

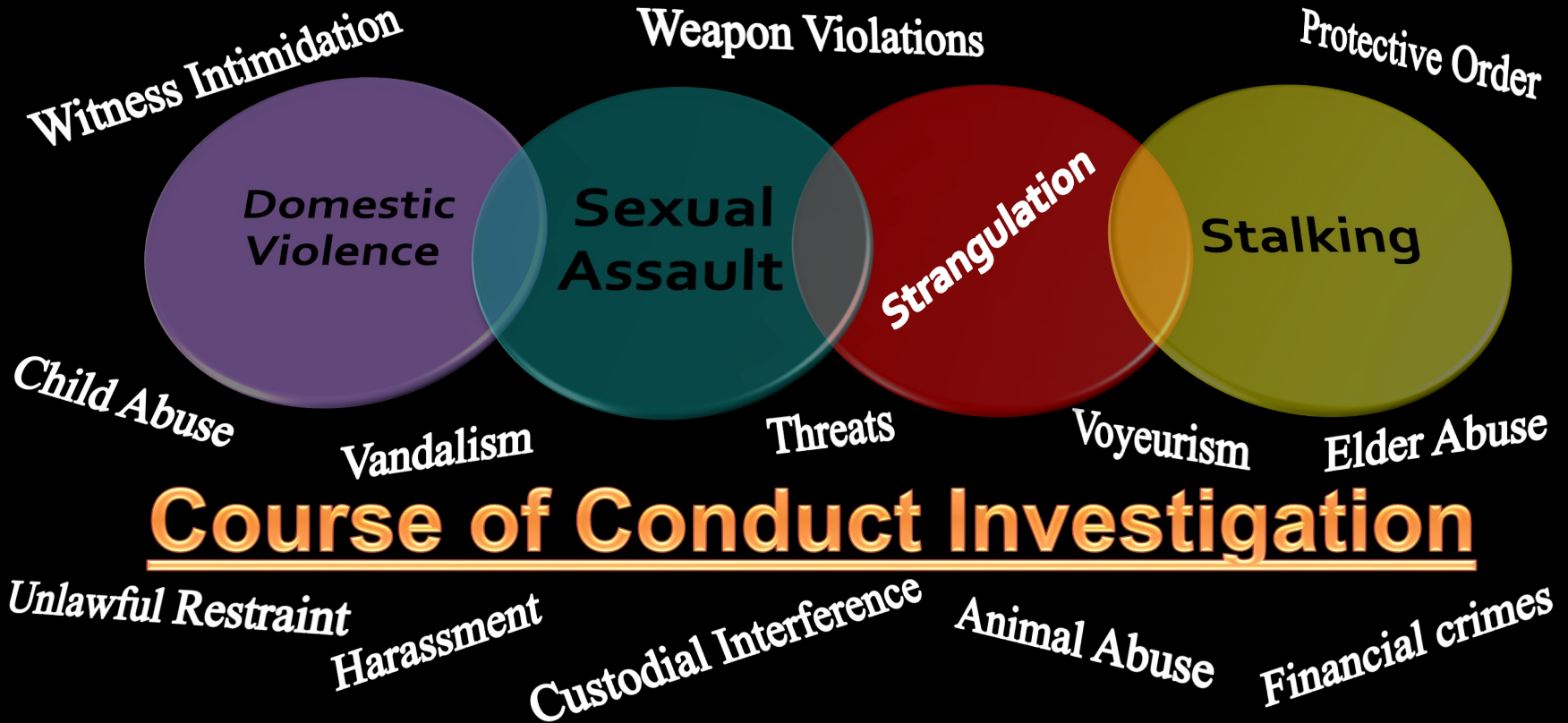
# First Line Supervisor's Response to Violence Against Women



CONFERENCE ON  
CRIMES AGAINST WOMEN

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# Interconnected & Co-Occurring



## Course of Conduct Investigation

# Today's Law Enforcement leaders should...

- **Recognize** the interconnected and co-occurring nature of VAW crimes
- **Understand** the importance of leadership in developing and enhancing officer response
- **Assess** the role of organizational and social culture in shaping attitudes and actions
- **Identify a** range of tools to strengthen agency efforts to address these crimes
- **Highlight** the value of collaboration and partnerships
- Leaders are responsible for ensuring that the community's diverse needs and interests are addressed openly and equitably, with respect and dignity for all.

