batterer responds by blackening both of her eyes and breaking her arm. In that situation, the initial scratch might not be justified in self-defense, but the

batterer is clearly the primary aggressor and should be the only person arrested.

(If the batterer wishes to pursue charges over the initial scratch, he or she can still request the magistrate to issue criminal process.)

An officer should closely evaluate the following elements to determine who is the primary aggressor:

- a) Evidence from the involved persons--injuries, statements, etc.
- b) Evidence from witnesses of the domestic abuse
- c) Self-defense wounds
 - i. Aggressor may have scratches on arms and hands or bite marks on the chest or arm
 - ii. Victim may have bruises on forearms, scratches on his/her own neck, bilateral injuries, etc.
- d) Existence of a DVPO
- e) Possession of weapons
- f) Property destroyed by one party
- g) Relative severity of injuries
- h) One party physically larger or stronger
- i) History of violence by one of the parties against the other or against other people
- j) One party is usually the aggressor

A determination as to who the primary aggressor is should not necessarily include who started a verbal argument, since verbal provocation is not a justifiable cause for assaultive behavior.

3. If neither has acted in self-defense and the responding officer cannot determine either as a primary aggressor, call another officer or a supervisor to determine if both parties, or either, should be arrested.

C. Dual Arrest. Arrest of both parties in a disturbance where domestic violence is present may trivialize the seriousness of the situation and potentially increase the danger to the victim. True mutual combat is rarely present. In only 3-5% of cases are both parties equal combatants.

Dual arrest is not encouraged; a supervisor must be present before a mutual arrest is made.

Victims often inflict injuries upon a suspect while defending herself from the suspect's aggression.

Often cross-complaints are falsely made by an offender to avoid an arrest. In cases of "mutual combat" where an officer cannot determine the aggressor, probable cause may not exist for any arrest.

An officer should document all findings and justifications for making a mutual arrest in the body of the written report.

IV. Violation of Protective Orders

A. Warrantless Arrest. NCGS. 50B-4 *requires* warrantless arrest in cases where there is a court order in effect and there is probable cause to believe that the suspect violated the order under any of the following provisions:

1. Excluding the suspect from the residence occupied by the victim;
2. Directing the suspect to refrain from:
 - a) Assaulting, threatening, abusing, or following the other party;
 - b) Harassing the other party by visiting the home or workplace, or by other means; or,
 - c) Otherwise interfering with the alleged victim.

The officer must arrest the perpetrator regardless of the present relationship or circumstances between the victim and the perpetrator. Even if the perpetrator has moved back into the residence named on the DVPO, or the victim has invited the perpetrator to his/her residence, the officer must arrest once the active order is confirmed. **Only a subsequent court order dismissing the DVPO can nullify the enforcement of that order.**

B. Arrest Pursuant to a Warrant. As of December 1, 1997, *any* violation of a protective order is a Class A1 misdemeanor.(NCGS 50B-4A) An officer may seek a criminal warrant for any violation, and make an arrest pursuant to that warrant.

C. Ex Parte Orders. An ex parte order is a temporary order that is typically valid for up to ten days, or until the set court date for the DVPO hearing at which both parties are present.

To enforce an ex parte order, the officer should:

1. Confirm the validity of the order by checking the date on the Notice of Hearing. If the court date is expired, ask the victim if she obtained any further order from the court at the hearing.
 - a) If the victim did, she may have a full DVPO. See Section D.
 - b) If she did not go back to court, explain to the victim that the ex parte is invalid and the entire case may have been dismissed; she may need to re-file.
2. If the order is not expired, confirm that the restrained party has been served with the ex parte order.
 - a) If the restrained party was served, enforce as a domestic violence protective order.
 - b) If the restrained party has not been served:
 - i. Attempt service
 - ii. Inform the suspect of the order
 - iii. Document actions in a written report

D. Other Jurisdiction Protective Orders. *Protective orders from another jurisdiction within North Carolina or from another state should be honored as any other facially valid protective order according to the federal Violence Against Women Act of 1994.(VAWA 18 USC 2265) The out of state order must be registered with a North Carolina clerk of courts office to be enforced in North Carolina. Officers should check with the issuing jurisdiction to verify the activity of the order if the victim cannot produce a valid copy. If the suspect crosses state lines to violate an order, a federal charge is applicable in addition to the state offense. (See **Federal Crimes Section V.**)*

Even if an out of state order has not been registered with a NC clerk of court, officers should look for the underlying crime in the violation and charge the perpetrator with that crime, e.g. trespassing, assault, etc.

E. DVPO Verification. The officer should transport a hard copy of the DVPO to the Magistrate's Office for processing with the arrestee. Officer may photocopy the victim's copy, or copy the order on file with the agency. Before placing the subject in custody, the officer should check on the order to confirm:

1. What is the date on the order? Its expiration date?
2. What are the terms of the order? Are there any exceptions written in the order in regard to child

custody or the like that may make the arrest improper? (e.g. The judge has written in exceptions to the trespass order for visiting the kids.)

If the officer cannot verify the existence and status of the order, the victim should be informed how to file for a warrant for a violation of a protective order with the local magistrate and how to get another copy of the order from the civil clerk of courts office. The officer should explain that the victim needs to keep a copy with her at all times.

F. Enforcement When Suspect Is Not On the Scene. If probable cause exists that a violation has occurred and the suspect is not on the scene, officers should attempt to locate the suspect in the immediate area or any other place identified by the victim. If located at any time, the suspect can be picked up immediately without a warrant. (Note that without a warrant, forced entry is not appropriate unless other exigent circumstances exist.)

If the suspect is not located within a reasonable time, the officer should obtain a warrant for the criminal violation of the protective order, and for any underlying crimes, such as assault or trespass. (See **Section VI part E, Suspect Not on the Scene.**)

G. Filing Charges for On-Scene Arrest. If the suspect has violated the order by committing an additional crime, such as trespass or assault, the officer should file the criminal charges for this new offense. Additionally, the officer should file criminal charges for the violation of the protective order.

H. Disposition of Personal Property. Officers should not ordinarily become involved in the disposition of personal property. Violations of a protective order regarding the allocation of personal property such as furniture, cars or other items may be enforced through the civil order to show cause process or through a criminal warrant process. In the absence of a warrant or probable cause, the officer should remain neutral and be concerned primarily with maintaining the peace and safety of those present.

