

135535

Confronting Domestic Violence: Effective Police Response

Training of Trainers

September 26 & 27 1991

State College, PA

NCJRS

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***Confronting Domestic Violence: Effective Police Response
Training of Trainers***

Thursday, September 26, 1991

AGENDA

10:30 a.m.	Welcome and Introductions	Edmund Stubbing and Jane Stuehling
10:45 a.m.	Training Goals & Review of Materials	Jane Stuehling
11:30 a.m.	Break	
11:45 a.m.	Planning a Training	Margaret Innes and Jane Stuehling
12:30 a.m.	Lunch	
1:30 a.m.	The Impact of Domestic Violence	Margaret Innes and Jane Stuehling
3:15 p.m.	Break	
3:30	Investigation, Probable Cause Determination and the Arrest Decision	Edmund Stubbing
5:00 p.m.	Training Methods <i>Homework assignment</i>	Jane Stuehling
5:30 p.m.	Dinner (on your own)	

***Confronting Domestic Violence: Effective Police Response
Training of Trainers***

Friday, September 27, 1991

AGENDA

8:00 a.m.	Continental Breakfast and Networking	
8:30 a.m.	Comments/Feedback	Jane Stuehling
8:45 a.m.	Enhancing Officer Safety	Edmund Stubbing
9:45 a.m.	Break	
10:00 a.m.	The Laws of Arrest	Barbara J. Hart, Esq.
11:15 a.m.	Providing Victim Assistance	Jane Stuehling
12:00 a.m.	Lunch	
12:45 a.m.	Reducing Liability film - <i>Damned if You Don't</i>	Barbara J. Hart, Esq.
1:30 p.m.	Effective Police Practice film - <i>Agents of Change</i>	Edmund Stubbing
2:45 p.m.	Break	
3:00 p.m.	Training Methods & Tips for Trainers	Edmund Stubbing and Jane Stuehling
4:15 p.m.	Final Remarks	Edmund Stubbing and Jane Stuehling
4:45 p.m.	Evaluation	

Confronting Domestic Violence: Effective Police Response Training Curriculum

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**CONFRONTING DOMESTIC VIOLENCE:
EFFECTIVE POLICE RESPONSE**

TRAINING CURRICULUM

Written by: Barbara J. Hart, Esq.
Jane E. Stuehling

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CURRICULUM PLAN SUMMARY SHEET

Topical Area: Effective Law Enforcement Response to Domestic Violence

Summary of Content: This is a block of instruction in effective law enforcement response to domestic violence. It will teach in-service police officers cutting edge techniques on responding to domestic violence calls so that they can effectively assist and protect victims, reduce perpetrator recidivism and protect themselves and their departments from the risks attendant upon domestic violence intervention. The goals of this training are: to enhance victim safety, to facilitate officer safety in domestic violence interventions, to minimize exposure to liability of law enforcement when responding to domestic violence calls and to reduce repeat domestic violence calls.

Instructional Objectives:

To fully understand:

1. The pivotal role of law enforcement in domestic violence intervention.
2. The benefits from a pro-arrest domestic violence policy.
3. The costs of policy implementation.
4. The victims of domestic violence.
5. The reasons victims stay and the circumstances when they leave.
6. The particular risks of separation violence and the role of law enforcement in response thereto.
7. The risks domestic violence perpetrators pose for their children, both short-run and long-term impacts.
8. Effective approach techniques for responding to domestic violence.
9. Strategies for identification of the most dangerous calls and methods for mitigating risk to officers.
10. The benefits of a risk registry in each department to give responding officers advance notice of high-risk calls.
11. Cutting edge investigation procedures.
12. Effective interviewing techniques.

13. Special issues in probable cause determination.
14. Factors to be considered in making the arrest decision.
15. Comprehensive incident report writing and the benefits thereof.
16. Techniques for intervention with a reluctant witness/victim.
17. Specific information about probable cause arrest authority.
18. The Criminal Code provisions applicable in domestic violence cases.
19. Specific guidelines for arrest in protection order enforcement cases.
20. Law enforcement's duty to protect victims of domestic violence.
21. The case law on departmental/officer liability and the circumstances under which liability may arise.
22. Five strategies for liability avoidance
23. Safety planning as a tool to enhance law enforcement intervention and victim safety.
24. The role of bail conditions in preserving the peace and preventing recurrence of domestic violence.
25. The responsibilities of law enforcement for victim notification and assistance.
26. Community resources available to assist victims of domestic violence.
27. Additional interventions that law enforcement might undertake to enhance victim safety.

Instructional Methods

This curriculum was developed for a basic lecture format. Information is conveyed using active facilitation techniques with flip charts and overhead transparencies for visual emphasis.

If an overhead projector is not available, transparency information can be transcribed onto flip charts.

Please modify this curriculum according to your training needs. A variety of methodologies can be used including small group work, guest lecture, panel presentation and team teaching.

Introduction

Good morning/good afternoon. This course is about domestic violence. We will present information today on how to protect yourself at a domestic call, what you can do to reduce the number of repeat calls, and we will teach you specific investigation techniques and approach intervention strategies for gathering information and making decisions quickly and appropriately at each call.

Before we begin, let's create a list of what you need to know to do your job at a domestic.

Ask the following question. List answers on flip chart.

Q. What information do you need to gain today to be able to do your job better? What questions would you like to have answered?

Sample participant questions may include:

- What happens for kids at a domestic?
- Why do we only talk about women as victims and men as batterers?
- If women entice men back into a relationship, can't I arrest both of them for violation of the protection order?
- What can I do so that I don't have to keep going back to the same household?
- Shouldn't we arrest both people if they're both being violent in a relationship?
- What do I do when she won't agree to be a witness?

The purpose for gaining these questions/information requests is to review the instructional objectives by soliciting information from participants to make the training as relevant as possible. Your task is to compare the list created from the participants with the instructional objectives. Try to reframe the participants' questions/responses to fit as closely with the instructional objectives as possible. For example, if the participant question is: "If she would only leave, she would be safe. I'm tired of returning to the same house every week."

Your answer could be - "We will cover:

- The particular risks of separation violence.
- Information on the benefits of arrest, where possible.
- The escalated danger to the victim and officer on repeat calls.
- Required actions that will help protect you from liability lawsuits."

Cover the objectives as listed on the course summary sheet. If there are not sufficient participant responses through this discussion to do so, review the complete list of objectives.

We will review information on all aspects of domestic violence today. At the end of the seminar, you should know:

Objectives

- The role of law enforcement in domestic violence intervention.
- The benefits of a pro-arrest domestic violence policy.
- The impact of domestic violence on victims and children.
- What separation violence is.
- How to protect yourself.
- Specific investigation procedures and interviewing techniques.
- Your arrest authority in a domestic.
- Crimes frequently committed at a dv scene.
- The vulnerable areas for liability.
- How to reduce liability for yourself and for your department.
- What resources are available for victim referral.

Effective Police Practice

Introduction

As the gatekeepers to the domestic violence intervention system comprised of law enforcement, victim/witness assistance, prosecution, legal advocacy, the judiciary and probation and parole departments, police officers play a critical role in protecting victims and holding perpetrators accountable.

Agents of Change

The video we are about to see is titled, Agents of Change. It compares two law enforcement agency's response to domestic violence, highlighting their use of a protocol. Please watch for examples of approach and intervention/investigation techniques. There are some good examples of points that will be made later in today's training.

Consider this question as you watch the video:

Ask the question:

Q. What are the benefits of a pro-arrest domestic violence policy?

Show the video. Turn the video off before the credits. Ask the question:

Q. What are the benefits of a pro-arrest domestic violence policy?

List answers given by participants on flip chart.

Examples:

- Gives legitimacy to the criminal treatment of domestic violence.
- Improves protection against liability for individual officers and departments.
- Provides clear direction regarding arrest and other options.
- Increases officer safety.
- Reduces the number of repeat calls.
- Increases victim safety through arrest and referral.

- Increases job satisfaction through reducing incidents of domestic violence.
- Enhances morale, teamwork and consistency of departmental response.

Show overhead: Advantages of having and using a written pro-arrest Domestic Violence Protocol. (Overhead #1). Review the following points.

Gives legitimacy to the criminal treatment of domestic violence.

Improves protection against liability.

Provides clear direction.

Increases officer safety.

Reduces repeat calls.

Increases victim safety.

Enhances consistency of departmental practice.

The Impact of Domestic Violence

What is Domestic Violence?

You answer domestic violence calls everyday. We all know that it's a social problem of enormous magnitude, but what exactly is domestic violence?

Ask the question:

Q. What is domestic violence?

Domestic violence involves a continuum of behaviors which create a context of terrorism. Any of the following behaviors may put a victim in fear of serious bodily injury or death unless there is compliance with the perpetrator's demands:

- degrading remarks to cruel jokes
- economic exploitation
- punches and kicks
- sexual abuse
- false imprisonment
- suffocation or strangulation
- homicide

Power and Control Wheel. (Overhead #2). Turn to page 2 in the participant manual. Turn on overhead here.

As you can see from this model, many forms of abuse are used to reinforce the power and control of one person over another.

The first assault inflicted by a batterer usually shocks the victim. It's hard to believe that a person who proclaims love, devotion and commitment could violate you.

Thereafter, episodes of violence may be infrequent or frequent, prolonged or short-lasting, severe or mild.

Non-violent tactics of control are always coupled with violent conduct.

