

What You Should Expect from an Effective On-Scene Investigation



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ENHANCING COMMUNITY TRUST:

Proactive Approaches to Domestic and Sexual Violence

Agency Self-Assessment
Community Assessment
Sample Outreach Letter
Action Planning Guide
**Additional Considerations
and Resources**



Agency Self-Assessment: Proactive Approaches to Domestic & Sexual Violence

- **EVALUATE** internal strengths and gaps when responding to and investigating crimes of domestic violence, dating violence, sexual assault, and stalking;
- **IMPROVE** awareness of implicit and explicit gender bias and how it impacts victims, officers, effectiveness of investigations, agencies, and communities;

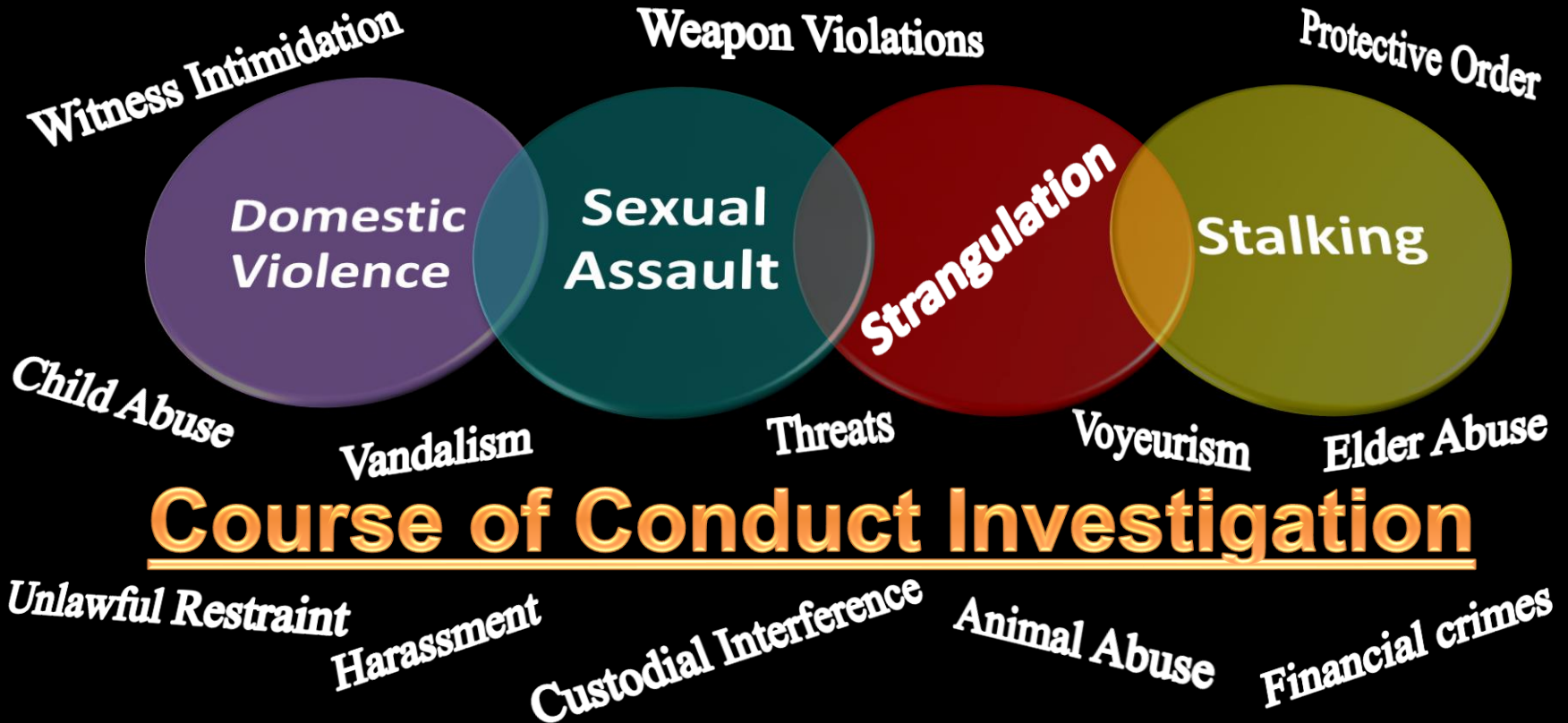
Agency Self-Assessment: Proactive Approaches to Domestic & Sexual Violence

- **DEVELOP** and enhance partnerships that promote collaboration and strengthen trust among stakeholders; and
- **APPLY** information learned from the agency self-assessment and community assessment to develop and implement strategies and procedures that improve law enforcement response; increase victim involvement in investigations; improve case outcomes; support victim healing; and foster greater community confidence in law enforcement approaches to domestic violence, dating violence, sexual assault, and stalking.

Community Assessment Tools

- The community assessment is intended to be shared with as many community-based organizations as possible within the agency's service area. This assessment asks about the organization's background, its interactions with the law enforcement agency, and its viewpoints about the agency's crisis response and investigatory approaches.

Interconnected & Co-Occurring



Course of Conduct Investigation

Realities of VAW Crimes

Common characteristics of violence against women crimes

- Course of conduct vs. incident-based
- Multiple concurrent crimes
- Traumatic impact
- Minimization by victim
- Underreported
- Serial nature of perpetrators

Realities of VAW Crimes

Commonly missed crimes in the context of violence against women

- Stalking
- Intimate partner sexual assault
- **Strangulation**
- Felony threats
- Weapons violations
- Kidnapping
- Witness Intimidation

Realities of VAW Crimes

Reasons co-occurring crimes are missed by officers

- Lack of training
- Lack of communication
- Language barriers
- Insufficient supervisor oversight
- Personal beliefs and/or biases
- Minimization

Realities of VAW Crimes

Impact of missing co-occurring crimes

- Violence escalates/fatality
- Victim and officer safety compromised
- Liability issues
- Loss of community trust
- Recidivism/re-victimization
- Victim hesitation to report further incidents

Trauma defined

A traumatic event is defined as 'exposure to actual or threatened death, serious injury, or sexual violence'

American Psychiatric Association. (2013). Diagnostic and statistical manual of mental disorders (5th ed.). Washington

Why Learn about Trauma?