V. Federal Crimes

A. Violence Against Women Act. The Safe Homes for Women Section of VAWA outlines federal crimes related to domestic violence in the following circumstances:

1. **Crossing State Lines to Injure an Intimate Partner.** The suspect crosses state lines with the intent to injure, harass or intimidate an intimate partner and such action involves a crime of violence that results in bodily injury. [18 USC. 2261(a)(1)]
2. **Forcing an Intimate Partner to Cross State Lines.** The suspect causes a spouse or intimate partner to cross state lines by force, coercion, duress or fraud where such action also results in bodily injury to the victim. [18 USC. 2261(a)(2)], or
3. **Interstate Protection Order Violation.** The suspect crosses state lines with the intent to violate a protection order, and thereafter acts to violate the order either in the issuing or another state. [18 USC. 2262(a)(1)]

VAWA defines intimate partner to include:

1. A spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits, or has cohabited with the abuser as a spouse; and,
2. Any other person, similarly situated to a spouse, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides. [18 USC 2266]

The FBI and/or the U.S. Attorney's Office should be contacted in instances in which one of these federal crimes are committed against a victim as defined above.

B. Firearms.

1. **Interstate Shipping of Firearms.** It is unlawful for any person who is the subject of an order for protection to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm which has been shipped or transported interstate. [18 USC. 922 (g)8]
2. **Possession of a Firearm.** The Domestic Violence Offender Gun Ban, enacted September 10, 1996, prohibits any individuals, including law enforcement officers, convicted of misdemeanor domestic violence offenses from buying or possessing a firearm. [18 USC. 922 (g)9]

The Alcohol, Tobacco and Firearms Agency should be contacted in such cases.

VI. Effecting the Arrest

A. Juveniles. When the accused is less than 16 years of age, the provisions of this protocol are fully applicable, except that the juvenile shall be taken into custody, and processed pursuant to the Juvenile Act.

B. Mental Illness/Substance Abuse. If, upon examination of the accused, the officer determines that a voluntary or involuntary commitment to a mental health facility is required, the officer should follow emergency commitment procedure according to departmental policy. The officer should not allow the possibility of mental illness or substance abuse to preclude a valid criminal arrest.

C. Public Officials. Domestic disturbances involving prominent citizens, public officials or police officers may present particular difficulties for the responding officer. In such circumstances, the responding officer should request a supervisor come to the scene. The responding officer should take whatever action is necessary to protect the victim and detain the assailant, while waiting for the supervisor. The procedure followed upon arrival of the supervisor should be the same as it would be in any domestic incident. The status of the accused shall not influence the decision to arrest when probable cause exists.

D. Arrestee Referral. In cases where the officer determines that an arrested person is under the supervision of the Division of Parole and Probation, the officer will notify that agency of the arrest.

E. Suspect not on the Scene. Reasonable efforts should be made to locate the suspect in the area or in frequented places. If the suspect is not taken into custody, but a domestic crime was committed by the suspect, the officer is required to do one of the following:

1. Officer should obtain the warrant; or
2. When the officer cannot obtain the warrant because of lack of probable cause, assist the victim in obtaining a warrant by transporting or accompanying the victim to the Magistrate's Office and providing the necessary assistance; or,
3. Officer should obtain a supervisor's approval when seeking a warrant is not advisable under the existing circumstances. The reason for no arrest should be documented on an incident report.

These actions must be completed either during the initial response or before the end of the officer's tour of duty. Reasonable efforts should be made to serve the warrant as soon as possible. Under no circumstances should an officer fail to prepare a crime report or fail to seek a warrant when probable cause exists simply because the suspect left the scene.

F. Absence of Probable Cause The officer should still complete a full written report, even if an arrest is not authorized because of the absence of probable cause. The officer should explain to the victim why no arrest was made, and of the right to pursue a private complaint. (See **Victim Safety Section IX**)

VII. Evidence Collection

Whenever a crime is *alleged* to have been committed, the officer should collect relevant evidence and document the incident, regardless of whether an arrest is made at the scene.

A. Excited Utterances. Record any spontaneous declarations or excited utterances made by the victim or the assailant. These statements are made by the victim while under the stress or excitement caused by a traumatic event. The officer **must** record the demeanor of the victim at the time, for such statements to be admissible as evidence. Any statement made by the suspect at any time, before or after arrest or Miranda, may potentially be used in court.

B. Photographs. The officer should ensure that photos are taken of:

1. Visible injuries on the victim
 - a) Old scars and fading bruises to establish pattern
 - b) Fresh injury
 - c) "Hidden" injuries concealed by clothing. An officer of the same sex as the victim should assist when possible in documenting these injuries.
 - d) Follow-up photos should be taken 24-48 hours after the incident. Bruises may not appear for several days after the assault. The officer should advise the victim to contact the police if injuries later appear. If possible, the officer should revisit the victim.
2. Visible injuries on the assailant

3. Children. If not present, inquire as to whether or not the children are at home. Ask to see the children and photograph, if possible.
4. Crime Scene
 - a) Disarrayed or damaged furniture
 - b) Empty alcohol containers
 - c) Blood
 - d) Broken doors, mirrors, dishes, windows or locks
 - e) Any other potential evidence
5. Weapons used, or threatened to be used

C. Evidence. The officer should collect and preserve all physical evidence necessary to support prosecution, including evidence substantiating the victim's injuries, articles that substantiate attack or pattern of abuse, and evidence recording the scene. Officers may want to diagram the crime scene. Evidence may include:

1. Weapons used or threatened to be used in the assault, even "non-traditional" weapons such as a telephone cord or broomstick. No weapons shall be returned to a perpetrator unless ordered by a court, following notice and opportunity to be heard by the District Attorney, or otherwise ordered at final disposition of charges.
2. Torn/bloody clothing
3. Destroyed property such as a phone ripped from the wall
4. Answering machine tapes, letters from suspect, etc., to establish a pattern and history of abuse.

D. Crime Report. The officer should complete an offense incident report and a Domestic Violence Supplemental report for **all** incidents in which a domestic violence crime is alleged. *For on-scene arrests, a copy of the report should be left at the Magistrate's Office with the booking sheet to assist judges at the bond hearing.*

Any other reports generated for such calls should be clearly marked "Domestic Violence Incident" as an aid to processing and identification of such cases.

1. **Documentation on Offense Report.** Officers should maintain objectivity in reporting. Avoid personal opinions. Document all of the following in the narrative of the report:
 - a) Emotions and behaviors of victim, suspect and children
 - b) Physical evidence
 - c) Statements of victim, suspect and witnesses

- d) History of violence
- e) Sustained injuries
- f) Elements of all involved crimes
- g) Future contact number/address for victim
- h) Relationship of the parties

Officers may want to diagram the crime scene to strengthen their testimony months later when the incident goes to trial.