Violent assaults usually increase in frequency and severity over time.

As the batterer's violence progresses, he may begin to abuse the children and he may direct violence or threats of violence against friends or extended family.

Even those batterers who infrequently use violence, regularly remind their battered partners that non-compliance with their demands may precipitate violent assaults.

Victims of Violence

Ask the question:

Q. Who are the victims of domestic violence?

Ask participants for answers; list on flip chart.

Examples include:

- wives/partners
- children
- neighbors
- police
- employers
- community
- relatives
- friends

All of these groups of people are victims of violence. We will focus on the danger to police in a section later today on Officer Safety. Let's look now at two of the groups who are most directly affected by the violence.

Who are Battered Women?

Most victims of domestic violence are women. In fact, research has shown that while battering occurs regardless of race, age, class, sexual orientation, mental and physical ability or religious affiliation, battering is related to gender. About 95% of the victims of domestic violence are women.

Battered women are like all other women:

- They are not psychologically impaired.
- They do not suffer from personality disorders.
- Their behavior does not distinguish them from other women.
- They cannot be identified by particular demographics.

The only consistent risk-marker for a person being battered is:

- female gender

The primary risk-markers for a person battering are:

- male gender
- witnessing the abuse of their mothers by their fathers

Battering occurs regardless of race, age, socio-economic status, sexual orientation, mental or physical ability, and religious background.

Battered women include but are not limited to:

- factory workers
- nurses
- lawyers
- homemakers
- police officers
- college students
- grandmothers and teenagers

Children of Battered Women

Between 50 and 70% of the men who batter their wives/partners also abuse their children.

Most severe child abuse occurs in the context of domestic violence and the onset of child abuse postdates the abuse of the mother.

Most child abductions occur within the context of domestic violence. Most abductions are perpetrated by the fathers or other adult men in the family and nearly 80% occur after separation. It may be a short-term manipulation around a custody order; however, a large percentage involve concealing the whereabouts of a child or taking the child out of state.

The research demonstrates that:

- Most of these abductions are perpetrated by the fathers or other adult men in the family.
- Nearly 40% of the abductions occur between the separation of the parents and the divorce.
- Nearly 40% happen after the parents are separated or divorced for more than two years.
- Children who are battered in utero are at risk for low birth weight, which poses dangerous, life-long risks for kids.

Who Are the Perpetrators of Domestic Violence?

Ask the question:

Q. Who are the perpetrators of domestic violence?

Batterers are not easily identifiable:

- They reflect the full range of demographic measures.
- They are not likely to suffer from mental disorders.
- Men who batter are more likely to have witnessed their fathers beating their mothers and to have been severely abused during childhood than men who do not use violence and terrorism in intimate relationships.

Batterers include but are not limited to :

- unemployed workers
- farmers
- computer experts
- car salesmen
- university professors
- ministers
- truck drivers
- psychiatrists
- police officers
- and house painters.

The following behaviors appear consistently among severely violent and life-threatening perpetrators:

- threats to kill;
- frequent physical assaults on his woman partner;
- frequent and severe sexual assaults of his woman partner;
- infliction of severe injury on his woman partner;
- frequent drug or alcohol consumption;
- violence outside the home.

A person who abuses assumes:

- that he is entitled to control his partner and that his partner is obligated to obey him;
- that he is a moral person even if he uses violence against his partner;
- that he will get what he wants through his use of violence;
- that he will not suffer adverse physical, legal, economic or personal consequences that outweigh the benefits achieved by battering.

What is the scope of the violence?

- Data shows that 95% of the victims of domestic violence are women.
- It is the single leading cause of injury to women in the U.S.
- There is more than one domestic violence assault every 18 seconds.
- Nearly 6 million women will be battered by their partners in any given year.
- Almost 1/3 of all adult women in the U.S. are likely to be the victims of battering during an intimate relationship.
- 20% of battered women report that the first assault by their partner came during pregnancy.
- Children who are battered in utero are at risk for low birth weight which poses serious life-long risk for kids.
- 1/3 of all homeless people are women and children displaced as a result of domestic violence.
- One woman or child is killed every 3 days in Pennsylvania as a result of domestic violence.

The Short-Term and Long-Term Effects of Domestic Violence

Ask the question:

Q. What are the effects of domestic violence?

Show overhead: "The Effects Of Domestic Violence" (Overhead #3).

Review the following points:

Adult Victims of Domestic Violence

- **Physical Injury -**

Battering is the single major cause of injury to women, more significant than auto accidents, rapes or muggings. Physical injury is the result of pushing, hitting, shoving, kicking, slapping, choking, pulling hair, punching, throwing down or using a weapon including knives, guns, clubs, furniture, fists, etc.

- **Mental Problems -**

The emotional and psychological abuse inflicted by batterers may be even more costly to treat in the short run

than physical injuries. The victim may need to change her behavior to be able to survive the continued assaults on herself and her children. Emotional abuse can result in her feeling crazy. There is a loss of self-confidence and a loss of control of one's life.

- **Long-Term Medical Problems -**

Many physical injuries sustained by women seem to cause medical difficulties as women grow older. Arthritis, hypertension and heart disease have been identified in battered women as directly caused or aggravated by domestic violence early in their adult lives.

- **Unemployment -**

Battered women lose their jobs because of absenteeism due to illness as a result of the violence. Absences occasioned by court appearances also jeopardize women's livelihood. Battered women may have to move many times to avoid violence. Moving is costly and can interfere with the continuity of employment.

- **Loss of Community -**

Battered women often lose family and friends as a result of the battering. First the batterer isolates them from family and friends. Battered women then become embarrassed by the abuse inflicted upon them and withdraw from support persons to avoid embarrassment. Some battered women lose their religious communities when separating from abusers because religious doctrine prohibits separation or divorce, regardless of the severity of abuse.

- **Poverty -**

Many battered women have had to forego financial security during divorce proceedings to avoid further abuse. As a result, they are impoverished as they grow older.

Child Victims of Domestic Violence

- **Behavioral and Emotional Problems -**

One third of the children who witnessed the battering of their mothers demonstrate significant behavioral and/or emotional problems, including psychosomatic disorders, stuttering, anxiety and fears, sleep disruption and excessive crying.

- **Boys More Likely to Inflict Violence as Adults -**
Those boys who witness their fathers abuse of their mothers are more likely to inflict violence on their partners as adults.
- **Girls May Tolerate Abuse as Adults -**
Data suggests that girls who witness maternal abuse may tolerate abuse as adults more than girls who do not.
- **School Problems -**
Children who witness the battering of their mothers may also exhibit school problems, runaway behavior, and/or drug or alcohol use.

Why Women Stay? When Women Leave?

Ask the question:

Q. Why Don't Women Just Leave?

Given the overwhelming incidence of domestic violence and the severe effects that battered women suffer at the hands of their batterers, it's hard for many of us to understand why women just don't leave.

Most of us believe that:

- Battered women will be safe once they separate from the batterer.
- Women are free to leave their abusers at any time.

Emphasize:

But leaving does not usually put an end to the violence.

Batterers may escalate their violence to:

- coerce a battered women into reconciliation; and to
- retaliate for the battered woman's perceived rejection or abandonment of the batterer.

Men who believe that they are entitled to a relationship with battered women or that they "own" their female partners view women's departures as the ultimate betrayal which justifies retaliation.

Separation Violence

Give the definition of separation violence:

Definition:

Separation violence - is the violence that occurs when battered women attempt to leave a relationship.

Make the following points:

- Up to 3/4 of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples.
- One study reveals that 73% of battered women seeking emergency medical services sustained injuries after leaving the batterer.
- As many as half of the males killing their wives/partners do so after separation.
- Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship.

Should women stay?

Leaving a battering relationship is dangerous. However, this does not mean that battered women should stay in such relationships.

Cohabiting with a batterer is highly dangerous since:

- Violence usually increases in frequency and severity over time.
- A batterer may engage in preemptive strikes fearing abandonment or anticipating separation even before the battered woman reaches such a decision.

Leaving may pose additional hazards, at least in the short run, but the research data and advocates' experience demonstrates that ultimately a battered woman can best achieve safety and freedom apart from the batterer.

Leaving requires strategic planning and legal intervention to avert separation violence and to safeguard victims and their children.

Law enforcement advocates and battered women must work in partnership to assure that the separation process is safeguarded against batterer violence.

Ask the question:

Q. If leaving is the best plan, why do women stay?

There are serious factors which weigh on the battered woman's decision to leave:

- This is the man she loves or has loved.
- The batterer may be the father of her children.
- Ending an intimate relationship is very difficult, even more so when self-confidence has been destroyed by the batterer.
- She cannot provide adequate financial support for her children, and she feels that poverty will endanger the children more than living with their father's violence toward her.

Show the overhead: Why Do Women Stay? (Overhead #4). Uncover each point one at a time and review each individually.

Battered women report the following reasons for staying with the batterer:

1. Leaving is Dangerous -

Many battered women believe that leaving is not necessarily going to make her life or the life of her children safer. Leaving in itself may be a dangerous process. Many batterers escalate their violence to coerce a battered woman into reconciliation or to retaliate for the battered woman's departure.

2. Hope for Change -

Many abusive mates become remorseful after inflicting violence. This contrite behavior may include:

- promising never to hit again;
- agreeing to seek counseling if the victim does not leave;
- reminding the victim of how hard the perpetrator works;

- pointing out the incredible stresses under which he is operating;
- acknowledging the wrongfulness of his violence to the children and asking their help in stopping it;
- demonstrating his love for her in meaningful ways.