- Trauma is the brain's normal reaction to an abnormal experience.
- The core experiences of psychological trauma are ***disempowerment and disconnection***. (Dr. Judith Herman, Trauma & Recovery)
- Empathy is key to engaging with trauma-affected individuals.

Why Learn about Trauma?

- Better interviews and better evidence
- Give context to behavior
- Help with memory
- Mitigate secondary trauma and the long-term health impacts of trauma
- Promotes healing

Not understanding leads to bad outcomes and potentially long-term, devastating consequences for the victim and community

Realities of VAW Crimes

Victims of VAW:

- Not going to be a “perfect” victim
- Often delay reporting crime
- Experience trauma because of the violence
- Are often threatened, afraid & reluctant
- May feel powerless to stop the violence
- May have vulnerabilities that perpetrator will exploit

Realities of VAW Crimes

Perpetrators of VAW:

- Plan their crimes
- Ensure there are no witnesses
- Are strategic and calculating
- Engage in “testing” to select victims
- Are often repeat offenders with a series of and/or multiple victims
- Escalate violence over time

Is it reasonable?

- A person who is being assaulted or is about to be assaulted may realize that they are no match for the violence that is about to be used against them and will often times use a weapon or object as an “equalizer”.
- Consider the history/context/resistance

You should consider...

Self-defense or predominant/principial
aggressor?

What did your last use of force report look like?

Is a pre-emptive strike OK?

Resistive Violence

- Part of a victim's broader strategy to stop (contain) the abuse:
 - Negotiation
 - Appeals to family and friends
 - Appeasement
 - Anger and hostility
 - Separation
 - Withdrawal
 - Use of force

Determining the Predominant Aggressor

- Valid risk assessments help intervenors know who is at most risk of future harm
- In cases where both parties use illegal violence against the other, the predominant aggressor is the party who is clearly the more aggressive and potentially dangerous of the two.
- A predominant aggressor is not necessarily the first person to use aggression / violence
- Getting this right is a matter of public safety
- Predominant aggressors use coercive controlling violence and abuse

Criteria Used to Determine the Predominant Aggressor

- Who is the more aggressive generally in the relationship? Eliminate the probability that one party was acting in self defense.
- The comparative strength to each other. Is he stronger than her?
- Each party's ability to do what was alleged.
- Witness statements
- Previous police contact, domestic violence arrests, restraining orders or convictions

Criteria Used to Determine the Predominant Aggressor (continued)

- Harm done, severity, and extent of injuries to each party; who was the most aggressive in this incident.
- Likelihood of future injury to either party.
- Who is afraid of whom and what are they afraid of?
- Why did each party use violence; was it to control, intimidate, to resist, to punish?
- Who poses the biggest overall threat to the other?
- Who is seeking to avoid punishment?

Problematic criteria used to determine predominant aggressor

- Possible criteria officers should either not use or be sure to put in context.
- Who is the most irritating toward the officers?
- Who started the argument?
- Who used violence first?
- Who used violence last?
- Who was the most insulting to the other?
- Who is the drunkest?

Victim Defendants

- Victim's of violence who use illegal resistive violence should not receive the same criminal justice response by prosecutors or the courts as perpetrators of coercive controlling violence.
- Do not treat dis-similar cases similarly. Develop different prosecution strategies for defendant's who use resistive violence
- City of Duluth Prosecution Office developed the first prosecution policy to address resistive violence and victim defendants.

Offender-Focused Investigative Strategies

Investigative Strategies

- Investigate the perpetrator's course of conduct, not just the current crime.
- Investigate the perpetrator, not the victim.
- Start your investigation looking at the victim through the perpetrator's eyes – as a target.
- Each case is unique; do not decide this case based on your last case.
- Ask about context and history.
- Expect perpetrator to try to manipulate law enforcement.

Suspect Interviewing

Suspect interviews are based on thorough investigative groundwork. The goals of the interview can be to:

- Lock the suspect into a story
- Identify the suspect's defense strategy
- Corroborate the victim's statement
- Identify additional investigative avenues/leads
- Identify additional crimes
- Obtain admissions/concessions and/or a confession

Suspect Interviewing

- Not a traditional suspect interrogation
- Aims to build rapport with the suspect
- More effective means of obtaining information from suspect
- Give suspect the opportunity to share “their side of the story” in order to ultimately hold them accountable
 - Feign sympathy and understanding

Suspect Interviewing

Shares some characteristics with trauma-informed interviewing:

- Active listening
- Listening more than you speak
- Listening and hearing without judgement
- Not interrupting
- Using open-ended questions
- Using phrases such as, "Can you help me to understand...?"

Officers Should Consider...