2. **No Alleged Crime.** The officer should complete a short operations report for any call in which domestic violence is present or alluded to, regardless of whether there is an arrestable offense or an alleged crime at the time of the call. The officer should document the names of the involved parties, addresses, history of domestic violence, and action taken at the scene.
3. **Confidentiality of Reports.** Temporary relocation of a victim away from the residence, and the names, addresses and phone numbers of witnesses, as well as statements they made concerning the domestic incident, should not be released to any person other than an authorized law enforcement officer or other officer of the court for the conduct of official business.

VIII. After the Arrest

A. Elder Victims and Dependents. Circumstances may arise in which the accused is the sole caretaker of an elderly (60+) or disabled victim, and an arrest is warranted. Or, the victim may be the sole caretaker of a physically dependent elder, and cannot provide care due to hospitalization, etc. The officer should determine if the elder or disabled dependent is physically endangered by a preexisting medical condition or the removal of a caretaker. If so, the officer should ask for the name of a relative or friend who can be contacted to assist the elder. If no assistance is available, the officer should contact the local Department of Social Services, Adult Protective Services. The officer should remain with the elder until protective service workers arrive, or transport the elder to a medical facility or other appropriate place to wait. The officer should always advise the elder of protective services available in the community.

B. Child Victims and Dependents. If the accused is arrested and the victim is unable to provide care to the children (e.g. due to

hospitalization), the officer should ask the victim for the name of a family member who can assume care of the children. If no assistance is available, the officer should contact the local Department of Social Services, Child Protective Services. The officer should remain with the children until the social worker arrives, or transport the children to the worker.

C. Victim Information. After the arrest the officer should advise the victim of what should happen next. (See **Victim's Rights Card**.) At minimum, this information should include:

1. **Availability of Medical Services.** The officer should advise the victim of medical services, if needed.
2. **Offender's Release from Custody.** The perpetrator could be released in a few hours. The officer should explain the bail process. The victim should be given the phone number of the magistrate's office or local jail to contact for information about the disposition of the perpetrator's bond and release.
3. **Pre-trial Release Conditions.** Conditions enjoining the defendant from abusing or harassing the victim, or excluding the defendant from the home or workplace, will be set at the bond hearing. The victim should obtain a copy of the release conditions at the criminal clerk of court's office to produce in case of violation.
4. **Case Information.** The officer should provide the victim with a copy of the report, or explain how to obtain a copy from the agency, and any cost involved. The officer should at least provide the victim with the case number, the officer's name, badge number, and a follow-up phone number. The officer should also give the victim the name and telephone number of someone who may be contacted, if the victim has not been notified of an arrest in the case.
5. **Victim Compensation.** The officer should inform the victim of the availability of crime victims' compensation funds under Chapter 15B, and the address and telephone number of the agency responsible for dispensing the funds.
6. **District Attorney's Office.** The officer should give the victim the address and telephone number of the district attorney's office that will be responsible for prosecuting their case.

IX. Victim Safety

Whether or not an arrest is made, the officer should not leave the scene until the situation is under control and the victim is adequately protected from future danger. In every domestic violence call officers should provide the victim with *written* assistance information. (See **Victim's Rights Card, Appendix B**) Additionally, officers should inform all domestic violence victims of the following:

- A. Advise victims of legal rights to pursue criminal charges and to obtain a protective order.
- B. Encourage the victim to contact the local domestic violence service provider for assistance and provide local numbers. The officer should offer to help the victim make contact if the victim does not have a phone, does not speak English well, or shelter is needed.
- C. Arrange for, or provide transportation to a shelter, medical facility, courthouse or other safe place, if the victim so requests.
- D. If the victim does not speak English, a trained translator should be located as soon as possible to advise the victim of the above information.
- E. Plan with the victim on how to stay safe if the victim stays in the relationship, remains in the home, or leaves to stay elsewhere. (See **Victims' Card**.) The officer should review the lethality assessment questions included in the report and inform the victim of the officer's assessment. (See **DV Supplementary Report Form**.)
- F. The officer should advise the victim to be as cautious as possible in devising or carrying out safety procedures. A violent episode could be triggered if the assailant knows the victim has made plans to escape.

X. Follow-up Investigation

A. Investigation Procedure. All domestic violence reports prepared by officers should be reviewed and given follow-up investigation as needed. Follow-up should be initiated within 48 hours of the occurrence of the assault. Cases in which a crime was alleged, but an officer did not make an arrest at the scene deserve particular attention. Follow-up should:

1. Verify the inclusion of all investigative steps by responding officer

2. Obtain medical records, telephone records (Victim's release of information will be required.)
3. Obtain copy of original 911 call for assistance, as needed
4. Contact victim to update him/her on the case and review safety plan information
5. Interview witnesses, as needed
6. Photograph any injuries to the victim, regardless of whether or not photos were taken at the scene
7. Record name, address and phone number of two close friends or relatives of the victim who will know how to contact him/her in 6-12 months
8. Conduct a complete history of the suspect

B. Effective Prosecution. The follow-up investigation should focus on attempting to prove the case, without the participation or cooperation of the victim in the prosecution. Each case should be analyzed in the following manner:

1. Can the elements of the offense be established without the testimony of the victim?
2. If not, will the victim appear in court and testify truthfully, if subpoenaed to do so?
3. If not, can further investigation locate additional witnesses or information which could allow prosecution with a uncooperative or hostile victim? Is there other physical evidence, prior inconsistent statements, witness statements, a 911 tape, circumstantial evidence, a defendant's statement, etc.?

XI. Other Calls for Service

A. Assist a Person Calls. Officers are often requested to assist a person moving belongings or to escort a victim in domestic situations. If an officer responds to such a domestic related call, he/she should stand by until the caller has completed the task. The officer should keep the victim and offender in view at all times to protect the safety of the victim, the officer and the accused. If the task cannot be completed within a reasonable amount of time, notify the victim that you will not be able to continue to stand-by and make arrangements for further assistance. Advise a supervisor of any problems.

If the suspect is present, officers should not leave until the victim is able to leave as well (unless the victim advises differently and no DVPO exists). If a DVPO exists between the parties, the officer should

take all necessary precautions to assure the safety of the victim, and to prevent any undue harassment. If a DVPO violation should occur, appropriate action outlined in **Section IV** of this protocol must follow.

B. Missing Person. When investigating missing persons cases, officers should always ask about a history of domestic violence related to any of the parties (current or former relationships).

