

# DOMESTIC VIOLENCE REPORT<sup>TM</sup>

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## Civil Orders of Protection: Promoting Safety

by Nancy Hart

Domestic violence victims often choose the civil protection order process because it gives them alternatives to the criminal justice system. Court-issued civil protection orders provide domestic violence victims with important options while influencing batterers to stop the abuse. Yet the ability of the civil protection order system to protect victims is impeded by barriers to their issuance, service, and enforcement.

In 2005, the Family Violence Department (now known as the Family Violence and Domestic Relations Program) of the National Council of Juvenile and Family Court Judges (NCJFCJ) published *A Guide for Effective Issuance & Enforcement of Protection Orders*, which came to be known as the *Burgundy Book* because of the color of its cover.

The *Burgundy Book* sought to advance implementation of the VAWA Full Faith and Credit provision passed in 1994. Pursuant to VAWA's full faith and credit clause, a valid protection order should be enforced as if it were the order of the enforcing state, tribe, or territory. The *Burgundy Book* was developed as a comprehensive guide to address the greatest impediments to securing full faith and credit: inconsistent and often ineffective issuance, service, and enforcement of protection orders. It included principles and strategies

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## Safety Planning for Our First Responders

by Mark Wynn

Law enforcement officers regularly report their extraordinary frustration in responding to domestic violence calls because so many victims refuse to leave abusive relationships. Yet law enforcement officers do not always understand that leaving is often the most dangerous time for the victim as well as the officer. Personal experience and studies show that most domestic violence homicides occur while victims are attempting to leave or after they have left an abusive relationship.<sup>1</sup> Law enforcement officers need to realize the overwhelming difficulties that victims face in leaving and that leaving is not an event; it is a complex process.

### Understanding the Usual Sequence of Events

Clearly, not all domestic violence calls result in harm to the responding officer or victim, so the question that must be asked is what happens just before that critical break point, *before* a victim is harmed and an officer is killed responding to a domestic violence call? An understanding of a typical sequence of events when responding to such a call can help answer this question. An officer picks up the call from dispatch, who might relay that this is the sixth call from

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### About This Issue . . .

We are delighted to present this special issue on Safety and Safety Planning. We are especially pleased that Ruth Glenn and Gretchen Shaw of the National Coalition Against Domestic Violence are serving as Guest Editors. Ruth M. Glenn is the Executive Director of NCADV. Previously, she served as Director of the State of Colorado's Domestic Violence Program for eight years. She is a survivor of domestic violence and has worked in the field for over 20 years. Gretchen Shaw is the Development Manager for NCADV. She has worked in the field of domestic violence for 15 years, including work in communications, project management, writing and developing marketing and educational materials, grant writing, and research. She recently co-authored a toolkit on reproductive coercion.

D. Kelly Weisberg, Editor, *Domestic Violence Report*

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the same address that month. The frustrated officer confirms a familiarity with this family, and if no cars are available, the officer states that he or she will "take care of it" himself or herself. As the officer moves headlong into a potentially deadly situation, has she or he examined why there have been so many calls at this home and, more importantly, has the victim or the officer considered that the frequency of calls may indicate an escalation in the violence? As an Arizona officer related, "I should have called for backup and not approached the offender alone; I thought I knew him. I'd been there many times before, so I lowered my guard and that's when he stabbed me."

Case analysis reveals that domestic violence offenders use more force when they believe they are losing control. If the responding officer is not taking this fact into consideration, the officer is at an increased level of danger.

Predictions based on tested and reliable danger assessment protocols can be critical for the first responder. What is known about domestic violence offenders is that they will actively pose a threat to responding officers and fight to defend what they often believe they are entitled to do and how they are entitled to behave. In many cases, perpetrators have

been raised in a culture of male privilege that has shaped their values and beliefs, creating a mindset of ownership of a loved one and a lack of personal accountability.

Evidence of this active resistance was in full view on February 24, 2005, when David Hernandez Arroyo, Sr., opened fire on his ex-wife and son in front of the Smith County Courthouse in Tyler, Texas. Arroyo then engaged police and court officers in a shoot-out stemming from a child custody dispute. Are officers trained to understand this type of deadly behavior? If not, then there is more to be done in keeping them and the communities they protect safe. There are several steps that can be taken to strengthen support of victims and officers.

### Abusers Use Similar Tactics With Victims and With Law Enforcement

Strong collaborations and regular communication with domestic and sexual violence advocates can help assess the danger posed by perpetrators. Smart policing requires that the adversarial relationship that often exists between the advocacy and police communities must end. Experience demonstrates that many of the difficulties seen across the United States with the advocate-police relationship develop from a lack of understanding of the difficulties in the work each other does. Mending and maintaining this connection is the immediate responsibility of

agency and organization leadership. Many advocates have walked in the shoes of the victim. They have kept victims alive for decades with and without police assistance. They deserve respect and have much to teach law enforcement agencies and officers.

An excellent example of what the advocacy community can teach law enforcement can be found in the "Power and Control Wheel,"<sup>2</sup> created by staff at the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota, to illustrate the tactics perpetrators use against victims. Paradoxically, the Power and Control Wheel also teaches tactics that an offender uses to manipulate and control responding officers. The perpetrator will often use threats to the victim to control a situation. Law enforcement officers often encounter the same tactics, including coercion and intimidation. Perpetrators will minimize, deny, or blame the victim for the violence that occurred when police arrive on scene as they would with the victim to shift accountability. Isolation is used to keep the victim from the officers, the same way the victim is kept from family, friends, or other support. Police officers have also witnessed children being forced to make false statements or hold back information about what has occurred.