Since battered women are in committed relationships and have often built their lives around the relationship, they hope for a change. When the batterer acknowledges the error of his ways or when he breaks down and cries out his despair and concedes the need for dramatic change, hope is often born anew for battered women.

3. Isolation -

Many battered women lose their support systems. The batterer has isolated them.

Some examples of isolation include:

- a batterer may prohibit a battered woman from using the phone;
- may humiliate her at family gatherings;
- may insist on transporting her to work;
- may censor her mail.

Men who batter are often highly possessive and excessively jealous. They believe that they "own" the battered women, are entitled to her exclusive attention and absolute obedience.

The batterer knows that if the truth is told about his conduct, support persons will urge the battered women to leave or seek assistance. Therefore, batterers quickly isolate battered women in order to sustain the power of their violence.

4. Societal Denial -

Battered women fear that no one will believe that their husbands or partners beat them. Batterers are often very ingratiating and popular men who keep their terrorizing, controlling behaviors within the family behind closed doors.

Battered women discover that many people in agencies in the community trivialize the impact of violence.

5. Barricades to Leaving -

Even when a battered woman decides to leave, batterers put up many barricades.

Examples include:

- threatening to seek custody of their children;
- threatening to withhold support;
- to interfering with her employment;
- advising prospective landlords that she is not creditworthy;
- turning the children or family against her;
- threatening to kill her or other family members if she leaves;
- threatening retaliatory suicide.

6. Belief in Batterer Treatment -

Battered women are reluctant to leave when their batterers are in treatment. They believe that the treatment will motivate them to make the profound changes necessary to stop their battering.

It is very important that battered women are referred to domestic violence programs so that they can gain full information about treatment programs for batterers, and evaluate whether or not these programs are likely to effect the changes that will assist the batterer in ending his violence.

When Do Battered Women Leave?

Most battered women leave and return several times before permanently separating from the batterer.

Leaving is a process.

The first time a battered woman leaves it may be a test to see whether he will actually get some help to stop his terrorism.

When he is violent again, she may leave to gain more information about resources available to her.

She may then reconcile and begin to get some economic and educational resources together in case she decides she must later leave.

She may next leave to break out of the isolation in which the batterer has virtually imprisoned her.

Most battered women eventually leave.

The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him.

How Can You Help?

Ask the question:

Q. What can you do to help a battered woman leave an abusive relationship?

- 1. Respond quickly and consistently.**
Just because a battered woman has called for assistance many times does not mean that she is not in danger.
- 2. Arrest where arrest is possible.**
Research has demonstrated that arrest is the most effective tool for law enforcement response to domestic violence. Arrest deters recidivism best.
- 3. Refer victims to domestic violence programs to develop plans for safe leavetaking.**

Remember:

- Battering escalates in severity and frequency over time.
- This time that you respond may be the last time that she has to call for help.
- Your work is preventive.
The negative effects of children witnessing their fathers abuse of their mothers may be diminished if the child benefits from intervention by law enforcement officers.
- Your work in confronting domestic violence and holding batterers accountable for their behavior makes a difference in protecting victims today and reducing violence tomorrow.

Officer Safety

Introduction

Domestic violence calls are dangerous. Current research efforts have given us new information about the risks you run in responding to domestic violence calls and the steps you can take to protect yourself.

Handout -- What Are the Most Dangerous Calls for a Police Officer?

*Distribute handout and give the following instructions to participants:
(Page 76 in the participant manual)*

Take a few minutes to fill in the blanks on the three sections of this handout. As you can see, this information was pulled out of data collected by the FBI from 1979 through 1988.

Ask the question:

Q. What are some of the answers to the four blanks in "killed in the line of duty?"

Solicit answers from participants. List top four answers on flip chart.

Ask the question:

Q. What is the number one cause of accidental death resulting in 289 deaths?

List that answer on the flipchart.

Ask the question:

Q. Putting those two categories together, the most dangerous calls for a police officer are:

*Show overhead: The Most Dangerous Calls for a Police Officer - Answer Key.
(Overhead #5).*

Review the answers:

1. driving a car - 289
2. responding to a robbery in progress - 123
3. making an arrest (not burglary, robbery or drug related) - 118
4. pursuing a car - 116
12. responding to a family violence call - 52

The perceived danger of domestic violence calls may be what has kept numbers of deaths low on the list. These calls are dangerous.

It is possible to reduce your risk by knowing where the danger has occurred in the past, and by learning and using specific safety tactics.

Distribute the handout - Domestic Violence Calls Resulting in Police Officer Homicides

(Page 77 in participant manual)

This is four years of data from the FBI study. Take a few minutes to review the information. Ask the question:

Q. What points can be made from this data?

Ask participants for responses. List several on flip chart.

Sample Answers:

- Of the 24 assailants, over half were in their twenties or thirties.
- All of the assailants were male.
- The weapons that were used were all firearms.
- Second and third shifts are more dangerous than day shift.
- A greater number of newer officers were killed than those with more experience.

Show the overhead: Domestic Violence Calls Resulting in Police Officer Homicides.
(Overhead #6).

Five Things to Remember:

1. Domestic violence calls are dangerous. It is important to continue to use caution. The data suggests that there is no significant increase or decrease in officer homicides for these calls from year to year.
2. Newer officers are more at risk than veteran officers. This may be due to less experience or because newer officers are more likely to be on patrol.
3. Male assailants are more dangerous than females. Historically officers have been concerned about danger from both participants at a domestic violence call. You must be in control of the situation and keep both parties in sight; however, you are in much more danger from a male assailant than from a female victim.
4. Your own weapon or other firearms are your greatest risk.
5. You are in the most danger between 4 p.m. to 8 a.m.

Ask the following question and ask that participants fill in the above answers on the handout entitled: Domestic Violence Calls Resulting in Police Officer Homicides.

Distribute the handout: Home Sweet Home (Pages 82-86 in the participant manual)

Sgt. T. S. Duncan took the same FBI data and made some points in this article, Home Sweet Home: Casting New Light on Domestic that was published in Police Magazine in 1990. I have time to highlight a few of his conclusions:

- Domestic violence calls have a very high percentage of ambushes.
- The majority of officers that were killed in domestics were killed out of doors; 74% of officers killed in domestics between '79 and '88 were killed before even getting into the residence.
- 90% of those killed were killed before ever getting to the arrest phase.

Please take some time and read this article after today's training.

Ask the question:

Q. On the basis of this information and your experience, what can you do to minimize your risk in responding to these calls?

Record answers on a flip chart.

Show the overhead: Tips to Promote Officer Safety. (Overhead #7).

- Preserve the element of surprise.
- Remain aware of cover.
- Advise communications.
- Survey the scene - quickly.
- Get as much help as you can.
- Begin contact with caution.
- Separate and isolate.
- Remove the extra people.
- Make a decision quickly and act on it.
- Break contact off carefully.

In addition to these answers, the following strategies will help to enhance officer safety:

- Get there promptly but be quiet about it.
- Observe, gain information before entry.
- Check out everybody - quickly.
- Get the facts.
- Make a decision fast and act on it.

You need to know that according to the ten years of F.B.I. data:

- In 17% of the domestics in which officers were killed, someone else was also murdered.
- In about an equal number of cases, someone else was also shot.
- Most of the other victims were killed after the officer arrived.
- Most victims were female.
- 45% of all combatants who killed police officers during a domestic also die at the scene.

There are danger signals that may help to alert you to the dangerousness of a particular batterer.

It is important for you to know these signals. They are not a guarantee for predicting homicidal assault; however, the likelihood of a homicide is greater when these factors are present.

Assessing Dangerousness of a Batterer

Officers can evaluate whether an assailant is likely to kill his partner or other family members and/or police personnel and then take appropriate action.

*Distribute the handout: Assessing Whether Batterers Will Kill,
(Pages 103-104 in the participant manual)*

This handout gives you more detailed information. The clues are as follows:

1. Threats of homicide or suicide.
2. Fantasies of homicide or suicide.
3. Possession or threatened use of weapons.
4. Belief in "ownership" of the battered partner.
5. Centrality of the partner.
6. Belief that he is about to lose his partner.
7. Severe depression.
8. Access to the battered woman or her family members.
9. Partner's repeated outreach to law enforcement.
10. Escalation of risk-taking by batterer.
11. Hostage-taking by batterer.

Please review this information carefully after today's training.

Risk Registry

There is danger of becoming complacent about domestic calls because many result in no substantial court action.

We know, however, that domestic incidents increase in frequency and severity over time. One technique that may help in protecting you is a risk registry. Is a risk registry accessible by police radio.

Ask the question:

Q. What is a risk registry?

Give the definition of a risk registry:

Definition:

A risk registry is data on computer or index cards kept at a department that includes information about law enforcement response to prior domestic violence incidents. Data is catalogued by date and location of incidents, perpetrator, victim, perpetrator use of weapons, injuries to victims, assaults on police officers, and any other critical information.

A risk registry can be used to assist dispatch personnel and responding officers in knowing how to approach a call.

The registry should be kept in the department indefinitely. It should be accessible 24 hours per day. Individual officers should complete thorough reports at every domestic violence incident regardless of the arrest outcome and add this information to the risk registry file where pertinent.

Sharing information with your fellow officers may help to save your life.