**As a supervisor, what will be your challenges in dealing with VAW crimes?**

# Realities of VAW Crimes

Given these realities about perpetrators and victims of violence against women, what strategies do we need to adopt for:

- Responding?
- Investigating?
- Preventing?

# Making the Connection: Leadership and VAW

- How do you set clear and specific VAW performance expectations for your officers?
- How do you ensure your officers responds effectively to VAW crimes?

# Mentoring & Discipline

How do you identify poor response to VAW crimes by team members?

**Deanna Howell**  
**Kidnapping - North Carolina**  
**2008**



# Mentoring & Discipline

Addressing performance problems:

- Be consistent with response and discipline
- Confront problem behavior immediately
- Explain specifics of the problem
- State your expectations clearly
- Document all details
- Establish appropriate response/discipline

# Mentoring & Discipline

## Early Warning Systems

- Correct performance problems with identified employees
- Hold employees accountable
- Reduce employee misconduct
- Strengthen relationship with victims and community

# Mentoring & Discipline Challenge – Scenario #1

## ■ Sexual Assault Scenario

One of your officers responded to a call for service for a woman who was sexually assaulted. While asking her initial questions, the victim had a hard time recalling all of the details of the evening. The officer became frustrated, took the report, and left the scene. In the narrative, the officer wrote “in the absence of credible testimony or supportive physical evidence, there is no factual basis to support the claim of rape.” The officer did give the victim information about community services available, then closed the case.

# Mentoring & Discipline Challenge – Scenario #1

1. What are your concerns at this point?
2. What actions would you take based on this situation?
3. What are the potential consequences this could have on:
  - a. the team and/or officer(s)?
  - b. the department?
  - c. the community?
  - d. victims?
  - e. offenders?
  - f. prosecution of the case?

# Mentoring & Discipline Challenge – Scenario #2

## ■ Dual Arrest Scenario

At the end of a shift you review your team reports. You notice that on a call for a family disturbance, two people were arrested. In the report, the officer briefly mentioned use of force used by both individuals, but you do not feel it is adequate justification. An in-service training was recently held where expectations were outlined that dual arrests must not be done unless probable cause was established for *both* parties and that officers should contact their supervisor if there were any questions or concerns while on scene.

# Mentoring & Discipline Challenge – Scenario #2

1. What are your concerns at this point?
2. What actions would you take based on this situation?
3. What are the potential consequences this could have on:
  - a. the team and/or officer(s)?
  - b. the department?
  - c. the community?
  - d. victims?
  - e. offenders?
  - f. prosecution of the case?

# Mentoring & Discipline

Hold officers accountable for their  
inaction and/or misconduct

## Discipline

- Written reprimand
- Negative evaluation
- Counseling
- Transfer
- Suspension

## Mentoring

- Performance improvement plan
- Informal counseling
- Training
- Peer Review

# Training & Motivation

What efforts can you undertake to **build officer commitment** and **increase motivation** to strengthen the response to violence against women?



# Training and Motivation

## Motivation techniques

- **Assist** officers see benefits of strengthened response
- **Highlight** officer safety considerations
- **Create** incentive program for successful work on VAW cases
- **Build** VAW information into performance evaluation
- **Recognize** officer efforts and establish rewards system
- **Implement** frequent training on VAW

*Others?*

## Topic: Non-Stranger Sexual Assault

### Goal:

To provide officers with pertinent information about non-stranger sexual assault in order to strengthen response to and investigation of these crimes.

### Non-Stranger Sexual Assault Facts

Approximately 2/3 reports rape cases are perpetrated by someone know to the victim.

**FACT:** Most sexual assault victims are acquainted with the suspect in some way, yet rarely expect intimacy with the suspect.

73% of assaults were committed by non-strangers.

**FACT:** 38% of rapist are a friend or acquaintance, 28% are an intimate, 7% are a relative.

Most assaults/rapes that are reported took place far from the victims home.