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Unfortunately, too often officers face resistance, are assaulted, and are killed when responding to domestic violence calls. The experience of an officer can have striking similarities to the experience of the victim. Officers need to be trained on perpetrators' behaviors and the dynamics of domestic violence in order to best approach and respond to each situation.

There are many examples of efforts throughout the United States to increase officer and victim safety in the domestic violence context. Several agencies, in particular, have implemented innovative and effective tactics. Agencies in South Portland, Portland, and the Westbrook Police Departments in Maine<sup>3</sup> have collaborated with Family Crisis Services to create the Enhanced Police Intervention Collaboration (EPIC). Officers and advocates work together by visiting with the victim days after the arrest to assist the victim through the court system and conduct risk assessments to ensure continued support and protection. This is a force multiplier that every agency in the United States should consider. An additional promising practice can be found in the Salem Police Department in Oregon where the leaders have instituted a first responder's domestic violence checklist.<sup>4</sup> This checklist includes risk assessment, questions regarding the occurrence of strangulation, and "Before You Leave the Scene" reminders that include investigative tips and interviewing information.

### Need for Comprehensive and Meaningful Officer Training

Visionary leaders understand officers will rise to the level of their training. In order for first responders to meet the task, they must receive continued meaningful, comprehensive, and effective training throughout their careers. An excellent training curriculum has been used for many years at the Tennessee Law Enforcement Academy in Donelson, Tennessee.<sup>5</sup> Each year it offers a post-certified 40-hour training course on Domestic and Sexual Assault Intervention.

Police leaders who are looking to strengthen their agency's response to violence against women crimes and

improve officer safety can contact the International Association of Chiefs of Police (IACP) to receive more information about these programs or visit: [www.theiacp.org/VAWLeadership](http://www.theiacp.org/VAWLeadership).

The national standard of responding to a domestic violence call has changed since the 1970s.<sup>6</sup> In those years, officers were taught to respond, mediate, send the offender away, and leave as soon as possible—without making a report. Today's progressive agencies are assessing lethality, danger, and risk of the victims of domestic violence by employing methods such as the Lethality Assessment Program (LAP) and the Ontario Domestic Abuse Risk Assessment (ODARA).<sup>7</sup> LAP is currently being used throughout the state of Maryland, and officers in Maine in the next year will be trained in and use ODARA statewide. These tested methods have saved the lives of victims and, likely, officers as well. This is intelligence-led policing, and it is the future for first responders.<sup>8</sup>

The profession's response to domestic violence transformed in the 1980s as the International Association of Chiefs of Police helped police chiefs write, implement, and evaluate the first departmental domestic violence policies. That transformation continues today with the IACP's National Law Enforcement Leadership Institute on Violence Against Women and the National Law Enforcement First-Line Supervisor Training on Violence Against Women. These two programs employ experienced leaders and thinkers in the field of prevention of violence against women and address critical and complex issues such as sexual assault, domestic violence, stalking, and officer-involved domestic violence.

Law enforcement leaders must ask themselves "Is my concern for the safety of domestic violence victims and for my officers fully reflected in my agency's policies and practices?" and "Does the work of my officers reflect these standards?" Changing the culture to ensure officer and victim safety is a fitting tribute to honor the many officers who have made the ultimate sacrifice.

### End Notes

1. Tjaden, Patricia & Thoennes, Nancy (Nov. 2000). Full report of the prevalence,

incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. Available at <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>.

2. Domestic Abuse Intervention Program, "Power and Control Wheel." Available at <http://www.theduluthmodel.org/pdf/PowerandControl.pdf>.

3. South Portland Police Department, South Portland, Maine, "Family Crisis Services." Available at [www.familycrisis.org](http://www.familycrisis.org). For more information, contact [jen\\_s@familycrisis.org](mailto:jen_s@familycrisis.org) or call (207) 712-8476.

4. Salem, Oregon, Police Department "Domestic Violence Checklist." Available <http://www.markwynn.com/resources/report-forms>. Go to the reports form page where it is listed with other reports.

5. "Domestic Violence and Sexual Assault Interdiction," used at the Tennessee Law Enforcement Academy is available at <http://www.markwynn.com/resources/lesson-plans>.

6. "Police Officer Safety at Domestic Disturbances—1970s – Tips and Tricks to Remain Safe," YouTube video, 20:37. Available at <http://www.youtube.com/watch?v=EZUgGJTF8>. This video describes how officers should approach a house and remain safe during domestic violence episodes in the 1970s. The mishandling of domestic disturbance calls accounted for 20% of all police fatalities at that time. The important steps of the who, what, where, when, and how of any complaint show why it is important to get the facts, so the officer answering the call can exercise caution, yet deal with the victim with compassionate authority.

7. "Lethality Assessment for First Responders," Maryland Network Against Domestic Violence. Available at <http://mnadv.org/lethality>. The Ontario Domestic Assault Risk Assessment (ODARA), a procedure to predict future wife assaults, was developed by the Ontario Provincial Police and the Ontario Ministry of Health and can be accessed via <http://www.vawnet.org>.

8. IACP Training Key #653, "Domestic Violence Risk Assessment." Purchasing information is available at <http://www.theiacp.org/tabid/452/Default.aspx>.

*Lt. Mark Wynn (Ret.), has been a national trainer to law enforcement, prosecutors, judges, legislators, social service providers, healthcare professionals, and victim advocates for over 30 years. He is a key creator of the largest police domestic violence investigative unit in the United States. He was a 21 year member of the Nashville Metropolitan Police Department where he served as Lieutenant to the Domestic Violence Division and a member of the Special Weapons and Tactics (SWAT) Team for 15 years. He can be reached at [markwynn@edge.net](mailto:markwynn@edge.net).*

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