Intervention, Investigation and Interviewing Techniques

Introduction

This section will review intervention, investigation and interviewing techniques in domestic violence calls. In addition, we will review written report and data collection techniques.

The Objectives of a Domestic Crime Investigation

Ask the question:

Q. Why is the collection of evidence and the documentation of the investigation so important in a domestic violence crime?

The collection of evidence and documentation of the investigation are important because it helps us meet the 5 main objectives of a domestic violence crime investigation.

Show the overhead: Objectives of a Domestic Violence Investigation. (Overhead #8). Uncover one point at a time and review each.

Objective #1 - Identify the Offender

Careful questioning and observation at the scene of the crime will help you identify the offender and gather whatever information is available for pursuit of the offender, if necessary.

Objective #2 - Locate the Offender

Questions that could be asked in locating and apprehending the offender include:

- Do you know where he might have gone?
- Does he have family or friends nearby who would harbor him?
- Is there a particular place that he goes where we might locate him?
- What is his place of employment?
- Who is his closest friend?

When an offender has violated a protection order, or has committed crimes of sexual assault or reckless endangerment, you may pursue the offender with the same diligence and authority as you have when the offender has committed a felony.

Objective #3 - Identify Victims/Witnesses

It is critical that you determine which injuries are offensive and those injuries which are defensive. Often both parties accuse one another of concurrent assault. Through careful questioning and identification of evidence, you should be able to determine the primary aggressor. The primary aggressor should be arrested.

Objective #4 - Collect and Preserve Evidence

Ask the following question and solicit answers from participants. Mark answers on flip chart.

Q. What kinds of evidence might be collected at a domestic violence scene?

Examples include:

1. Statements

Use direct quotes when available.

Who made the statement?

- Victim?
- Offender(s)?
- Witnesses/others?

The types of statements include:

- interview
- spontaneous declarations
- overheard remarks
- allegation
- confession

2. Injuries.

Were the injuries to the victim or the offender or others?

What type of injuries:

- typical assault wound
- defensive injury
- offensive injury
- multiple wounds
- old injuries, still apparent

3. Clothing.

What articles of clothing could be used as evidence?

- victim
- offender
- others

What was the nature of the damage?

- ripped or torn
- blood stained
- punctured

4. Weapons.

What weapons were used?

Types of weapons could include:

- firearms
- knife
- household objects
- materials used to bind victim

How were those weapons used?

- fired
- pointed
- thrown
- stabbed
- struck

5. Crime scene.

What facts/observations could help you reconstruct the crime scene?

- actual location
- adjacent areas

What was the condition of the crime scene?

- overturned furniture
- broken items
- damage to the walls, doors
- signs of forced entry
- telephone damage
- blood stains

Objective #5 - Establish Probable Cause

We will discuss probable cause determination at length in the section on arrest.

Gathering Information

Questioning the victim and the suspect soon after the incident will give you a great deal of information.

You should separate the victim and suspect as soon as safely possible and interview them separately.

Be sure to take the victim out of hearing range and away from eye contact with the suspect to reduce intimidation and increase cooperation with you.

Be careful not to jeopardize officer safety when separating the parties and conducting the interviews. You must maintain control of the parties during the interviews.

Ask the question:

Q. What techniques for information gathering and interviewing are used in any criminal investigation?

The same techniques should be used in interviews at a domestic violence scene.

The following strategies have proven effective in obtaining information:

- Make your questions specific and direct.
- Ask them in a supportive and matter-of-fact tone of voice.
- Be calm and direct.
- Be aware of your body language.
- Be patient.
- Question allegations that the injuries were caused by an accident.
- Don't get bogged down in trying to ascertain motives.
- Do not ask accusing or hostile questions.
- Do not ask ambiguous or rhetorical questions.

Remember:

- Your approach and tone should reflect the seriousness of the offense and its consequences for both the suspect and the victim.
- You should impress upon the parties involved that domestic violence is a crime and investigate the incident as thoroughly as any crime not involving family members.

Interviewing Techniques

Ask the question:

Q. What particular information should you look for at a domestic violence call?

Detailed knowledge of the present incident and any past incidents will increase your ability to make appropriate decisions about your arrest options and to correctly advise the victim on follow-up procedures.

Information can best be acquired through carefully interviewing the battered woman. The batterer is usually a less reliable informant.

There are two major types of information that you will want to gather. They include:

- Information about the presenting incident.
- Relevant historical information.

The following are examples of how to gain information in these two areas.

1. Information about the presenting incident:

A. Questions for the victim:

- Can you tell me what happened?
- You have an injury. It looks like someone hit you. Who hit you?
- Has this person ever hit you before?
- What did the person hit you with?
- Were you hit with an open or closed hand?
- Where on your body were you hit?
- How many times were you hit?
- Was any instrument used - a shoe, a knife, a gun, a telephone, a fist?
- Were any threats made against you?
- Are there weapons in the house?
- Were there witnesses?
- Was the reporting party someone other than the victim? If so, how can that person be located?
- Are there children likely to be endangered by the incident, or did the children witness the incident?

B. Questions for the suspect:

Be sure to Mirandize the perpetrator before asking these questions.

- Can you tell me what happened?
- She has an injury. It looks like someone hit her. Who hit her?
- Did you hit her?
- Have you ever hit her before?
- With what did you hit her?
- Did you hit her with an open or a closed hand?
- Where on her body did you hit her?
- How many times did you hit her?
- Did you use any instrument to hit her? -- a shoe, a knife, a gun, a telephone, a fist?
- Did you threaten her?
- What did you say?

2. Relevant historical information:

A. Questions for the victim:

- Has this ever happened before?
- What was the worst incident?
- Has a weapon ever been used?
- Has the suspect ever been arrested for hurting you before?
- Have you ever been treated by a doctor or hospitalized for injuries inflicted by the offender?

B. Questions for the suspect:

- Has this ever happened before?
- What was the worst incident?
- Did you ever use a weapon?
- Have you ever been arrested for hurting her before?
- Has she ever been treated by a doctor or hospitalized for injuries inflicted by you?

The information that you receive may help you in evaluating:

- How dangerous the situation is?
- Whether to arrest the suspect?
- What charges to file?
- Whether or not the children are safe?
- Whether or not emergency housing should be sought for the victim's safety?

Follow-up Contact

Another way to enhance the investigation is by routinely conducting follow-up visits with the victim.

- During a second contact, you may see injuries that are now visible that were not immediately visible after the incident.
- The victim may recall information that will assist you. The crisis is past; more information may be available to you.
- You will be better able to evaluate the safety of the victim and make appropriate referrals.

- More complete information will help you to make recommendations for expanded conditions on pre-trial release or for the imposition of a §4954 Protective Order.

Repeat Calls

Although repeat calls are frustrating for police officers, your response is critical in preserving the safety of domestic violence victims.

Every repeat call should be treated as a new incident.

Be aware that the violence escalates in severity and frequency over time, thereby escalating the danger for both you and the victim.

It is important that you have as much information available as possible from prior incident reports. To do this, you must take responsibility for filing a written report at every domestic violence call.

Domestic Violence Incident Reports

Filing written reports at every domestic violence scene will:

1. Assist all law enforcement officers in responding to repeat calls at domestic violence incidents.
2. Provide critical information that may help to protect officers in responding to the scene.
3. Help you to track dangerous households.
4. Document law enforcement response to downplay the risk of liability lawsuits.
5. Provide documentation for the prosecutor's office in following up on charges for this incident or others in the future.

Ask the question:

Q. What written information should be included in a domestic violence incident report?

Instructor: List answers on flip chart. Add to the discussion any answers from the list below that are not given by the participants.

1. Names, addresses, and phone numbers of the victim, the accused, witnesses and the caller.
2. A permanent contact address and telephone number for the victim. This address may be temporary housing with a close family member or a friend.
3. A statement of the relationship between the victim and the accused.
4. A narrative of the incident, including date, time and whether the accused appeared intoxicated or under the influence of a controlled substance.
5. What, if any, weapons were used or threatened to be used?
6. A description of any injuries observed by the officers.
7. A description of any injuries identified by the victim but not necessarily observed by the officer and an notation that the injury was not observed.
8. Documentation of any evidence that would tend to establish that a crime was committed.
9. An indication of what arrest decision was made:
 - a warrantless arrest
 - an arrest with a warrant
 - or no arrest
10. Whether the accused actually was arrested or whether there is an outstanding arrest warrant.
11. A specific statement of the criminal conduct of the accused.
12. If the accused was arrested and arraigned, whether bail was set and any conditions of bail imposed.

Emphasize #13.

13. If the officer did not arrest or seek an arrest warrant, even though arrest was authorized, the reasons for the officer's decision not to arrest.
14. The names and ages of any children present in the household, their addresses and phone numbers if children were relocated.
15. Notation of previous incidents of which the officer is personally aware.
16. Notation of previous incidents reported by the victim or witnesses.
17. If an officer was injured in the incident, the nature and circumstances of the injury.
18. The crimes with which the accused was charged.

Report Writing

Ask the question:

- Q. What are some techniques to enhance report writing?
- Be sure that the report is factual.
 - Use time sequences.
 - Be accurate and concise.
 - Use as many direct quotations as possible.
 - Include all pertinent information.

Arrest

Introduction

Although you have reviewed arrest authority in other training classes, it is critical to review this information because officers have expanded arrest authority for specific crimes in domestic violence cases as well as authority to arrest for violations of a court order of protection.