- Perpetrators tend to:
 - Feel entitled to sex
 - Seek and use power and control
 - Believe men and women are unequal
 - Believe that masculinity is defined by having sex with many women
 - Believe that aggression and dominance are tied to masculinity
 - Believe in rigid gender roles

**You should build
a contextual picture
of the crime.**

Salem, Oregon Police Report

STRANGULATION/SUFFOCATION

Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Was your breathing restricted or pressure applied to your neck in any way?" <input type="checkbox"/> How? <input type="checkbox"/> Demonstrate? <input type="checkbox"/> One Hand? <input type="checkbox"/> Two Hands? <input type="checkbox"/> Arms Used? <input type="checkbox"/> Legs Used? <input type="checkbox"/> Ligature? (Seize) <input type="checkbox"/> Other Method? _____
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Was your head shaken while you were being strangled?" <input type="checkbox"/> Describe. <input type="checkbox"/> Was your neck twisted in any way? Y / N
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Did the suspect say anything to you while you were being strangled?" <input type="checkbox"/> What? <input type="checkbox"/> Significant quotations noted verbatim?
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Can you estimate you long your breathing was restricted?" _____ second(s) _____ minute(s) <input type="checkbox"/> How did it affect you? <input type="checkbox"/> Any loss of consciousness? Y / N
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"What were you thinking while you were being strangled/suffocated?" <input type="checkbox"/> Describe: _____
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Can you tell me what caused the strangulation/suffocation to stop?" <input type="checkbox"/> Describe: _____
Symptoms since incident:	(Mark all that apply): <input type="checkbox"/> Sore Throat <input type="checkbox"/> Headaches <input type="checkbox"/> Red/purple petechiae spots on lips, gums, face, scalp, neck, or throat <input type="checkbox"/> Neck swelling <input type="checkbox"/> Difficulty swallowing <input type="checkbox"/> Tongue trauma <input type="checkbox"/> Dizziness <input type="checkbox"/> Shortness of breath <input type="checkbox"/> Fainting <input type="checkbox"/> Voice hoarse or raspy <input type="checkbox"/> Coughing <input type="checkbox"/> Nausea <input type="checkbox"/> Drooling <input type="checkbox"/> Urinate <input type="checkbox"/> Defecate <input type="checkbox"/> <u>Photo</u> <input type="checkbox"/> <u>Medical Exam!</u>	

DOES THE CRIME OF "STRANGULATION" APPLY? RESTRICTED BREATHING MAY UPGRADE SEVERITY OF A CRIME.

Objectives of Family Crime Investigation

- Establish Probable Cause
- Identify the Offender
- Locate the Offender
- Identify The Victim
- Collect and Preserve Evidence
- Assess for lethality/danger

C-A-L-M

- **Control**
- **Apart**
- **Look**
- **Moderate**

C-A-L-M

CONTROL

- **Control Yourself and Disputants**
- **APART**
- **Separate the Disputants**
- **Be cautious if a lone officer**
- **Avoid kitchens, bedrooms, and bathrooms (may be weapons in bedrooms, will be weapons in kitchens)**
- **LOOK for weapons**
- **MODERATE the mood**
- **Seat disputants**
- **Voice instructions**

Identifying the Victim

Physical signs of abuse

Socio-psychological signs

Financial signs -- lack of knowledge about money management

Signs of Denial of Civil Rights

Other suspicious signs

Signs of Self-Defense

- Forearm injuries
- Scratches on the neck
- Injuries don' t match the story
- Lower back injuries
- Pulled hair
- Bite marks on the chest
- Bruises on arms (upper)
- Injuries hidden beneath the clothing line

It's a matter of:

- Who is dominant?
- Who is creating the fear?
- Who is in fear?
- Who is more significant aggressor?
- Who needs protection?
- **It is not who started it.**

Factors to Consider

- Size of parties
- Use of weapons
- Who is stronger?
- Who is afraid of whom?
- Is one party specially trained in martial arts, boxing, or hand-to-hand combat techniques?
- Who in the relationship poses the most danger to the other?
- Who has the more serious injuries?
- Location and nature of injuries – Offensive vs. Defensive
- Did one party escalate the level of violence?

Factors to Consider

- History of abuse
- Demeanor of the parties
- Use of alcohol and other drugs
- Criminal history
- Existence of court protective orders
- Existence of corroborating evidence or witnesses
- Other legal defenses such as self defense