1. **Missing Adults.** If domestic violence is indicated, the officer should investigate the case to verify the safety of the missing adult. If the officer makes contact, that person should be advised of the reporting source. It is the choice of the reported missing person as to whether or not they contact the reporting source. The officer should explain to the reporting source that the adult was located, is believed to be safe, and was advised of the report. The decision to contact the person who made the report, or to reveal their location is to be made by the person reported as "missing" and not by the officer.

2. **Missing Juveniles.** Children of domestic violence victims are at serious risk for parental abduction, physical and emotional injury, and possibly death, as the offender attempts to further control and manipulate the victim. If a victim reports that children have been abducted, or the abusive partner has failed to return them from visitation, officers should file a missing person report. An investigation should be promptly initiated to locate, and determine the well-being of the child. The case may require a report to be made to another entity, (e.g. Child Protective Services). The batterer may also report the children missing in an attempt to locate the victim. Officers should be alert to this possibility, and check for the history of domestic violence.

C. Warrant Service. Officers should make every effort to serve any domestic violence warrant in a timely manner due to the potential for further violence between the perpetrator and the victim. If an officer receives a third-party call for warrant service that may in any way be domestic related, the officer should make no reference to that call for service. This action may inadvertently cause more violence as the perpetrator may blame the victim for informing the police of his/her whereabouts.

D. Professional Conduct. Whenever officers interact with domestic violence victims, they should conduct themselves professionally and refrain from

making personal remarks or expressing personal opinions regarding the circumstances between the victim and the perpetrator. An officer's conduct reflects on the agency and should be professional at all times.

XII. Officer-Involved Domestic Violence

A. On-Scene Response. When an officer is involved in a domestic violence situation and sworn personnel are dispatched to the scene, the following procedure shall be applied:

1. The first responding officer shall notify his/her supervisor to respond to the scene. Once the supervisor arrives, the criminal investigation should be handled as outlined in this protocol, but led by an officer who is at least one rank above the involved officer.
2. The supervisor shall notify the watch commander from the scene, or as soon as possible after assessing the situation.
3. If there is probable cause to believe the involved officer committed a criminal act, he/she will be arrested and relieved of his/her weapon, badge and duties pending the outcome of the criminal and internal procedures.
4. The watch commander will notify the suspect's chain of command and the Internal Affairs Division investigator within 72 hours. The watch commander should advise dispatch to pull any 911 tapes related to the incident. The recordings and the written report of the incident should be forwarded to the Internal Affairs Division within 24 hours.
5. In cases where the officer determines that an arrested person is a sworn law enforcement officer in another agency, the responding supervisor should notify the agency who employs the arrestee. Any issued service weapon confiscated from a law enforcement officer that is not being held as evidence should be returned to the issuing agency

B. Mandatory Reporting.

1. If any employee of this agency has knowledge of an on-going domestic violence situation involving another employee, they should notify their immediate supervisor, who will notify his/her chain of command. The bureau commander of the involved employee will then inform the Internal Affairs Division, which will

initiate a formal investigation.

2. If any employee is a suspect in an incident of domestic violence that is reported to another law enforcement agency, the employee must immediately notify his/her chain of command to begin the internal review process.
3. An officer will make a written report of any alleged crime of domestic violence by a police officer toward his or her intimate partner, just as in any other domestic violence incident. This applies to those situations in which an officer is dispatched to the call, and/or when the complainant initiates the call by approaching the officer on his or her tour of duty.
4. If an employee fails to comply with mandatory reporting, they will face departmental sanctions.

C. Internal Investigation. The Internal Affairs Division will conduct an investigation in addition to any criminal investigation, and regardless of its outcome. Any complaints involving officers, regardless of whether police responded and probable cause existed, will be handled with high priority in the investigation process, and will be resolved as quickly as possible within the agency. Discipline for sustained cases of domestic abuse may range from mandatory counseling to suspensions or termination based on the severity of the offense.

1. **First Complaint.** With the first sustained complaint of domestic violence against an officer, the officer should attend mandatory counseling regardless of the level of violence involved. This counseling should be in addition to any other punitive sanctions deemed appropriate.
2. **Suspensions** Suspensions for sustained acts of domestic violence will be increased in length and severity. Long-term suspensions or terminations will be given to those who have repeated instances of sustained allegations.
3. **Terminations** Employees will be terminated in serious cases of domestic violence, or in circumstances in which an officer has demonstrated by a convincing pattern that he or she cannot control their abusive conduct.

The provisions of this article are intended to further the credibility of the department, and should not be construed as a protocol which assumes guilt, penalizes or exonerates departmental employees.

Resources

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APPENDIX A



**DOMESTIC VIOLENCE
SUPPLEMENTAL FORM**

DOMESTIC VIOLENCE SUPPLEMENTAL REPORT FORM

CASE NUMBER: _____

LOCATION: _____

TIME: _____

DATE: _____

CALLER: VICTIM HOSPITAL NEIGHBOR FAMILY MEMBER OTHER

CALLER'S NAME: _____

VICTIM	CONDITION OF VICTIM UPON ARRIVAL		VICTIM NAME(L,F,M):	DOB:
	<input type="checkbox"/> ANGRY	<input type="checkbox"/> COMPL. OF PAIN		GENDER: <input type="checkbox"/> M <input type="checkbox"/> F
	<input type="checkbox"/> APOLOGETIC	<input type="checkbox"/> BRUISE(S)	ADDRESS:	HOME PHONE:
	<input type="checkbox"/> CRYING	<input type="checkbox"/> ABRASION(S)		WORK PHONE:
	<input type="checkbox"/> FEARFUL	<input type="checkbox"/> MINOR CUT(S)	AT TEMPORARY ADDRESS? <input type="checkbox"/> YES, SPECIFY _____ <input type="checkbox"/> NO	
	<input type="checkbox"/> HYSTERICAL	<input type="checkbox"/> BITE(S)	TEMPORARY PHONE #:	CONTACT PERSON:
<input type="checkbox"/> CALM	<input type="checkbox"/> FRACTURE(S)	SPONTANEOUS STATEMENTS:		
<input type="checkbox"/> AFRAID	<input type="checkbox"/> CONCUSSION(S)	_____		
<input type="checkbox"/> IRRATIONAL	<input type="checkbox"/> GUNSHOT(S)	_____		
<input type="checkbox"/> NERVOUS	<input type="checkbox"/> DEEP CUT(S)	_____		
<input type="checkbox"/> THREATENING	<input type="checkbox"/> SEXUAL ASSAULT	_____		
<input type="checkbox"/> OTHER:	<input type="checkbox"/> OTHER:	ALCOHOL/DRUG USE? <input type="checkbox"/> YES <input type="checkbox"/> NO TYPE OF SUBSTANCE:		