Arrest Authority in Pennsylvania

Distribute the handout: Arrest Authority (Page 57 in the participant manual)

You have the power to arrest in Pennsylvania:

- When you have probable cause to believe that the suspect has committed a felony.
- When you observe the commission of a felony or a misdemeanor.
- When you have probable cause to believe that the suspect has committed a domestic violence misdemeanor as specified in 18 Pa. C.S. §2711, which authorizes warrantless arrest when the misdemeanor is involuntary manslaughter (18 Pa. C.S. §2504), simple assault (18 Pa. C.S. §2701), or recklessly endangering another person (18 Pa. C.S. §2705), and the officer observes recent physical injury or other corroborative evidence, and the victim is the spouse of the suspect or a person with whom the suspect resides or has formerly resided. The domestic violence misdemeanor need not have been committed in your presence.
- When a misdemeanor not included among those in the paragraph above has been committed and you have filed charges and obtained an arrest warrant.
- When you have probable cause to believe that the suspect has violated a valid protection from abuse order. The violation need not have occurred in your presence, and no corroborative evidence is required.

Specific Arrest Authority in Domestic Violence Cases

Distribute the handout: Pa. C.S. §2711 (Page 58 in the participant manual)

The three enumerated misdemeanors under §2711 are:

1. §2701 - Simple Assault

(a)(1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury. (Defined as impairment of physical condition or substantial pain.)

(a)(2) Negligently causing bodily injury to another with a deadly weapon.

(a)(3) Attempts by physical menace to put another in fear of imminent serious bodily injury. (Defined as bodily injury which creates a substantial risk of death, which causes serious, permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily member or organ.)

2. §2705 - Recklessly Endangering Another Person

Recklessly engaging in conduct which places or may place another person in danger of death or serious bodily injury.

3. §2504 - Involuntary Manslaughter

Causing the death of another as a direct result of a lawful or unlawful act done in a reckless or grossly negligent manner.

Probable Cause

When you answer a domestic violence call that involves one of the three misdemeanors covered by §2711, you are assisted by the statute in identifying the elements of probable cause.

Show the overhead: Probable Cause is Met When The Following Two Factors Are Present. Review the information.

1. Confirmation by the victim, complainant, witness or suspect that the accused committed one or more of the three enumerated misdemeanors.

It is critical that you be familiar with the elements of each of the three enumerated misdemeanors.

For example, in the first and third paragraphs of the simple assault statute, §2701, the alleged perpetrator need only *attempt* bodily injury or *attempt* to place the victim in fear of imminent serious bodily injury. The alleged perpetrator need not even succeed. Only through careful questioning will you be able to determine if an attempt has been made because it may not be obvious.

2. Observation by the officer of recent physical injury to the victim or other corroborative evidence.

Review the definition of recent physical injury.

Definition:

Recent physical injury - If recently inflicted, the following examples of injuries would meet this requirement:

- strained muscles
- scratches
- bruises
- broken bones
- knife or bullet wounds
- impaired breathing

Review the definition of corroborative evidence.

Definition:

Corroborative evidence - Is that which tends to confirm the allegation that a crime has been committed and/or that the suspect committed the crime.

Ask the question:

Q. What are examples of corroborative evidence?

List participants' answers on the flipchart

Examples might include any of the following:

- broken furniture, windows, or telephones
- holes in the wall
- presence of weapons in the room where the alleged misdemeanor occurred
- unusual items in inappropriate places of the house; for example, kitchen utensils found in the living room or bedroom
- torn clothing, scratches or other injuries on the alleged perpetrator consistent with acts of self-defense
- statements or excited utterances by the alleged victim, witnesses or perpetrator
- continuing threats made to the victim in the presence of the police
- apparent state of mind of the victim and children (including fear or anger)
- violation of a valid protection order
- fact of prior domestic violence calls regarding the suspect

Emphasize:

Remember:

You need only observe recent physical injury to the victim or other corroborative evidence.

Ask the question:

Q. What crimes are likely to be committed at a domestic violence incident scene?

Ask participants for answers. Distribute the handout: Domestic Violence Crimes, and review those crimes listed that were not identified by the group. (Pages 63-71 in the participant manual)

Domestic Violence Crimes Chart
Crimes include:

- | | |
|--------|--------------------------|
| §2501. | Criminal Homicide |
| §2502. | Murder |
| §2503. | Voluntary Manslaughter |
| §2504. | Involuntary Manslaughter |

- §2701(a). Simple Assault
- §2702(a). Aggravated Assault
- §2705. Recklessly Endangering
- §2706. Terroristic Threats
- §2709. Harassment
- §2901. Kidnapping
- §2902. Unlawful Restraint
- §2903. False Imprisonment
- §2905. Interference with Custody of Committed Person
- §2906. Criminal Coercion
- §2909. Concealment of the Whereabouts of a Child
- §2910. Luring a Child into a Motor Vehicle
- §3121. Rape
- §3123. Involuntary Deviant Sexual Intercourse
- §3126. Indecent Assault
- §3127. Indecent Exposure
- §3128(a). Spousal Sexual Assault
- §3128(b). Involuntary Spousal Deviant Sexual Intercourse
- §3301
(a,c,d,f). Arson

Distribute handout: Other Crimes Involving Domestic Violence. Ask that participants be on the look out for these crimes at domestic violence calls. (Page 72 in the participant manual)

Other crimes involving domestic violence include:

- §2505. Causing or Aiding Suicide
- §2506. Drug Delivery Resulting in Death
- §3301. Arson
- §3302. Causing or Risking a Catastrophe
- §3303. Failure to Prevent a Catastrophe
- §3304. Criminal Mischief
- §3502. Burglary
- §3503. Criminal Trespass
- §3701. Robbery
- §3921. Theft by Unlawful Taking or Disposition
- §3922. Theft by Deception
- §3923. Theft by Extortion
- §3925. Receiving Stolen Property
- §3927. Theft by Failure to Make Required Disposition of Funds
- §3928. Unlawful Use of Auto or Other Vehicle
- §4010. Forgery
- §4104. Tampering with Records or Identification
- §4105. Bad Checks
- §4106. Credit Cards

§4117.	Securing Execution of Documents by Deception
§4906.	False Report to Law Enforcement
§5503.	Disorderly Conduct
§5504.	Harassment by Communication or Address
§5506.	Loitering and Prowling at Night Time
§5507.	Obstructing Highways and Other Public Passages
§5511.	Cruelty to Animals
§5703.	Interception, Disclosure or Use of Wire, Electronic or Oral Communications
§5901.	Open Lewdness
§5903.	Obscene and Other Sexual Materials
§6103	Crimes Committed with Firearms
§6106.	Firearms Not to be Carried Without a License
§6106.1.	Carrying Loaded Weapons Other Than Firearms
§6312.	Sexual Abuse of Children
§6501.	Scattering Rubbish
§6504.	Public Nuisances

Arrest where there is a court order of protection

Distribute the handout: The Protection from Abuse Act.
(Pages 105-111 in the participant manual)

This copy of the Protection from Abuse Act has all the law enforcement responsibilities highlighted in bold print and italics. Please note that protection orders are available to cover a large class of persons including: spouses or persons who have been living as spouses, persons who have been spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. It is important to be familiar with this Act. Please read it carefully after today's training. Right now, we'll focus on indirect criminal contempt procedures.

Distribute the handout: Indirect Criminal Contempt Procedures, 23 Pa. C.S. §§6113-6114. Review the statute emphasizing the following sections:
(Page 62 in the participant manual)

Police Responsibilities Under the Indirect Criminal Contempt Provisions of the Protection from Abuse Act, 23 Pa. C.S. §§6101-17:

§6113. Arrest for Violation of Order.

(a) **General rule** - A violation of an order issued pursuant to this chapter may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department, county registry or issuing authority.

(b) **Seizure of weapons** - Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated weapons to the office of the sheriff. The sheriff shall maintain possession of the weapons until the court issues an order specifying the weapons to be relinquished and the persons to whom the weapons shall be relinquished.

(c) **Procedure following arrest** - Subsequent to an arrest the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When the court is unavailable, the police officer shall convey the defendant to a district justice designated as appropriate by local rules of court, or, in counties of the first class, to the appropriate hearing officer.

The Arrest Decision

Research has demonstrated that arrest is the most effective tool for law enforcement response to domestic violence.

We have just reviewed when you have authority to arrest in a domestic violence case. It is important for you to know that it is your responsibility to decide whether an arrest should be made.

You should consider the victim's opposition to arrest but should emphasize to the victim, and to the accused as well, that the arrest and criminal prosecution initiated is the Commonwealth's and not the victim's.

- You may decide to arrest even if the victim is opposed to that decision.

- You may also decide not to arrest immediately and check back with the victim after she has more information and is able to make a safer and more informed decision.
- You may decide not to arrest.

You should not consider the following factors in making the arrest decision:

- the marital status of the parties;
- the ownership or tenancy rights of either party;
- verbal assurances that the violence will stop;
- a claim by the accused that the victim provoked or perpetrated the violence;
- denial by either party that the abuse occurred when there is evidence of domestic violence;
- a disposition of any previous police calls involving the same victim or accused;
- speculation that the arrest may not lead to a conviction;
- the existence or not of a current protection from abuse order (except insofar as the violation of such an order might justify arrest);
- the victim's emotional state;
- adverse financial consequences that might result from the arrest;
- that the incident occurred at a private place;
- the racial, cultural, social, political or professional position or the sexual orientation of either the victim or the accused;
- speculation that the victim will not follow through or cooperate with criminal prosecution, (whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution or any other factor).