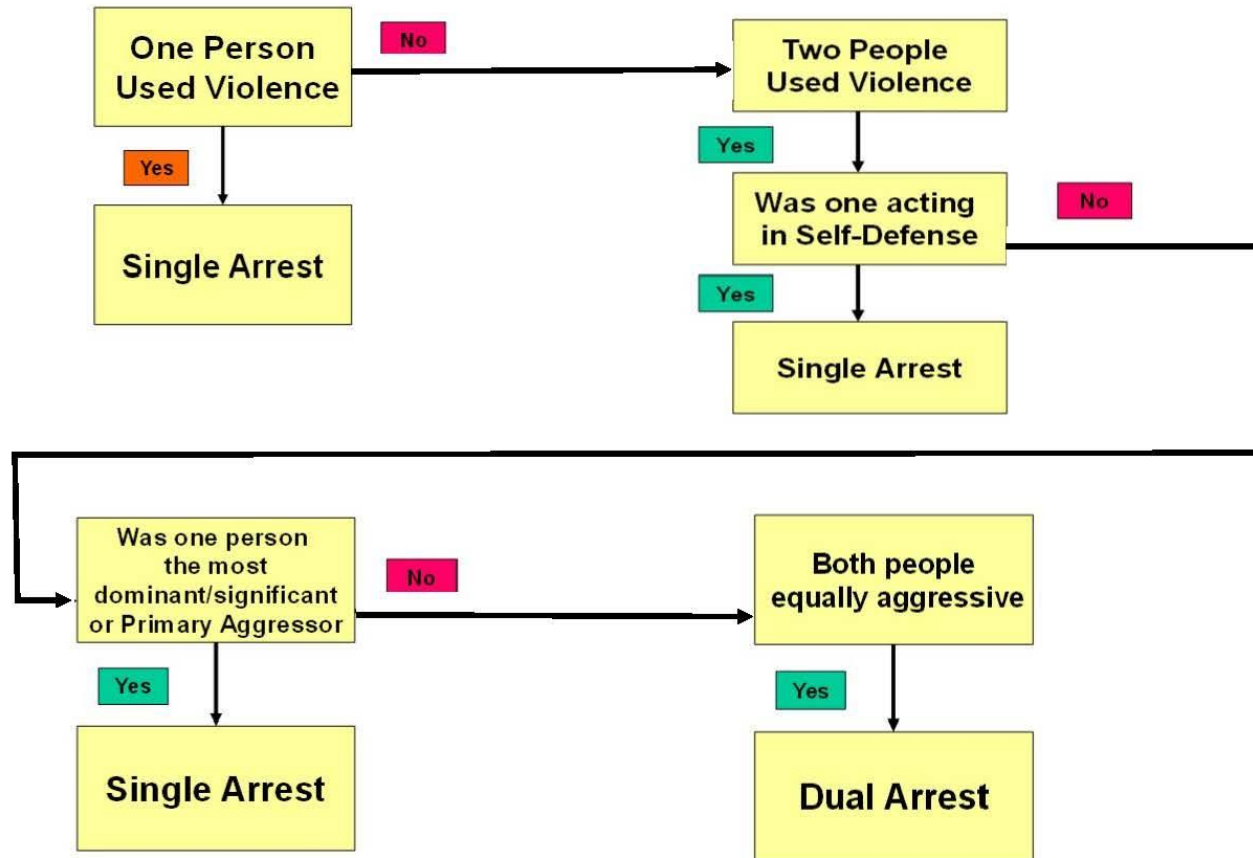
Considerations of when to arrest

- The question should be do we have probable cause to arrest for an unlawful assault committed by someone.
- We should not make an arrest solely because someone in a domestic violence relationship has an injury and we cannot determine how it occurred.
- We should not arrest both because we cannot “figure it out.”