**MYTH:** 50% of reports assaults/rapes took place within one mile of the victims home or in their home.

A prior or current relationship or previous acts of intimacy are sufficient to establish consent.

**MYTH:** A previous intimate contact/relationship are insufficient indicators of consent.

Victims of non-stranger assault often do not identify their experience as sexual assault.

**FACT:** Victims of non-stranger sexual assault oftentimes blame themselves for the assault.

The offender uses the victim's trust to isolate him or her from others.

**FACT:** Sexual assault is a crime of motive and opportunity.

### Additional information to include in report:

Focus on evidence to establish that consent was absent and fear was present, including:

- Evidence of physical or verbal resistance
- Detailed account of the victim's thoughts and feelings during the assault
- Suspect's size and strength, in comparison to the victim's
- Information regarding the environment in which the assault took place
- Information regarding the victim's post-assault behavior
- Information regarding the suspect's pre/post behavior

### Response and Investigative Tips

- Approach every case with an open mind and without making assumptions.
- Write a detailed narrative. Be careful not to use words that imply consent.
- Document detailed descriptions of the victim's condition as observed including the victim's feelings as expressed.
- Photograph any physical evidence and document clearly.
- Capture details of suspect's pre-meditation and grooming behavior.
- Use exact words of victim and suspect and place those in quotations.
- Interview, do not interrogate, the victim.
- Arrange unbiased, independent translation if English is not the first language of the victim, witness, or suspect.
- Provide the victim with resources on local counseling services

**A well-written report can make a jury trial into a bench trial and a bench trial into a guilty plea.**

# Report Review



# Report Review

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The words with which we speak  
are the words with which we think.

# Why do we need to think about language?

- *We will* have better cases:
  - Improved quality of information leads to more cases being filed; improved quality of information results in fewer trials; improved quality of information results in increased accountability for perpetrators. **FOR YOU.** You'll have a better sense of what actually happened!
- *We will* support victim healing, increased reporting, and continued/future victim engagement with the criminal justice system
- *We will* educate
  - Law leads culture, as culture leads the law. We can respond in ways that can create culture change.

# Are there better words to use?

Claimed

Refused

Delayed

Fondled

Story

Choked

Alleged



# Sanitizing Language

- *Adding* adjectives or descriptors to language can actually send the message that *minimizes* the violence:
  - “Date Rape”
  - “Acquaintance Rape”
  - “Intimate Partner Rape”
  - “Marital Rape”

# Concealing Violence

- Words or phrases that appear to place agency for the sexual act or violence on the victim rather than on the perpetrator:
- **Example:** “The victim performed oral sex on the suspect.”
- Instead: “The suspect forced his penis inside the victim’s mouth.”
- **Example:** “The victim did not resist or fight when the defendant penetrated her.”
- Instead: “After suspect threatened to beat her, the victim stopped fighting, which enabled the suspect to penetrate the victim.”
- Cite: Why Language Matters: From reporting to healing. Cunningham, T., Cockran, H.

# Report Review

- Report writing is one of the most critical tasks a law enforcement officer performs.
- Reports are the most important document in many VAW cases.
- Reports can be the difference between justice and injustice.
- Inadequate reports can have serious consequences on the safety of the community.

# Victim Interviews

- **Preserve** the exact words used by the victim
- **Articulate** what the victim was thinking and feeling at the time of the incident
- **Use** descriptive words
- **Document** the entire context of force, threat, and/or fear that the victim experienced
- **Apply** chronological order as much as possible
- **Use** non-consensual and appropriate language

# Victim Interviews

During victim interviews, ask open-ended questions to elicit:

- the articulation of the context of force, fear, or threat
- more thorough responses and reactions
- what the victim was thinking or feeling at the time of the incident

# Victim Interviews

Examples:

“Why did you wait so long before disclosing about the first incident?”

“Why didn’t you call the police instead of calling your job and husband ...?”

# Impeachment by omission

- Impeachment by omission is achieved when the defense can undermine the credibility of the prosecution by pointing out that some fact was provided in witness testimony but not documented in a report.
- the case will be lost at trial if the reports summarizing the investigation are poorly written.