SUSPECT	CONDITION OF SUSPECT UPON ARRIVAL		SUSPECT NAME(L,F,M):	DOB:
	<input type="checkbox"/> ANGRY	<input type="checkbox"/> COMPL. OF PAIN		GENDER: <input type="checkbox"/> M <input type="checkbox"/> F
	<input type="checkbox"/> APOLOGETIC	<input type="checkbox"/> BRUISE(S)	ON PROBATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	WHERE:
	<input type="checkbox"/> CRYING	<input type="checkbox"/> ABRASION(S)		PROB. OFC:
	<input type="checkbox"/> FEARFUL	<input type="checkbox"/> MINOR CUT(S)	SPONTANEOUS STATEMENTS:	
	<input type="checkbox"/> HYSTERICAL	<input type="checkbox"/> BITE(S)	_____	
<input type="checkbox"/> CALM	<input type="checkbox"/> FRACTURE(S)	_____		
<input type="checkbox"/> AFRAID	<input type="checkbox"/> CONCUSSION(S)	_____		
<input type="checkbox"/> IRRATIONAL	<input type="checkbox"/> GUNSHOT(S)	_____		
<input type="checkbox"/> NERVOUS	<input type="checkbox"/> DEEP CUTS	ALCOHOL/DRUG USE? <input type="checkbox"/> YES <input type="checkbox"/> NO TYPE OF SUBSTANCE:		
<input type="checkbox"/> THREATENING	<input type="checkbox"/> SEXUAL ASSAULT	SUSPECT PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO ARRESTED? <input type="checkbox"/> YES: <input type="checkbox"/> ON-SCENE <input type="checkbox"/> WARRANT		
<input type="checkbox"/> OTHER:	<input type="checkbox"/> OTHER:	CHARGE: _____ IF <input type="checkbox"/> NO WARRANT ISSUED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO ARREST, EXPLAIN FULLY IN REPORT NARRATIVE.		

RELATIONSHIP	
CHECK ALL THAT APPLY	LENGTH OF RELATIONSHIP: YRS MTHS REL. ENDED? <input type="checkbox"/> YES <input type="checkbox"/> NO DATE ENDED: _____
<input type="checkbox"/> SPOUSE	PRIOR HISTORY OF DV? <input type="checkbox"/> YES <input type="checkbox"/> NO PRIOR HISTORY DOCUMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> FORMER SPOUSE	NUMBER OF PRIOR INCIDENTS: _____ <input type="checkbox"/> SERIOUS <input type="checkbox"/> MINOR
<input type="checkbox"/> COHABITANT	INVESTIGATING AGENCY: _____ CASE#: _____
<input type="checkbox"/> FORMER COHABITANT	PROTECTIVE ORDER EVER ISSUED? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> CURRENT <input type="checkbox"/> EXPIRED EXPIRATION DATE: _____
<input type="checkbox"/> DATING	TYPE OF ORDER: <input type="checkbox"/> EX PARTE <input type="checkbox"/> ONE-YEAR DVPO DEFENDANT SERVED? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> FORMER DATING	IF NOT SERVED, DID OFFICER GIVE NOTICE TO DEFENDANT OF PROTECTIVE ORDER? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> CHILD IN COMMON	CONFIRMED BY: <input type="checkbox"/> VICTIM'S COPY <input type="checkbox"/> DEPARTMENT <input type="checkbox"/> OTHER: EXPLAIN: _____

INCIDENT INFORMATION			
MARK APPROPRIATELY TO DESCRIBE WHAT OCCURRED	WEAPONS USED BY:		PHOTOS TAKEN OF:
	<input type="checkbox"/> DESTROYING PROPERTY	<input type="checkbox"/> BITING	<input type="checkbox"/> VICTIM
<input type="checkbox"/> THROWING OBJECTS	<input type="checkbox"/> KICKING	SUSPECT	TYPE OF FILM:
<input type="checkbox"/> PUSHING/SHOVING	<input type="checkbox"/> SLAPPING	<input type="checkbox"/> NONE	<input type="checkbox"/> 35MM
<input type="checkbox"/> HITTING WITH FIST	<input type="checkbox"/> CHOKING	<input type="checkbox"/> KNIFE	<input type="checkbox"/> POLAROID
<input type="checkbox"/> THREAT W/ WEAPON	<input type="checkbox"/> BEATING	<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> DIGITAL
<input type="checkbox"/> PREVENTED FROM LEAVING	<input type="checkbox"/> BURNING	<input type="checkbox"/> FIREARM	<input type="checkbox"/> VIDEO
<input type="checkbox"/> THREAT OF PHYSICAL VIOLENCE	<input type="checkbox"/> STALKING	<input type="checkbox"/> OTHER:	# OF PHOTOS: _____
<input type="checkbox"/> THREAT OF SEXUAL VIOLENCE	<input type="checkbox"/> USED WEAPON	WEAPON SEIZED? <input type="checkbox"/> YES <input type="checkbox"/> NO	PHOTOS TAKEN BY: _____
<input type="checkbox"/> SEXUAL ASSAULT	<input type="checkbox"/> HOMICIDE	DOES SUSPECT OWN FIREARMS?	OFFICER MUST INFORM VICTIM OF:
<input type="checkbox"/> GRABBING	<input type="checkbox"/> OTHER	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> DVPO <input type="checkbox"/> BOND PROCESS
		IMPOUNDED FOR SAFETY?	<input type="checkbox"/> DV AGENCY <input type="checkbox"/> WARRANT PROCESS
		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> VICTIM'S COMP <input type="checkbox"/> CASE #, OFC.'S NAME

MEDICAL TREATMENT

- NONE
- WILL SEEK DOCTOR
- FIRST AID
- EMS
- HOSPITAL
- REFUSED

EMS AT SCENE? YES NO
EMS AGENCY: _____
NAMES/ID #S: _____

HOSPITAL: _____
ATTENDING PHYSICIANS: _____

TO BE COMPLETED BY VICTIM--MEDICAL RELEASE TO ALL HEALTH CARE PROVIDERS:
I hereby consent to the release of my medical records to law enforcement and the attorney general. I have been advised of my right to refuse.

Por este medio autorizo a que mis expedientes médicos se entreguen a oficiales de la policía y al Procurador, he sido notificado/a sobre mi derecho de rehusar.