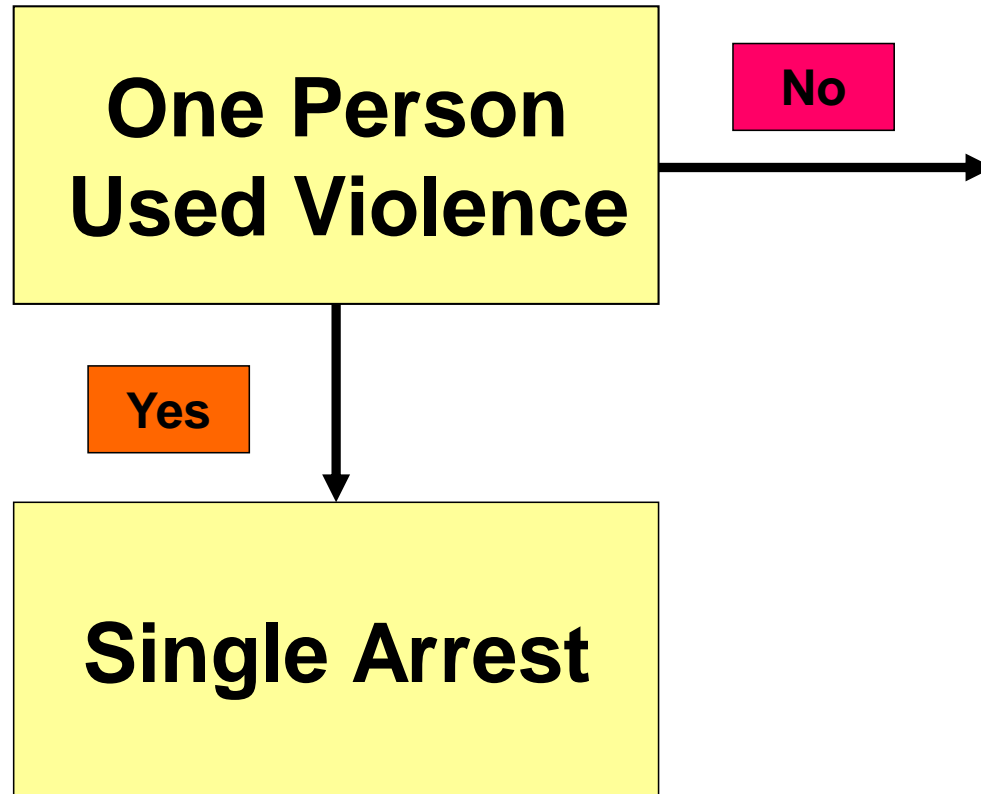
Summary

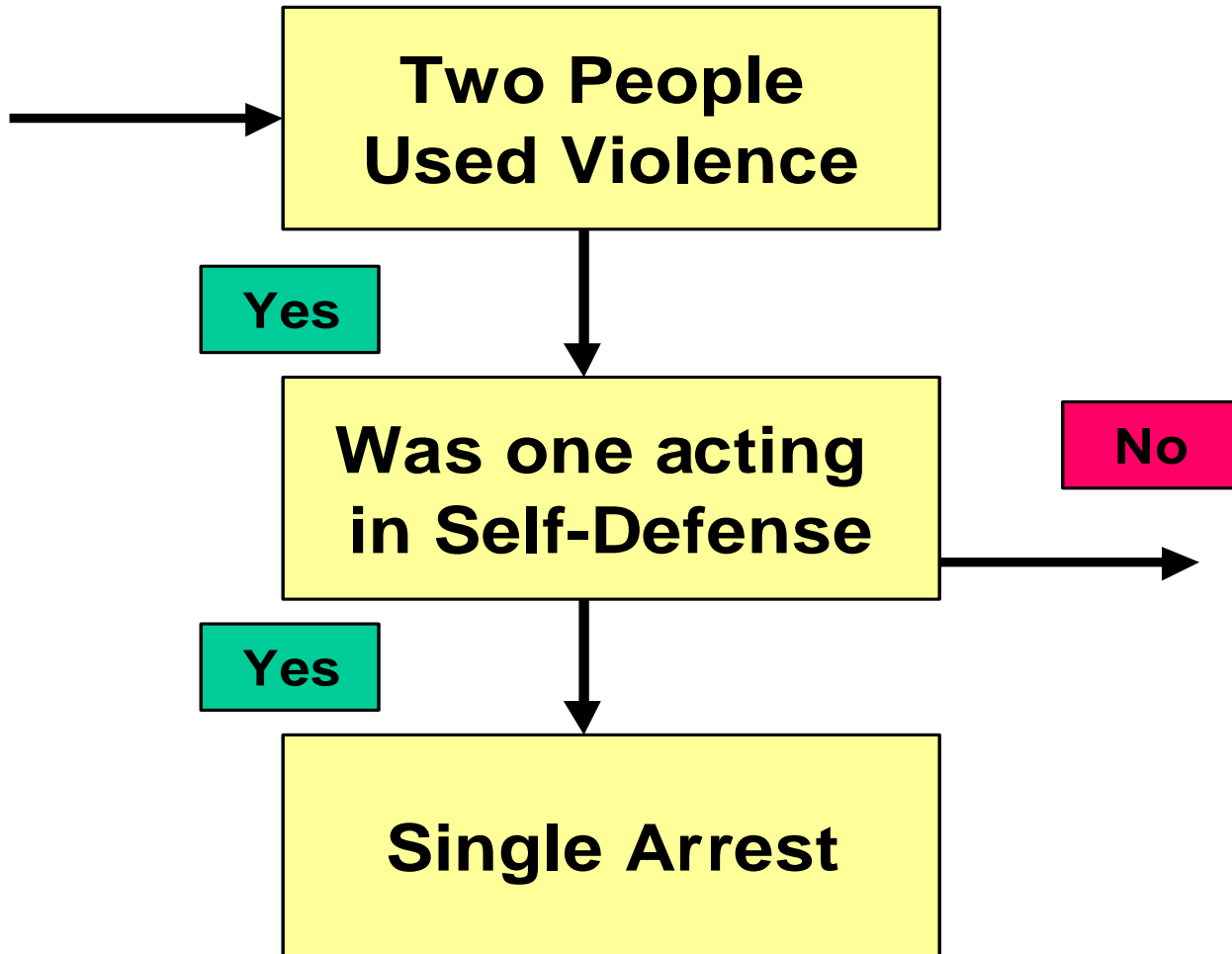
- Follow your agency policy
- Do not rush your decision who is dominant
- Look at the history of the parties
 - a look, or a gesture can in the context of the parties' history signal danger
- Look at self defense issues
- New information may be discovered that changes your decision who to arrest. Be familiar with your agency policy on how to release someone who has been arrested.

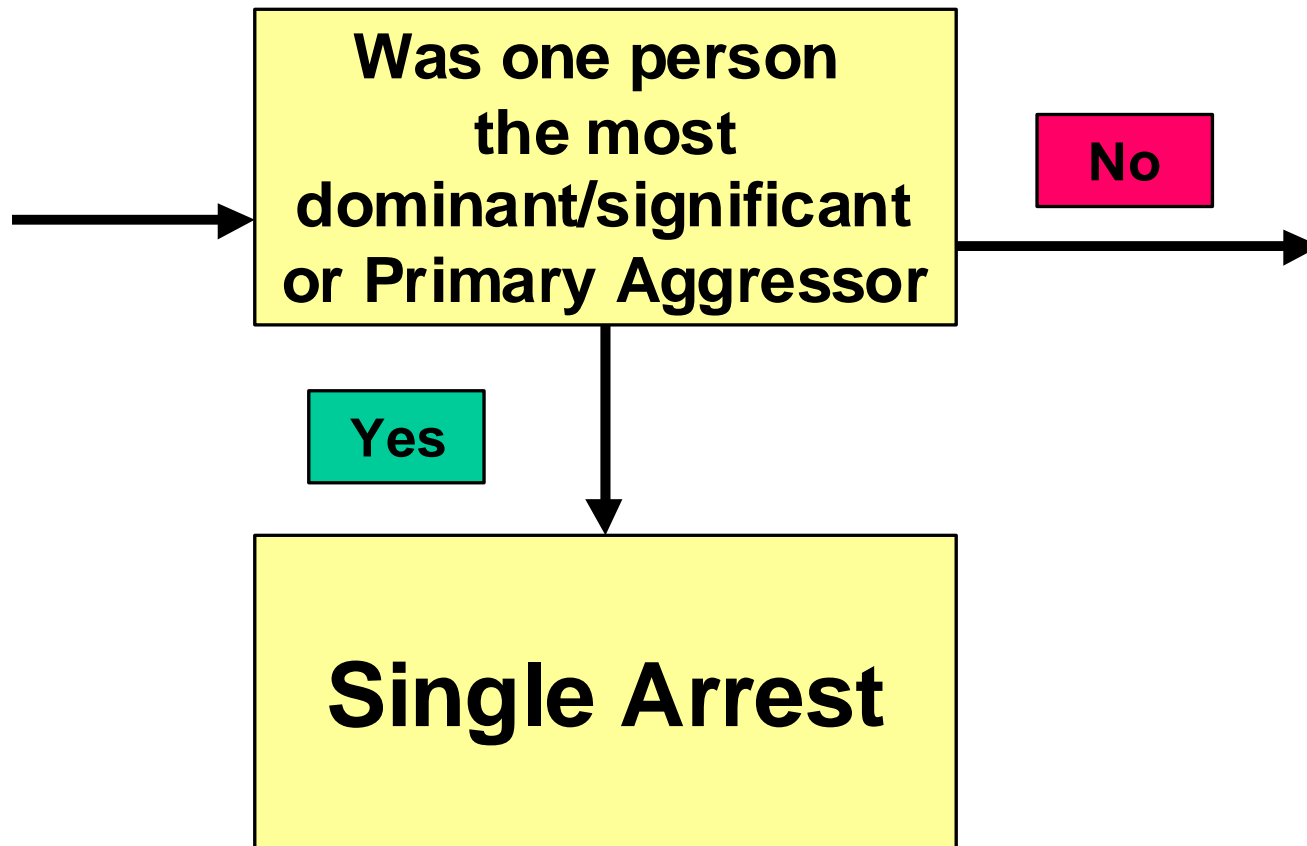
Dual Arrest - "Decision Tree"