# Impeachment by contradiction

- Impeachment by contradiction occurs when a witness testifies to facts at the trial that are different than those recorded in their witness statement or in the case reports. This kind of impeachment is generally more damaging than impeachment by omission because it gives the defense attorney an opportunity to characterize the testimony as a lie.



# Good Offense Report - Stalking

- Documents stalker's repetitive behavior
- Creates articulation of victim's fear, especially when stalker's behavior would appear non-threatening to most people
- Supports criminal charges (if filed)
- Can enhance encouragement for stalker to plead guilty

## Response to Stalking Report Review Checklist

### Does the report include all needed information?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Is the relationship of the parties identified?
- What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
- Are stalking behaviors articulated? (e.g. following, repeated calling, sending unwanted gifts)
- Is there a valid protection order in place? Was it verified?
- Were all witnesses interviewed and documented?
- Was information about previous incidents documented?
- What evidence was collected?
- Was electronic/technological evidence collected?
- Were all incidents of stalking behavior on cell phones, computers, and recording devices captured?
- Is the scene(s) concisely described/diagramed?
- Were weapons/objects used?
- What was the emotional state of the victim (what they were thinking and feeling)?
- Is evidence of fear articulated in the report?
- Have all threats been clearly documented?
- Is the use of coercion and/or force articulated?
- Have all injuries (visible and non-visible) been properly documented? Were injuries existing or new?
- Was there any property damage? Theft? Burglary?
- Were photos taken and details recorded?
- Did the victim report being strangled ("choked")? If so, was it described in detail?
- Did the victim request/need medical attention?
- Were all spontaneous statements captured?

### Are your officers aware of the state's stalking statute/law?

- Does the report thoroughly articulate the elements of the stalking crime that occurred?

### Did your officers assist the victim with safety planning?

- Was information provided about obtaining an order of protection? (if laws permit)
- Was information about local service providers supplied to the victim?
- Was a threat/risk assessment tool utilized with the victim?
- Was the use of a "stalking kit" and/or stalking log discussed with the victim?

### Did your officer gather comprehensive information about the suspect?

- Was an arrest made?
- What was the emotional state of the suspect (what they were thinking and feeling)?
- Did the officer(s) utilize a threat/risk assessment tool with the suspect?
- Was the proper protocol followed if the suspect was not on the scene?
- Are there any active warrants out for the suspect? If so, is this information documented?
- Has the suspect been the respondent to a protection order in the past?
- Is this individual prohibited from possessing firearms due to:
  - a conviction for a misdemeanor crime of domestic violence
  - a qualifying order of protection

### Additional Notes



## Sexual Assault Report Review Checklist

### Does the report include all needed information?

- How was the case received?
- Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)?
- Are the elements of the crime articulated?
- What were the observations upon approach?
- Is the scene concisely described/diagramed?
- Were photos taken and details recorded?
- Is the relationship of the parties identified?
- What is the history of the relationship? (include frequency of any violence, intimidation, and threats)
- Were all witnesses interviewed and documented?
- Were "outcry witness" interviewed?
- Were weapons/objects used?
- What was the emotional state of the victim (what they were thinking and feeling)?
- What evidence was collected?
- Have all injuries (visible and non-visible) been documented? Were injuries existing or new?
- Is trauma documented in the report?
- Have all threats been clearly documented?
- Is the victim's fear effectively documented?
- Is the use of coercion and/or force articulated?
- Was there any property damage? Theft? Burglary?
- Are stalking behaviors identified in the report?
- Did the victim report being strangled ("choked")? If so, was it described in detail?
- Did the victim request/need medical attention?
- Were advocates called to the scene?
- Is there a valid protection order in place? Was it verified?
- Was the case coded properly?
- Has sexual abuse by the suspect been ongoing?
- Were all spontaneous statements captured?

### Was the victim incapacitated or incapable of giving consent?

- Were drugs or alcohol used by victim? Are amounts and time span articulated?
- Does the victim believe he/she was drugged?
- If drug facilitated sex assault is suspected, were blood and urine collected?
- Have mental and/or physical incapacities been documented?

### Did your officers assist the victim with safety planning?

- Did the officer(s) provide the victim with information about local service providers?
- Was a forensic examination of the victim conducted?