Ask the question:

Q. What do I do if the victim is not willing to participate in criminal proceedings?

It is likely that you have had or will have victims who are reluctant to testify in a domestic violence proceeding.

There are many reasons why this may be the case. Some include:

- fear of retaliation by the batterer;
- loss of community and family supports that may have provided her with greater protection against the perpetrator than have law enforcement;
- fear that a defendant may not get a fair trial because of his race, class, sexual identity, lifestyle, political affiliation, etc.;
- a belief that prosecution and criminal sanctions will not change his behavior or stop the violence;
- fear for her life;
- fear for the lives and welfare of her family and friends;
- fear of retaliation by his family, friends or agents.

Reluctant Witnesses

It may be difficult to convince a resistant victim or witness to cooperate with the criminal process, but you have a number of options in assisting a reluctant witness.

They include:

- Convey information out of the alleged abuser's presence.
- Conduct a thorough investigation to find other witnesses in addition to the victim.
- Refer the victim to the local domestic violence program for information and support in participation in the criminal justice process.
- Give the victim information about the obligations and procedures which follow an arrest.
- Advise her that you will seek conditions of bail so that she can be protected throughout the prosecution process.
- Inform the victim about §4954 - Criminal Protective Orders.
- Give her the name and telephone number of the contact person at the district attorney's office.
- Suggest that criminal prosecution may help to deter the violence.
- Follow up. Leave your badge number and telephone number and name with the victim and schedule a follow-up visit to check on her safety.

Deciding to Arrest

If an arrest is made, be sure to:

1. Advise the victim of what procedure will happen next, including the probability that the accused will be in custody for only a short period of time.
2. Obtain the address and telephone number where the victim can be contacted if she decides to leave the residence. **Be certain that the accused cannot overhear.**
3. Obtain information from the victim to be included in the arrest report indicating any special conditions of bail that should be requested at the preliminary arraignment.
4. Provide the victim with the police incident number, if available, the officer's name and badge number, and a follow-up telephone number.

Weapons Seizure

If an arrest is made, you should confiscate all weapons used or threatened to be used in the commission of the crime and such weapons should be held as evidence for the prosecution.

If you arrest for a violation of a protection from abuse order, you are required to confiscate all weapons used or threatened to be used in the violation and to deliver such weapons to the office of the sheriff.

Deciding Not to Arrest

It is within your discretion not to arrest at the scene of a domestic. You may decide not to arrest where you conclude that probable cause is not adequate. It is important to remember that an arrest might be made by obtaining an arrest warrant following further investigation and a subsequent finding of probable cause .

It is important not to leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated.

You are required by 18 Pa. C.S. §2711 to notify the victim orally or in writing of the availability of a shelter, including its telephone number or other services in the community. The notice must include the following statement:

Case Exercise

Distribute the Handout: The Arrest Exercise. (Appendix C-1 to C-2 in the participant manual). Ask the participants to complete the answers. Pass out the answer key. Ask for questions or comments. Review one or two scenarios and answer questions about the exercise. Suggest that the participants review this exercise thoroughly after the training to test themselves on their knowledge of arrest authority and charging. (Appendix C-3 to C-6 in the participant manual).

This exercise will review your arrest authority and appropriate charging. Please read the scenarios and answer the questions. We don't have time to review the entire answer key. However, we do have time to review specific scenarios or questions. Does anyone have a question?

Liability

Liability for over-reaction

Historically, law enforcement officers have been vulnerable to lawsuits in response to something that they have done. Examples of these lawsuits include:

- False Arrest
- Illegal search and seizure
- Use of excessive force
- Civil rights violations

Liability for police failure to act

Recently, it is more likely that liability suits are filed against police for *failure to protect* or *failure to prevent crime*. Examples of these cases include:

- Failure to respond to calls for assistance.
- Failure to arrest or restrain violent persons who are committing, or are about to commit, violent crime.
- Failure to investigate.
- Failure to train.
- Action that is so deficient that it entails gross negligence or intention misconduct or abridgement of the rights of citizens.

Duty to Protect

The failure to act (or to act adequately), in and of itself, will not result in liability. A second ingredient is required. There must be a specific duty to protect the person needing protection.

Q. What is needed in addition to a failure to act in order to create liability for failure to protect?

A. A specific duty to protect the victim.

As surprising as it sounds, law enforcement owes no duty of protection to the general public. The *duty to protect* only occurs if there is a *special relationship* between the officer or the department and the individual. "*Special relationship*" is a legal term.

Case Examples

Courts have found a duty to protect and liability where the victim has obtained a protection order, the police had notice of the order, and the police had notice of the danger posed at the time of the incident.

Thurman v. City of Torrington, 595 F Supp. 1521
(D. Conn. 1984.):

A wife had been continuously brutalized by her estranged husband. The police refused to act on her complaints, even though she had obtained a court order of protection. One officer stood by and watched as her husband beat and kicked her while she was suffering from stab wounds inflicted by the husband. A jury awarded the victim/plaintiff \$2.3 million.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to respond to call for help; stood by and watched assault; failure to protect.

Sorichetti v. City of New York, 482 N.E. 2d. 70 (N.Y. 1985):

An estranged husband of known dangerous tendencies repeatedly threatened his wife and daughter. A court order of protection had been issued. The police failed to investigate when the daughter was not returned home from a visit with her father, despite the mother's pleas and evidence that the child was in serious danger. When the police belatedly responded, they discovered that the father had attacked the child with a knife and tried to saw off her leg. The assault on the child occurred after she was due back from the visit. The New York Court of Appeals, that state's highest court, upheld a \$2 million award to the daughter.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to act in a timely fashion after the expiration of visitation schedule; failure to respond to the risk of lethal violence; failure to protect.

Dudosh v. City of Allentown, 722 F. Supp. 1233 (U.S. District Court, E.D. Pa. 1989):

Kathleen Dudosh's former boyfriend had assaulted her in the past and threatened to kill her. The police had failed to protect her from the man despite the existence of a court order of protection. On the day of her death Kathleen learned that the former boyfriend had broken into her apartment and remained there. She went to the premises with two police officers who told her to open the door of the apartment. The boyfriend fatally shot Kathleen and then killed himself. In a civil rights action against the municipality and officers, the court held that liability might attach if the police department had failed to train the officers and this failure led to Ms. Dudosh's death in violation of her civil rights. The case was settled out of court; award to estate of Ms. Dudosh not revealed.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to train; affirmatively placing battered woman in danger; failure to protect.

Case Exercise

Q. Are a special relationship and a duty to protect created when the police have been given notice of danger by prior domestic violence calls, by the court order of protection, and/or by a contempt order?

Handout: Coffman v. Wilson Police Department, Borough of Wilson and Richard D. Nace, 739 F. Supp. 257 (E.D. Pa.1990).

Discuss liability risk:

Q. Under the facts of this case, should the Wilson Police Department be liable for failure to protect Ms. Coffman?

Outcome of *Coffman v. Wilson, et al.* 739F. Supp. 257 (E.D. Pa.1990):

The trial court found that a court order of protection and a contempt order may create a *special relationship* or the *duty to protect* a victim of domestic violence and that a failure to protect may be a violation of the victim's due process rights. The court also stated that if the Wilson Police Department had failed to train police officers on domestic violence and the failure to train amounted to deliberate indifference to victim rights, liability could attach against Wilson. The court suggests that the fact that the assault occurred in another police jurisdiction (after Wilson's failure to protect) would not immunize Wilson from a judgement of liability. The case was settled out of court; award to victim was undisclosed.

Elements of *special relationship*: Protection order; contempt order; notice of danger.

Culpable behavior: No protective action taken; course of conduct reveals pattern of failure to protect.

How to Minimize the Risk of Liability

Q. How can police departments and individual law enforcement officers minimize the risk of liability?

Show overhead: *Steps to Minimize the Risk of Liability for Law Enforcement Agencies.*

Law enforcement agencies can:

- Learn the relevant law; keep current.
- Adopt a clear, comprehensive domestic violence policy.
- Monitor policy compliance.
- Evaluate and modify policy.
- Build a strong data collection and analysis system.
- Provide on-going trainings on domestic violence intervention.
- Establish and keep current protection order registry.
- Establish a high-risk domestic violence offender registry.
- Review legislation.

Show overhead: Steps to Minimize the Risk of Liability for Law Enforcement Officers.

Individual officers can:

- Document all domestic incidents with a written report.
- Enumerate the reasons for actions taken or not taken.
- Participate in on-going training.
- Document your participation in training with lesson plans, date and number of hours spent on training.
- Follow departmental policy.

Victim Safety

Introduction

As we mentioned at the beginning of this training session, law enforcement plays a critical role in enhancing victim safety.

- You may be the first contact that she's had with an outside agency or person for assistance.
- Your actions and attitude will influence her cooperation with the criminal justice system and may influence the outcome of future violence.
- You also are mandated under §2711 to notify the victim of her right to file for a Protection from Abuse order and of local community resources for her assistance.

Distribute the handout: Notification of Rights by a Police Officer to a Victim of Domestic Violence. (Page 112 in the participant manual)

As mentioned earlier, you are required under §2711 to notify the victim of her rights and local community resources for assistance. This handout will give you the complete information of the notice required.