Dual Arrest - “Decision Tree”







**Both people
equally aggressive**

Yes

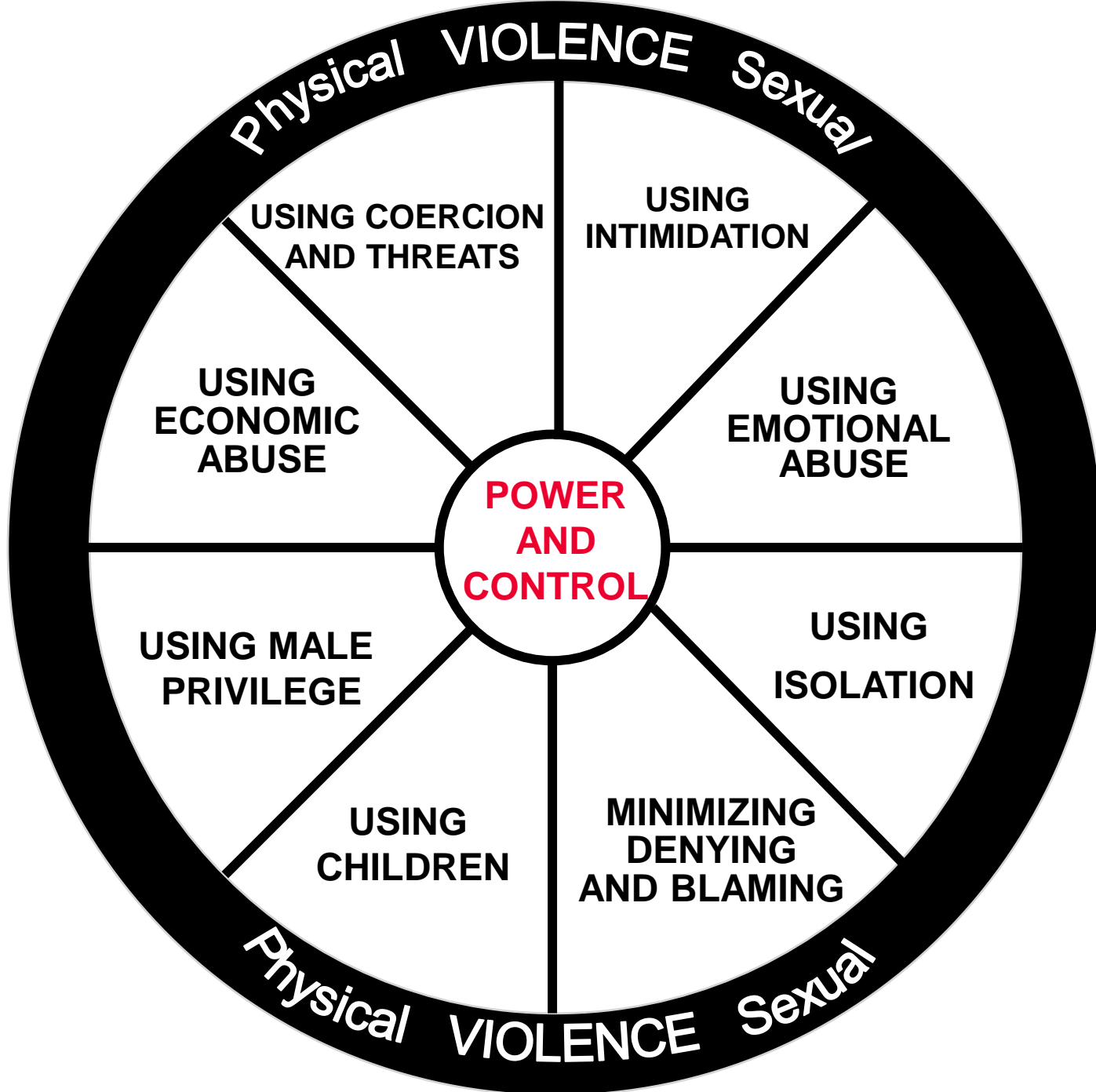
Dual Arrest

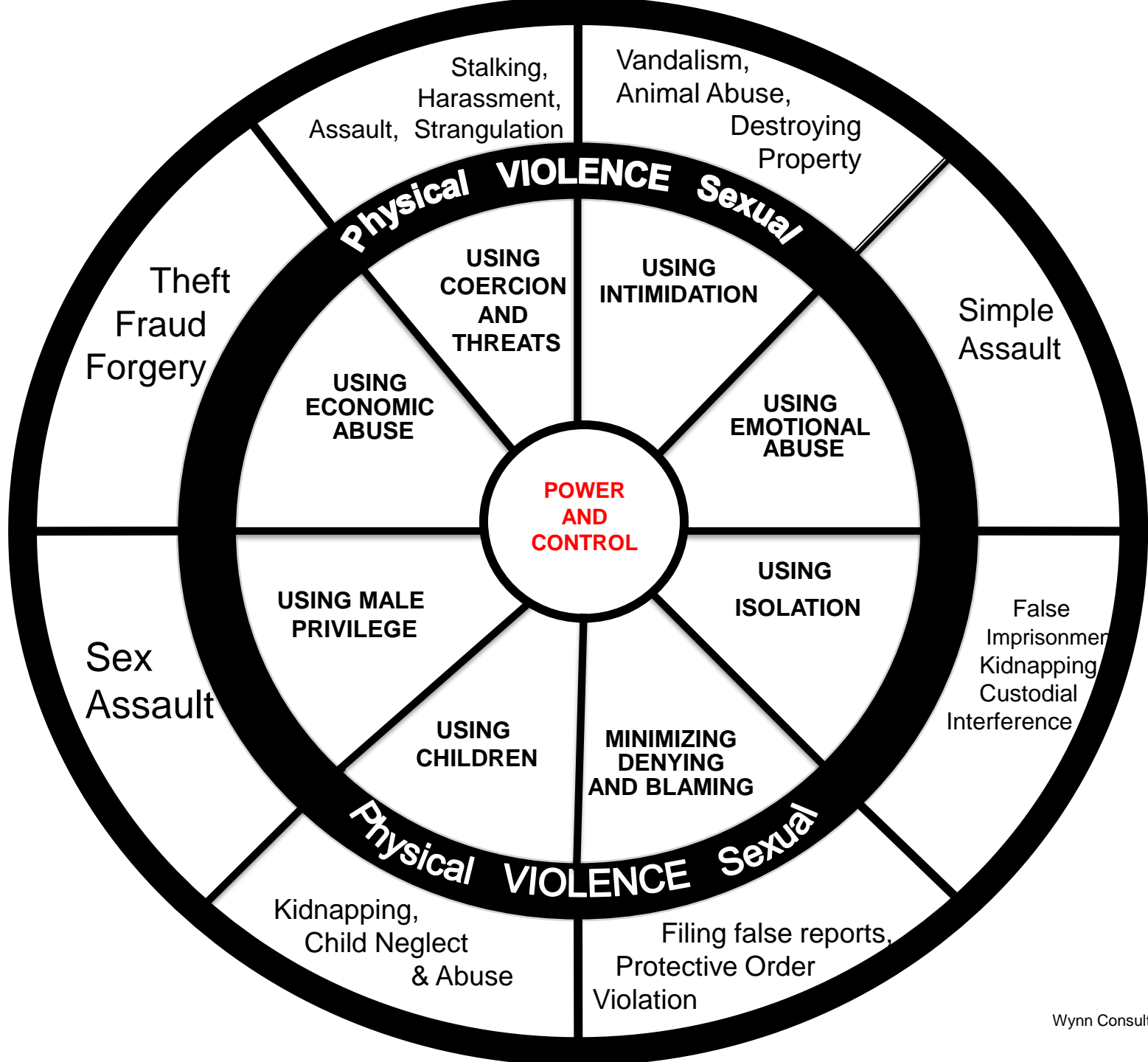
Negative Consequences of dual arrest

- Rarely Prosecuted
- Children removed placed in protective custody
- Victim not protected (release agreement, R.O., etc.)
- Batterer gains more power
- Victim experiences the fright of arrest
- Victim may not call police in the future
- Victim gets a criminal record