SIGNATURE: _____ DATE: _____

CHILDREN

PRESENT DURING INCIDENT?
 YES NO
NUMBER PRESENT: _____
DID THEY HEAR THE INCIDENT?
 SEE

NAMES AND AGES:
1. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

2. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

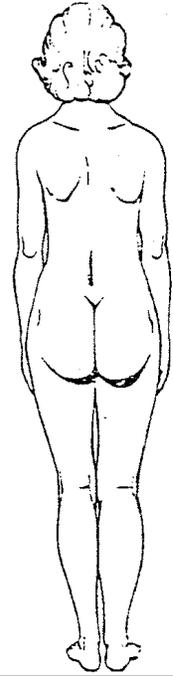
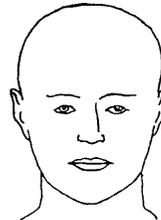
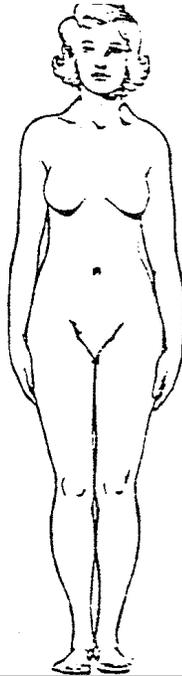
3. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

STATEMENTS TAKEN?
 YES NO

- VICTIM
- SUSPECT

HEIGHT: _____

WEIGHT: _____



DRAW ON DIAGRAMS NOTING THE LOCATION OF INJURIES WITH AN "X" FOR THOSE SEEN AND AN "O" FOR THOSE REPORTED BY VICTIM/SUSPECT

WITNESSES

WITNESSES PRESENT DURING INCIDENT? YES NO
NUMBER PRESENT: _____
WITNESS INFO ON INCIDENT RPT? YES NO IF NO:

NAME, ADDRESS, AND PHONE
1. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

2. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

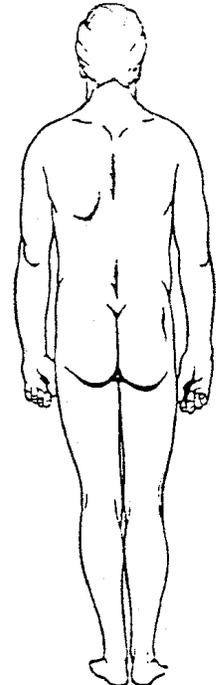
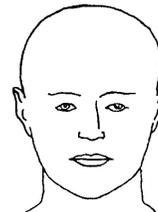
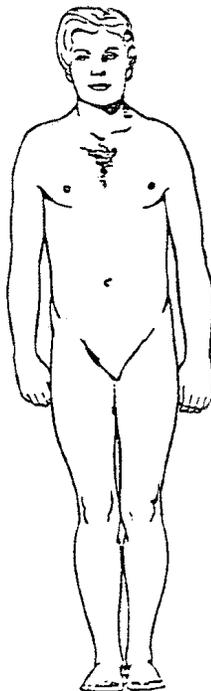
3. _____
 AFRAID CRYING
 ANGRY CALM
 APOLOGETIC OTHER: _____

STATEMENTS TAKEN?
 YES NO

- VICTIM
- SUSPECT

HEIGHT: _____

WEIGHT: _____



APPENDIX B



**VICTIM S RIGHTS
INFORMATION CARD**

INFORMACIÓN PARA LAS VÍCTIMAS DE VIOLENCIA DOMÉSTICA

SI USTED ES LA VÍCTIMA DE VIOLENCIA DOMÉSTICA TIENE DERECHOS Y PRIVILEGIOS ANTE LA LEY.

Usted puede sacar cargos en la oficina del Magistrado (magistrate). Esta oficina está ubicada en ([NAME OF COUNTY] County Jail), [ADDRESS OF MAGISTRATE].

Usted puede solicitar una orden de protección del Secretario Judicial de la Corte Civil (Civil Clerk of Courts), ([NAME OF COUNTY] County Courthouse), ([ADDRESS OF COURTHOUSE]). Esta orden puede:

- Impedir que el abusador abuse de usted o de su familia, o que tenga o compre una arma de fuego.
- Obligar al abusador a irse de la casa.
- Prohibir que el abusador se acerque a usted sea en su casa, escuela, negocio, o en el trabajo.
- Obligar al abusador que pague pensión alimenticia para ayudar a mantener a los niños.
- Darle la custodia temporaria de sus niños.

La violación de una orden de protección es un crimen. Ud. puede denunciarlo a la policía o al Secretario Judicial de la Corte Civil. La orden de protección es válida por un año y puede ser renovada.

Usted tiene derecho a presentar una demanda civil por perjuicios debidos al maltrato o abuso. Éstas incluyen: gastos médicos; pérdida de sueldo; el valor de la propiedad destruida por el abusador. También incluyen cualquier otro gasto incurrido por la víctima y/o las agencias que la ampararon.

Hay ayuda financiera para pagar los gastos médicos de las víctimas del abuso. Para saber si Ud. califica para esta ayuda, llame a la organización que ayuda a las víctimas de violencia doméstica en su condado.

Llame a la Oficina del Magistrado (Magistrate) para saber cuando el abusador será liberado de la cárcel.

ORGANIZACIONES DE AYUDA PARA MUJERES GOLPEADAS [PHONE NUMBER]

- servicios gratuitos y confidenciales 24 horas al día
- apoyo emocional
- refugio para las mujeres y sus niños
- información general
- asistencia en la corte
- grupos de apoyo

PLAN DE SEGURIDAD

Planee lo que va a hacer la próxima vez que el abusador le maltrate.

Es importante decidir AHORA MISMO donde irá y como llegará a tal lugar la próxima vez que él se ponga violento. Haga esto aunque usted piense que no habrá una próxima vez.

Deje dinero, llaves de repuesto para su auto y casa, ropa, medicamentos especiales, objetos y fotos de valor sentimental en la casa de un vecino o con alguien de confianza.

Mantenga documentos importantes (actas de nacimiento, documentos médicos y financieros, acta de matrimonio, tarjetas de seguro social, pólizas de seguro, número de cuentas bancarias) y una lista de números de teléfono importantes en casa de un vecino o amigo.

Elija con sus hijos, vecinos y amistades una palabra clave para que ellos sepan que usted tiene que salir de su casa inmediatamente.

Si usted se va, SIEMPRE trate de llevarse a sus hijos.

Si ha sido golpeada o abusada, busque atención médica y saque fotos como pruebas del abuso físico. También guarde como prueba la ropa que él haya rasgado. Denuncie el crimen a la policía.