Show overhead: Notification of Rights by a Police Officer to a Victim of Domestic Violence.

1. You, as a victim of domestic violence, have a right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Act of 1976 (P.L. 1090, No. 218), known and referred to as the "Protection from Abuse Act" and the following rights may be available to you under this Act:
 - a) An order may be entered by the court restraining the perpetrator of the abuse from acts of abuse;
 - b) An order directing the abuser to leave your household may be entered;
 - c) An order preventing the abuser from entering your residence, school, business or place of employment may be entered;
 - d) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children; and

e) An order may be entered by the court directing the abuser to pay support to you and the minor children if the perpetrator of the abuse has a legal obligation to do so.

2. If the abuser threatens or intimidates you while criminal charges are pending against him for assaulting you, you may obtain a protective order pursuant to the Act of December 4, 1980 (P.L. 1097, No. 187) known as the Victim and Witness Intimidation Act. To do this, go to the District Attorney's Office.

3. You may be entitled to crime victim's compensation. For more information, contact the office of the District Attorney or call your own attorney.

4. In situations where no arrest is made, you may still be able to file a private criminal complaint against the assailant. The police officer can tell you where to do this.

5. You are notified that a shelter is available to you and your family members by contacting: (the name and hotline number of your local domestic violence program can be found at today's training).

Turn off overhead. Review the following points:

Police responsibilities for victim notification and assistance include:

1. Notice of the right to go to court to file a petition requesting an order for protection from domestic abuse pursuant to the Act of 1976 (P.L. 1090, No. 218), known and referred to as the Protection from Abuse Act.
2. The right to obtain a protective order pursuant to the Act of December 4, 1980 (P.L. 1097, No. 187), known as the Victim and Witness Intimidation Act, if the abuser threatens or intimidates you while criminal charges are pending.
3. Notice of the right to apply for crime victims compensation.
4. Notice of the right to file a private criminal complaint against the assailant where no arrest is made.

5. Notice of domestic violence services and shelter.

Domestic Violence Programs

Distribute the handout: Pennsylvania Domestic Violence Programs Hotline Numbers by County. (Appendix A in the participant manual.)

This handout gives you the hotline numbers for all the domestic violence programs in Pennsylvania. These telephone numbers are answered 24 hours a day and are the link to victims services including:

- safe housing
- information and referral
- legal information and support
- crisis intervention
- counseling services for adults and children.

You are encouraged to call the crisis center at the scene of a domestic violence call so that the battered woman is in touch with the hotline counselor while you are on the scene.

Examples of Other Assistance You Might Provide to Battered Women

- Stand by while victim gathers necessities for short-term absences from home.
- Advise the victim of what procedures will follow your response to the call.
- Notify the victim that if the accused is in custody, it will probably be only for a short, specified period of time.
- Provide the victim with the police incident number, your name and badge number, and a follow-up telephone number.
- Arrange for translation for non-English speaking victims.
- Offer assistance in locating lodging with family, friends, public accommodations, or domestic violence shelter if temporary relocation for safety is necessary.
- Provide or help arrange transportation to emergency housing or a medical facility.
- Obtain from the victim information indicating special conditions of bail that should be requested at the preliminary arraignment.

- Convey an attitude that domestic violence is unacceptable and that the sole responsibility for violence rests with the perpetrator.

Special Conditions of Bail

Show overhead: Examples of Special Conditions of Bail.

According to Pennsylvania Rules of Criminal Procedure, Rule 4013, Conditions of Bail, you have the opportunity to advocate for victim safety by suggesting that special conditions be imposed. Examples of these conditions include:

- Stay away order
- No contact order
- Enrollment in batterer counseling
- Surrender of weapons
- Weekly compliance reporting to the district justice

Bail conditions can be imposed to assure the defendant's appearance at trial and to help him avoid further criminal conduct pending prosecution.

Bail conditions can be specifically designed to constrain the individual perpetrator. Law enforcement has better information than the arraigning district justice about the dangerousness of the offender and conditions of bail that might work to secure his attendance at trial and protect the victim.

Safety Planning

Give the definition.

Definition:

Safety Planning is the systematic review of a battered woman's situation and options to construct a plan to enhance her safety at times of danger.

A plan may include:

- Notifying the local law enforcement agency of her situation and making sure that they have a current copy of a Protection from Abuse order;

- Storing emergency supplies at a friend or neighbor's house should it be necessary to flee her residence;
- Developing a job or employment search to help her to obtain the resources to leave the abuser;
- Reviewing legal protections and beginning to follow through on those options accorded her through the criminal justice system; and/or,
- Securing support from family and friends to insist that the batterer end his violence.

Safety planning is done with the full participation of the battered woman, with assistance from an outside resource.

Her information and experiences will guide the development of the safety plan.

Every plan is individually tailored to her situation.

Advocates at domestic violence programs are the primary resource for creating such plans but you should become involved.

Refer to the handout: Assessing Whether Batterers will Kill.

If you conclude that a batterer is likely to kill or commit life-endangering violence - extraordinary measures should be taken to protect the victim and her children.

This might include:

- providing transportation
- conducting meticulous follow up
- contacting the local battered women's program to assess the dangerousness of her situation and to develop a safety plan
- seeking to have the defendant's bail revoked
- evaluating the propriety of requesting an emergency mental health commitment

Wrap-Up

The information presented today has described how to enhance victim safety, how to facilitate officer safety in domestic violence interventions, how to minimize law enforcement's exposure to liability when responding to domestic violence calls, and how to reduce repeat domestic violence calls.

More information is available from the Pennsylvania Coalition Against Domestic Violence. Contact Jane E. Stuehling, PCADV, 524 McKnight Street, Reading, PA 19601, 215/373-5697. For community resources, please contact your local domestic violence program.

Evaluation and Testing

Evaluations are critical to help improve future training efforts. Testing can be a useful tool to help assess the amount of information absorbed at the seminar.

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MPOETC 1992

LESSON PLAN

Domestic Violence

Course #92-305

LESSON PLAN SUMMARY SHEET

Topical Area: Effective Law Enforcement Response to Domestic Violence (3 Hours)

Summary of Content:

This is a three hour block of instruction in effective law enforcement response to domestic violence. It will teach in-service police officers techniques in responding to domestic violence calls so that they can effectively assist and protect victims, reduce perpetrator recidivism and protect themselves and their departments from the risks attendant upon domestic violence intervention. The goals of this training are: to enhance victim safety, to facilitate officer safety in domestic violence interventions, to minimize exposure to liability of law enforcement when responding to domestic violence calls and to reduce repeat domestic violence calls. The class will end with the testing of the participants' knowledge. A ten question test will be administered with a 70% correct required passing score. A review of the test will follow. Failure will result in the participant either remaining for a review and re-test with a different test, or the participant returning to take the class over again.

Instructional Objectives:

To be able to describe:

1. Role of law enforcement in domestic violence intervention.
2. Impact of domestic violence on victims and children.
3. What separation violence is.
4. How to protect yourself.
5. Specific investigation procedures and interviewing techniques.
6. Your arrest authority in a domestic.
7. Crimes frequently committed at a dv scene.
8. The vulnerable areas for liability.
9. How to reduce liability for yourself and for your department.
10. What resources are available for victim referral.

INSTRUCTIONAL METHODS:

This topic is best presented in a lecture/discussion format, using visual aids as appropriate. Instructor clarification of participant inquiries is encouraged.

INSTRUCTIONAL MATERIALS:

- 1) Lesson plan, transparencies, and handouts.
- 2) Supplied video tape; and vcr playback equipment
- 3) Overhead projector.
- 4) Flipchart or chalkboard.
- 5) Handouts to supplement lecture content.

TIMES:

Instructors are advised that times indicated in the lesson plan are **GUIDELINES**, and may be adjusted to meet course presentation requirements.

LESSON PLAN

10 Min.

INTRODUCTION

This course is about domestic violence. We will present information today on how to protect yourself at a domestic call, what you can do to reduce the number of repeat calls, and we will discuss specific investigation techniques and approach intervention strategies for gathering information and making decisions quickly and appropriately at each call.

Before we begin, let's create a list of what you need to know to do your job at a domestic call.

Ask the following question. List answers on flip chart.

Q. What information do you need to gain today to be able to do your job better? What questions would you like to have answered?

Sample participant questions may include:

- * What happens for kids at a domestic?
- * Why do we only talk about women as victims and men as batterers?
- * If women entice men back into a relationship, can't I arrest both of them for violation of the protection order?
- * What can I do so that I don't have to keep going back to the same household?
- * Shouldn't we arrest both people if they're both being violent in a relationship?
- * What do I do when she won't agree to be a witness?

The purpose for gaining these questions/information requests is to review the instructional objectives by soliciting information from participants to make the training as relevant as possible. Your task is to compare the list created from the participants with the instructional objectives. Try to reframe the participants' questions/responses to fit as closely with the instructional objectives as possible. For example, if the participant response is: "If she would only leave, she would be safe. I'm tired of returning to the same house every week."

Your answer could be - "We will cover:

- * The particular risks of separation violence.
- * Information on the benefits of arrest, where possible.
- * The escalated danger to the victim and officer on repeat calls.
- * Required actions that will help protect you from liability lawsuits."

Cover the objectives as listed on the course summary sheet. If there are not sufficient participant responses through this discussion to do so, review the complete list of objectives.