- Department may be sued

Positive results of not making a dual arrest

- Reduce the number of inappropriate arrests
- More cases are prosecuted
- Child stays with one parent vs. shelter home
- Remove the person who is abusing and maintaining power in the relationship
- Remove the person who is the serious threat in the home
- Stop the re-victimization of DV victims
- Reduce lawsuits





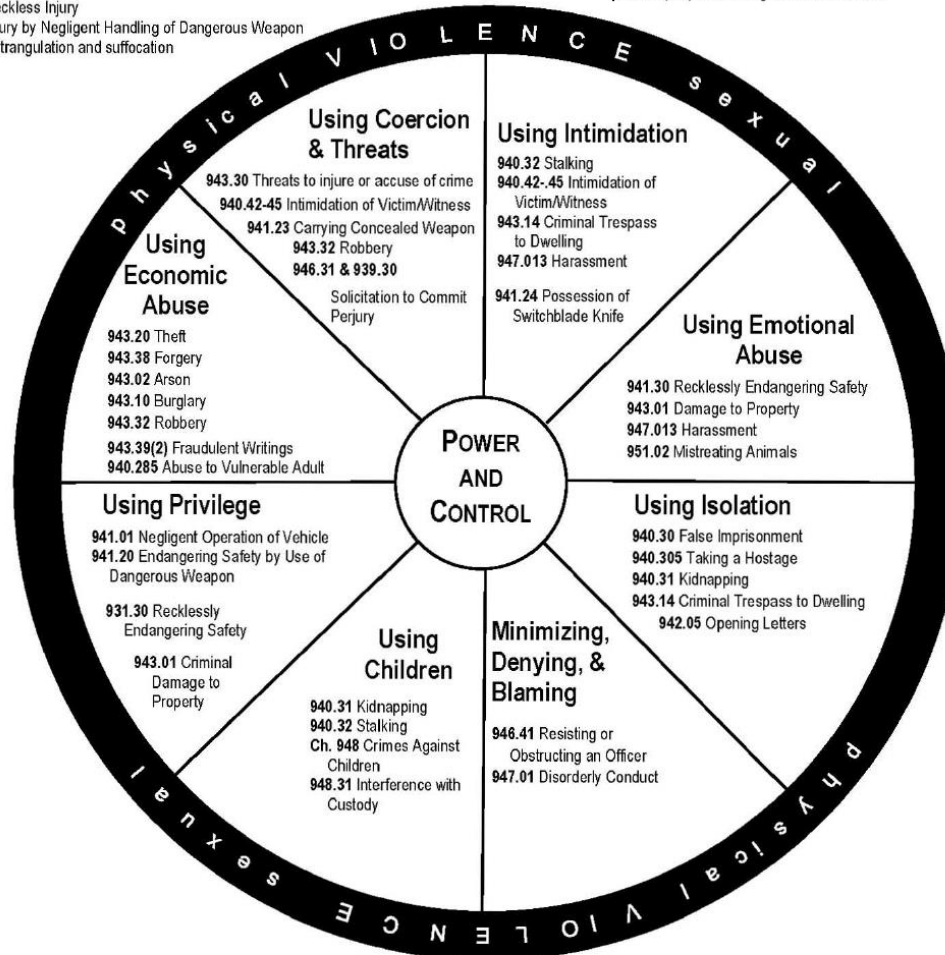
Power & Control Wheel with Wisconsin State Statutes