Cuéntele a una persona de confianza lo que le está pasando para que esta persona le pueda ayudar si usted tiene que irse de su hogar con prisa

NÚMEROS DE TELÉFONO IMPORTANTES

Organización Para Mujeres Golpeadas XXX-XXXX
Policia XXX-XXXX

Asistencia Para Víctimas y Testigos XXX-XXXX
Oficina del Magistrado XXX-XXXX

Oficina del Fiscal XXX-XXXX

Tratamiento para los Abusadores XXX-XXXX

Servicio de Protección a los Niños XXX-XXXX

Servicio de Apoyo Para Niños y Familias

Clases Educativas, Grupos de Apoyo para

Padres y Grupos de Apoyo para Niños XXX-XXXX

En caso de emergencia, marque 911

INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE

IF YOU ARE A DOMESTIC VIOLENCE VICTIM, YOU HAVE CERTAIN RIGHTS AND PRIVILEGES UNDER THE LAW.

You may file a warrant for any crimes committed against you at the Magistrate's Office located at ([NAME OF COUNTY] County Jail), [ADDRESS OF MAGISTRATE].

You may file a petition for a protective order with the [MAGISTRATE and/or the CIVIL CLERK OF COURTS] at [LOCATION OF CIVIL CLERK'S OFFICE AT THE COUNTY COURTHOUSE]. The order can grant any of the following:

- Restrain your abuser from abusing you or any other family members, and from purchasing or possessing a firearm.
- Prevent your abuser from entering your residence, school, business or place of employment.
- Grant you possession of the residence or household, and direct your abuser to leave.
- Award custody of or visitation rights to your minor child or children.
- Direct the party not granted custody to pay support of minor children, if there is a legal obligation to do so.

If the abuser violates the order by trespassing, harassing or assaulting you, the abuser will be arrested by the police. If an arrest is not made, you can file for a warrant at the magistrate's office or file an Order to Show Cause with the Civil Clerk of Courts for any violation order. The order is usually valid for one year and can be renewed for an additional year.

You have the right to file civil suit for losses suffered as a result of abuse, including medical expenses, loss of earnings, damage to property, and any other related expenses incurred by you or by any agency that shelters you.

You may have the right to be compensated for medical expenses caused by your victimization. Contact the local Victim Compensation Board for more information, [PHONE NUMBER].

Call the [MAGISTRATE'S OFFICE OR LOCAL JAIL] to find out when your abuser will be released from jail.

SERVICES OF THE [LOCAL DOMESTIC VIOLENCE SERVICE PROVIDER] [PHONE NUMBER]

- free, confidential services 24 hours everyday
- individual victim counseling and support
- shelter for women and children
- answers to questions
- court advocacy
- support groups

SAFETY PLAN

Make a plan for what you will do the next time your batterer assaults you.

Decide NOW where you will go and how you'll get there the next time he becomes violent. Do this even if you really don't think there will be a next time.

Leave some money, extra sets of car and house keys, extra clothes, special medications and sentimental valuables and photos with a neighbor or with someone you trust.

Keep important documents (birth certificates, social security cards, medical records, insurance policies, bank account numbers, checkbook, marriage license, etc.) and a list of important phone numbers hidden at a neighbor or friend's house.

Develop a code word with your children, neighbor and friends that lets them know that you need to get out now.

If you leave, ALWAYS try to take your children with you.

If beaten or abused, get medical attention and have pictures taken for evidence of physical abuse. Keep ripped clothing for evidence as well. File a report with police.

Tell someone you know and trust what is happening to you in case you have to leave in a hurry, and so that you will have someone you can ask for help.

IMPORTANT PHONE NUMBERS

Local DV Service Provider XXX-XXXX
Police/Sheriff XXX-XXXX
Victim/Witness Assistance XXX-XXXX
Magistrate's Office XXX-XXXX
District Attorney's Office XXX-XXXX
Treatment Program for Batterers XXX-XXXX
Child Protective Services XXX-XXXX
Child and Parent Support Services (CAPSS)
Parenting Education classes, Parent Support groups and Therapeutic Children groups.
XXX-XXXX

IN AN EMERGENCY, DIAL 911

APPENDIX C



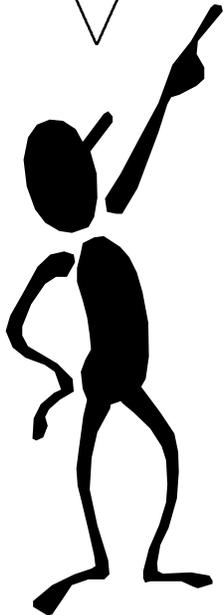
YOUTH SAFETY PLAN

**If the person you tell
does not help you, call:**

POLICE 911

**NC Child Abuse Hotline
1-800-354-5437**

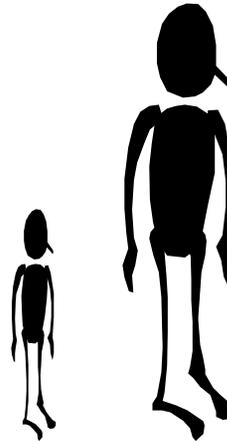
**National Domestic Violence
Hotline 1-800-799-SAFE**



**If you cannot or do not want to
call 911:**

**TELL SOMEONE ELSE
LIKE:**

- ◆ A teacher
- ◆ A Parent
- ◆ Relative
- ◆ Nurse or Doctor
- ◆ An Adult You Trust
- ◆ A minister,
Rabbi or Priest



**Keep telling until someone
listens to you.**



A YOUTH SAFETY PLAN

Are you afraid at home?

At school?

On the street?

**YOU HAVE THE RIGHT TO BE
SAFE**



NC Governor's Crime Commission

SAFETY AT HOME



- ◆ Call 911 for police help if you are afraid that you or someone else will be hurt.
- ◆ Tell the police WHERE you are and give the address
- ◆ Tell the police WHO is being hurt and who is involved.
- ◆ Practice how to get out of your home safely. Which doors, windows or stairs would be best?
- ◆ Which neighbor can you go to for help?



SAFETY AT SCHOOL

If you are afraid of being hurt, tell

- ◆ a teacher
- ◆ school police
- ◆ parent
- ◆ school nurse
- ◆ adult you trust



Ask your school to help each person to write a safety plan.

No matter where you are, remember:

Stay out of the fight.
Ask for help.
Find an adult who will help.
Everyone knows it's not your fault.