### Did your officer gather comprehensive information about the suspect?

- Was an arrest made?
- What was the emotional state of the suspect (what they were thinking and feeling)?
- Were drugs or alcohol used by the suspect? Are amounts and time span articulated?
- Did the officer(s) utilize a threat/risk assessment tool with the suspect?
- Was a suspect exam conducted?
- Were the suspects pre-incident behaviors documented?
- Was the proper protocol followed if the suspect was not on the scene?
- Are there any active warrants out for the suspect?
- Has the suspect been the respondent to a protection order in the past? Past arrests?
- Are there any other identified victims?

### *Additional Notes*



# Report Review

Accurate, thorough reports can increase victim safety and offender accountability.

- Provide information to assist with safety planning by allowing advocates to gain a clear picture of what occurred.
- Reduce the need for a victim to testify in court.
- Provide needed information when seeking a protection order.
- Supply documentation that can be used during sentencing.
- Provide information for prosecutor to go forward with case.

# Report Review

- **Summarize** all of the evidence uncovered during the investigation
- **Recreate** the reality of the incident from the perspective of the victim
- **Use** descriptive words/terms
- **Describe** the parts of the body and the things the victims was forced to do with those parts of the body (SA)
- **Describe** the tools, objects, or weapons that were used and how they were used

# Report Review

## Examples of “evolving language”

- private family matter.....domestic violence
- “peeping tom” .....voyeur
- date rape.....non-stranger sexual assault
- victim-less prosecution.....evidence-based
- primary aggressor.....predominant aggressor

*Other Examples?*

# Report Review

Qualifiers characterize and convey a message:

- *violent* rape
- *innocent* victim
- *alleged* victim

Words carry connotations:

- victim's story vs. account
- "had sex with" vs. raped
- consented vs. submitted
- uncooperative victim vs. reluctant

# Report Review

## Consensual language

- Sexual intercourse, oral sex, fellatio, and cunnilingus

## Terms of affection/eroticized words

- Fondling, caressing, kissed, and hugged

## Mutual participation

- Performed, engaged in, fighting, violent relationship, and disagreement



# Report Review

Example:

“...when he was done, he bent her over the couch and had intercourse with her again...”

“ ...while in the room the victim performed oral sex on the suspect...”

“....they were engaged in a heated argument...”

# Report Review

Reports should not include:

- Opinions, hunches, gut feelings
- Vague quantitative words (lots, many, some, etc.)
- Victim blaming statements
- Consensual language
- Subjective non-descriptive terms (acted strange, seemed upset, etc.)

# Report Review

Examples:

“...victim did not appear to be upset....victim was laughing and making jokes about the situation.”

“...victim inexplicably came to the suspect's home wearing pajamas...”

“...victim has inconsistencies with her story and has a history of drug abuse...”

# Report Review

- “...the victims account of the incident is not believable or credible to officers given her actions during and after the encounter with the suspect...”
- “...while the knife was being held to the victim’s throat it caused a small laceration...”
- “...the circumstances of the rape disclosure in conjunction with the victims desire to stay with the suspect and the lack of physical evidence does disprove the allegation of rape...”

# Report Review

What ways can you increase the effectiveness and thoroughness of report writing by your officers?

# How is the Climate?

- As the leader, you are ultimately responsible for creating a healthy VAW department climate. This requires that you be actively engaged in shaping and monitoring the internal culture.

# How do you Communicate?

- Leaders are addressing past mistakes of their agencies to build credibility and support from community for new priorities
- Leaders are communicating priorities inside and outside their departments and building support to address VAW

# What is your Standard?

Today's leaders are designing policies to effectively address VAW crimes. They are comprehensive and have been developed with Community/stakeholder involvement. These new standards are being evaluated for impact and effectiveness.

> *Community Accountability Safety Audits*

> *Agency Self-Assessments*



# Are you Accountable?

Leaders are changing the climate of the organization by holding their officers accountable for professional and informed response and they are examining the impact of culture on effectively responding to and investigating VAW crimes

# Making the Connection: Leadership and VAW

Leaders create and sustain a vision

Leaders inspire others to make the vision a  
shared reality