Crimes of Physical Violence

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

Crimes of Sexual Violence

940.225(1) First Degree Sexual Assault
 940.225(2) Second Degree Sexual Assault
 940.225(3) Third Degree Sexual Assault
 940.225(3m) Fourth Degree Sexual Assault



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

Chapter 813 Violation of a restraining order, including foreign orders of protection
 939.05 Parties to Crime
 939.24 Criminal Recklessness
 939.25 Criminal Negligence
 939.30 Solicitation
 939.31 Conspiracy

939.32 Attempted Crimes
 939.46 Coercion
 946.49 Bail Jumping
 947.01 Disorderly Conduct
 940.42-.45 Intimidation of Victim/Witness
 940.32 Stalking

947.013 Harassment
 947.012 Unlawful Use of Telephone
 947.0125 Unlawful Use of Computerized Communication System
 940.285 Abuse of Vulnerable Adult
 943.30 Threats to injure

Context is Everything

- The Criminal Justice System is by design and necessity, incident focused
 - What is the intent of the offender?
 - What is the meaning of the act to the victim?
 - What is the effect of the violence on the victim?
 - What is the context of any given act of violence?
 - Consider the particulars, how much violence, coercion or intimidation accompanying the violence

Minimizing: by the Victim
 by the Offender
 by the Officer
 by the Court

Probable Cause

- Who is the primary aggressor?

Fear

Who talks or appears scared?

Remember your last use of force report

Probable Cause

Body Language

Who displays an aggressive stance?

Consider the physical size of the parties.

Probable Cause

History of Abuse

Medical records, 911 tapes, police reports, shelter stays and protective orders. Examine the paper trail.

Probable Cause

Neighbors &
Witnesses

Neighbor killed after domestic dispute turns violent

By **KATHY CARLSON**

Staff Writer

A domestic dispute turned deadly Monday night for a young Nashville man who police said wasn't party to the original argument.

Jason Clark, 21, was shot to death outside his apartment at 1000 Thompson Place in south Nashville, police spokesman Don Aaron said.

Clark "was talking to the girlfriend (who had been involved in the earlier domestic dispute) when he got shot," his mother, Karen Clark, said last night.

No arrests had been made as of

yesterday, Aaron said.

"We have continued numerous interviews during the night and today," Aaron said. "Detectives are still working on the case."

Jason Clark had been visiting his girlfriend and young son in west Nashville when his brother, Chris Clark, called him, his mother said.

Earlier Monday night, a couple in Jason Clark's apartment building had gotten into a fight. Chris Clark and a male friend came to the woman's aid, confronting the boyfriend, Aaron said.

Police also came to the apartment, and the woman decided not

to press charges, Aaron said.

The woman's boyfriend fled to another building in the apartment complex, Aaron said, and got in touch with his brothers, who came to the building.

Chris Clark, in turn, called his brother, who came back to the complex. Jason Clark was outside his apartment smoking a cigarette when he was shot, Aaron said.

Jason Clark told the shooter "it wasn't me," Karen Clark said, but the "guy came and shot him in the back." She said she did not know whether the shooter was in a car or on foot.

Her son collapsed in the front

hallway of his apartment, she said. He was taken to Vanderbilt University Medical Center, where he died.

Karen Clark described her son, Jason, as "a real laid-back kind of guy."

He had worked at a Taco Bell restaurant near his home for three years, she said, and he and his girlfriend had a son, also named Jason, who will turn 2 in April.

Funeral arrangements are incomplete, she said. ■

Kathy Carlson covers law enforcement for *The Tennessean*. She can be reached at 259-8047 or via e-mail at kcarlson@tennessean.com.

Probable Cause

Excited Utterances

“a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.”

Probable Cause

Crime Scene

Probable Cause

Injuries



INVISIBLE INJURIES

When Your Head is Hurt



The comprehensive resource on domestic violence

1855 E. Dublin Granville Road, Suite 301
Columbus, OH 43229
800-934-9840 • www.odvn.org • www.odvncares.com

ODVN.org

Warning Signs

- A headache that does not go away or gets worse
- One pupil (eye) is larger than the other
- You can't remember what happened
- Extreme drowsiness or difficulty waking up
- Slurred speech, numbness, or decreased coordination
- Repeated vomiting or nausea
- Shaking or twitching
- Unusual behavior, confusion, restlessness, or agitation
- You peed or pooped unintentionally
- Loss of consciousness, passed out



Power and Control Tactics

Intimidation.....

- **Following you from room to room**
- **Aggressive stance**
- **Read the body language – they will read yours**

Power and Control Tactics

Isolation.....

- **Wont let the officer in the residence**
- **Children told to hide or leave the home**
- **“ My wife is in the shower”**

Power and Control Tactics

Economic abuse.....

- **“ I can’t trust her with the money”**
- **Victim has no knowledge of family money matters**
- **“ I’m the bread winner.....”**

Power and Control Tactics

Using Male Privilege.....

- “ I wear the pants in my family”
- Ownership language about the spouse or children

Power and Control Tactics

Threats.....

- “You are violating my rights.. Do you have a warrant”
- “I’ll sue”
- “I’ll have your badge”
- “I’m the taxpayer”



Power and Control Tactics

Minimizing - Denying - Blaming.....

- “ It’s not that bad.. She bruises easily”
- “She/he is crazy”
- “It’s all in his/her head”
- “Nothing happen”
- Not taking responsibility
- “ I’m very sorry we bother you officer”

Power and Control Tactics

Using the Children...

- **“The kids will agree with me”**
- **Dragging the children into the arrest or court**
- **Sending the children away or into hiding**