SAFETY ON THE STREET

If you are afraid of being hurt

- ◆ Go to the nearest store and ask them to call 911.
- ◆ Call 911 from a pay phone.
- ◆ If there is no phone or store nearby, **SCREAM** as loud as you can



CALL 911 FOR HELP



APPENDIX D



LETHALITY ASSESSMENT

LETHALITY ASSESSMENT

Question	Medium Risk	High Risk	Extreme Risk
<p>1. Does the batterer have a gun or a knife? Has the batterer ever used it on you or others?</p>	<p>No</p>	<p>He has a hunting rifle, but he's never threatened me with it.</p>	<p>Yes. He's threatened me with a gun. He was arrested once for cutting someone.</p>
<p>2. Has the batterer ever been arrested before? Is the batterer afraid of police and courts?</p>	<p>No, he's afraid of the cops.</p>	<p>The police have come out here before, but they didn't do anything.</p>	<p>He's been arrested for beating up other people. Police just make him mad. He's attacked me in front of the police before.</p>
<p>3. Has the batterer tried to control your life in other ways and isolate you from friends and family?</p>	<p>Not really. He does his own thing and I do mine.</p>	<p>He always notices if I'm late, and he gets jealous. He doesn't like my friends.</p>	<p>We moved away from my family. I haven't made any friends; he gets real jealous. He even checks the mileage on my car to make sure I'm not hiding anything.</p>
<p>4. Has the batterer hurt your children? (This only assesses risk to the children; some abusers are dangerous to their partner but never touch the children.)</p>	<p>He never touches the kids.</p>	<p>He hasn't yet, but he's threatened. He hurt the dog once and it made me worry about the kids</p>	<p>He beats us both. He threatens to hurt the kids if I leave. He forces my daughter to let him touch her.</p>

Question	Medium	High Risk	Extreme Risk
5. Has the batterer threatened you if you try to leave?	He hasn't made any threats; in fact, once he locked me out and told me to leave.	He said he would get even if I ever left. I'm not sure what he meant.	He said I could never hide from him...He said he would track me down and kill me if I left. I think he would do it.
6. Have you ever tried to leave? What happened?	He didn't seem to care. In fact, I think he was glad.	I went to my mother's; he kept calling and begging me for one more chance. He went to my apartment and tore up all my clothes.	He came after me and beat me up worse than ever... He attacked the person I was staying with. I don't know how he found me.
7. Does the batterer have ways of finding you if you should try to leave?	Not that I know of. I don't think he'd bother anyway.	He knows a lot of cops. Our town's so small; everyone knows each other and their business.	He's a cop. I don't have a Green Card and he said he would turn me in. He's high up in social services.
8. Does the batterer know your routine? When you work? What time you shop for groceries?	I've only dated him a short time; he doesn't know where I work or where the kids go to school.	He knows where I work, but I've requested a transfer.	We've been together 15 years. He knows everything. I'm blind and he knows all the local readers.
9. Has the batterer ever forced you to have sex when you didn't want to?	He pressures me for sex and gets really mad if I say no, but he never forces me.	He changes when we have sex. He gets really aggressive and violent.	He watches porn movies all the time. He hits me sometimes when we have sex. He even makes me do things in front of other people.

Question	Medium Risk	High Risk	Extreme Risk
<p>10. Does the batterer drink or do drugs?</p>	<p>He doesn't really drink.</p>	<p>He does have a drinking problem. He says that's what makes him hit me.</p>	<p>He's addicted to crack and it makes him paranoid... He'll do anything for a fix; he's already sold everything we have.</p>
<p>11. Has the batterer ever threatened or attempted to commit suicide?</p>	<p>He's never mentioned it.</p>	<p>He said that he would kill himself if I ever left him.</p>	<p>He's talked in great detail about suicide, but then he'll say he's not going out without me. Once he forced me to play Russian roulette with him.</p>
<p>12. Does the batterer seem crazy? (Mentally ill people are not more likely to be violent. However, violent people who lose their sense of realistic consequences may become very dangerous.)</p>	<p>He seems fine. He acts normal.</p>	<p>He's been skipping work. He has to go everywhere with me. He doesn't even spend time with his friends anymore.</p>	<p>He's really lost it. He says that I'm Satan and he must stop me...He has a history of manic depression. He's usually fine, but he hasn't been taking his medication.</p>

ASSESSING RISK

Adopted From *For Shelter and Beyond* by Cathy Barber

Some women can leave and never be troubled by their batterer again; others must go to the extreme of moving across the country and changing their identity. Most battered women fall somewhere in between. The [Lethality Assessment] chart...lists questions and categorizes sample responses according to the level of risk they represent: medium, high and extreme. Use the questions to help a victim make plans; but, remember, the battered woman herself is usually the best authority on her safety.

Medium Risk

Women in this category believe that their partners are not likely to pursue them if they leave. This is hard to predict, and it is always possible that the woman's leaving will trigger a violent response by the batterer, so remember to stay cautious. Women at medium risk are often able to use domestic violence laws with success by getting a protective order. If the batterer is intimidated by the court orders, this may help protect the victim. If she is unsure how the batterer will react, she may want to stay at a friend's home or a hotel. If she has no money and no friends with whom to stay, she may need to stay in a shelter. She and her children may be able to follow their normal routine. However, she should instruct the school and any child care workers not to release the children to the abuser.

High Risk

Batterers in this category are unpredictable. It's always safest to assume the worst. Women who hope to be safe with court orders or by filing charges should be warned that while useful, court orders are only pieces of paper. She may want to take extra safety precautions, such as staying in a confidential location temporarily, transferring the children to a different school, taking a leave from work, or warning neighbors to call the police if they see the abuser. It might not be safe for her to stay with someone whom the batterer knows. If she goes to a shelter, she should be careful not to leave any evidence of where she's going.

Extreme Risk

Working with victims in this category is very difficult, but critical because we can actually help save lives. Batterers who are extreme risks are those who are determined to pursue the woman, have many resources at their disposal, and who are obsessed with controlling the woman's life.

Batterers have found women through tracing their phone numbers, utility bills, social security numbers and post office boxes. They have sent female friends into shelters to seek their partner. They have bribed police and broken into social service offices to look up shelter addresses. They have manipulated their lawyers into reading confidential court records, which list the woman's address. Here are some guidelines to help you work with victims in this risk group.

1. The victim should only pursue legal options if she is also in a safe, confidential location and receives protection going to and from the courthouse when the abuser is there (or might know she is going at that time).
2. If she or her children follow any aspect of their old routine, they are at risk (e.g. showing up at her regular hair appointment, driving the same way to work at the same time, or collecting her check at the usual time).
3. A woman who is closely guarded by her batterer may need help brainstorming an escape plan.
4. She should not stay with a friend or relative who the abuser knows. The abuser will soon be at their doorstep.
5. It may not be safe for the victim to go to the shelter. If the batterer has extra resources, the victim may need to go where he has no contacts.
6. Be careful when writing your report. Bear in mind that the batterer may attempt to get a copy.