We have three hours to review information on all aspects of domestic violence. At the end of today's session, you should know:

Objectives

- * Role of law enforcement in domestic violence intervention.
- * Impact of domestic violence on victims and children.
- * What separation violence is.
- * How to protect yourself.
- * Specific investigation procedures and interviewing techniques.
- * Your arrest authority in a domestic.
- * Crimes frequently committed at a dv scene.
- * The vulnerable areas for liability.
- * How to reduce liability for yourself and for your department.
- * What resources are available for victim referral.

Testing

You will be tested at the end of this course.

30 Min.

EFFECTIVE POLICE PRACTICE

Introduction

As the gatekeepers to the domestic violence intervention system comprised of law enforcement, victim/witness assistance, prosecution, legal advocacy, the judiciary and probation and parole departments, police officers play a critical role in protecting victims and holding perpetrators accountable.

Agents of Change

The video tape we are about to see is titled, Agents of Change. It compares two law enforcement agency's response to domestic violence, highlighting their use of a protocol. Please watch for examples of approach and intervention/investigation techniques. There are some good examples in the video tape of points that will be made later in this course.

Consider this question as you watch:

Ask the question

Q. What are the benefits of a pro-arrest domestic violence policy?

Show the video tape. Turn the tape off at the end before the credits.

Ask the question:

Q. What are the benefits of a pro-arrest domestic violence policy?

List answers given by participants on flip chart.

Examples:

- * Gives legitimacy to the criminal treatment of domestic violence.
- * Improves protection against liability for individual officers and departments.
- * Provides clear direction regarding arrest and other options.
- * Increases officer safety.
- * Reduces the number of repeat calls.
- * Increases victim safety through arrest and referral.
- * Increases job satisfaction through reducing incidents of domestic violence.
- * Enhances morale, teamwork and consistency of departmental response.

Show OVERHEAD#1: Advantages of having and using a written pro-arrest Domestic Violence Protocol

Gives legitimacy to the criminal treatment of domestic violence.
Improves protection against liability.
Provides clear direction.
Increases officer safety.
Reduces repeat calls.
Increases victim safety.
Enhances consistency of departmental practice.

Review the above points.

20 Min.

THE IMPACT OF
DOMESTIC
VIOLENCE

What is Domestic Violence?

You answer domestic violence calls everyday. We all know that it's a social problem of enormous magnitude, but what exactly is domestic violence?

Show OVERHEAD#2: Power and Control Wheel. Turn on overhead here.

As you can see from this model, many forms of abuse are used to reinforce the power and control of one person over another.

The first assault inflicted by a batterer usually shocks the victim. It's hard to believe that a person who proclaims love, devotion and commitment could violate you.

Thereafter, episodes of violence may be infrequent or frequent, prolonged or short-lasting, severe or mild.

Non-violent tactics of control are always coupled with violent conduct.

Violent assaults usually increase in frequency and severity over time.

As the batterer's violence progresses, he may begin to abuse the children, and he may direct violence or threats of violence against friends or extended family.

Even those batterers who infrequently use violence regularly remind their battered partners that non-compliance with their demands may lead to violent assaults.

DISTRIBUTE HANDOUT #1 - POWER & CONTROL WHEEL

Who are Battered Women?

Most victims of domestic violence are women. In fact, research has shown that while battering occurs regardless of race, age, class, sexual orientation, mental and physical ability or religious affiliation, battering is related to gender. About 95% of the victims of domestic violence are women.

Battered women are like all other women:

- * They are not psychologically impaired.
- * They do not suffer from personality disorders.
- * Their behavior does not distinguish them from other women.
- * They cannot be identified by particular demographics.

The only consistent risk-marker for a person being battered is:

- * female gender

The primary risk-markers for a person battering are:

- * male gender
- * witnessing the abuse of their mothers by their fathers

Battering occurs regardless of race, age, socio-economic status, sexual orientation, mental or physical ability, and religious background.

Battered women are:

- * factory workers
- * nurses
- * lawyers
- * homemakers
- * police officers
- * and college students
- * grandmothers and teenagers

Children of Battered Women

Between 50 and 70% of the men who batter their wives/partners also abuse their children.

Most severe child abuse occurs in the context of domestic violence and the onset of child abuse postdates the abuse of the mother.

Most child abductions occur within the context of domestic violence. It may be a short-term manipulation around a custody order; however, a large percentage involve concealing the whereabouts of a child or taking the child out of state. Most abductions are perpetrated by fathers or other adult men in the family; nearly 80% occur after separation.

Who Are the Perpetrators of Domestic Violence?

Ask the question:

Q. Who are the perpetrators of domestic violence?

Batterers are not easily identifiable:

- * They reflect the full range of demographic measures.
- * They are not likely to suffer from mental disorders.
- * Men who batter are more likely to have witnessed their fathers beating their mothers and to have been severely abused during childhood than men who do not use violence and terrorism in intimate relationships.

Batterers could be:

- * unemployed workers
- * farmers
- * computer experts
- * car salesmen
- * university professors
- * ministers
- * truck drivers
- * psychiatrists
- * police officers
- * house painters

What is the scope of the violence?

- * It is the single leading cause of injury to women in the U.S.
- * There is more than one domestic violence assault every 18 seconds.
- * 20% of battered women report that the first assault by their partner came during pregnancy.
- * Children who are battered in utero are at risk for low birth weight which poses serious life-long risk for kids.
- * 1/3 of all homeless people are women and children displaced as a result of domestic violence.
- * One woman or child is killed every 3 days in Pennsylvania as a result of domestic violence.

EMPHASIZE:

Leaving does not usually put an end to the violence.

Batterers may escalate their violence to:

- * coerce a battered women into reconciliation; and to
- * retaliate for the battered woman's perceived rejection or abandonment of the batterer.

Men who believe that they are entitled to a relationship with battered women, or that they "own" their female partners, view women's departures as the ultimate betrayal which justifies retaliation.

Separation Violence

Give the definition of separation violence:

Definition: Separation violence is the violence that occurs when battered women attempt to leave a relationship.

Make the following points:

- * Up to 3/4 of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples.
- * One study reveals that 73% of battered women seeking emergency medical services sustained injuries after leaving the batterer.
- * Approximately one-half of males who kill their wives, do so after separation.
- * Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship.

When Do Battered Women Leave?

Most battered women leave and return several times before permanently separating from the batterer.

Leaving is a process.

The first time a battered woman leaves it may be a test to see whether he will actually get some help to stop his terrorism.

When he is violent again, she may leave to gain more information about resources available to her.

She may then reconcile and begin to get some economic and educational resources together in case she decides she must later leave.

She may next leave to break out of the isolation in which the batterer has virtually imprisoned her.

Most battered women eventually leave.

The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him.

How Can You Help?

Ask the question:

Q. What can you do to help battered women in an abusive relationship?

1. Respond quickly and consistently.

Just because a battered woman has called for assistance many times does not mean that she is not in danger.

Remember:

* Battering escalates in severity and frequency over time.

* This time that you respond may be the last time that she has to call for help.

* Your work is preventive.

The negative effects of children witnessing their fathers abuse of their mothers may be diminished if the child benefits from intervention by law enforcement officers.

* Your work in confronting domestic violence and holding batterers accountable for their behavior makes a difference in protecting victims today and reducing violence tomorrow.

2. Arrest where arrest is possible.

Research has demonstrated that arrest is the most effective tool for law enforcement response to domestic violence. Arrest deters recidivism best.

3. Refer victims to domestic violence programs to develop plans for safe leavetaking.

10 Min.

BREAK

15 Min.

**OFFICER
SAFETY**

Introduction

Domestic violence calls are dangerous.

Current research efforts have given us new information about the risks you run in responding to domestic violence calls and the steps you can take to protect yourself.

Show OVERHEAD #3: The Most Dangerous Calls for a Police Officer

DISTRIBUTE HANDOUT #2 The Most Dangerous Calls for a Police Officer

According to the FBI "Law Enforcement Officers Killed and Assaulted in 1988" booklet, police officers killed from 1979 through 1988 were as follows:

Review the following answers:

1. Driving a car - 289
2. Responding to a robbery in progress - 123
3. Making an arrest (burglary, robbery or drug related) - 118
4. Pursuing a car - 116
12. Responding to a family violence call - 52

The perceived danger of domestic violence calls may be what has limited officer fatalities. These calls are dangerous.

You can reduce your risk by knowing where the danger has occurred in the past, and by learning and using specific safety tactics.

Distribute Handout #3 - Domestic Violence Calls Resulting in Police Officer Homicides

This is a summary of four years of data from the FBI study. Take a few moments to review the information.

EMPHASIZE:

- * Of the 24 assailants, over half were in their twenties or thirties.
- * All of the assailants were male.
- * The weapons that were used were all firearms.
- * Second and third shifts are more dangerous than day shift.
- * A greater number of newer officers were killed than those with more experience. This may be due to less experience or because newer officers are more likely to be on patrol.

Show OVERHEAD #4 - Domestic Violence Calls Resulting in Police Officer Homicides

Ask the following question and ask that participants fill in the answers on the handout:

Q. How can we use this data?

Five Things to Remember:

1. Domestic violence calls are dangerous.
2. Newer officers are more at risk than veteran officers.
3. Male assailants are more dangerous than females.
4. Your own weapon or other firearms are your greatest risk.
5. You are in the most danger between 4 p.m. to 8 a.m.

Distribute HANDOUT #4: Home Sweet Home

Sgt. T. S. Duncan took the same FBI data and made some points in this article, Home Sweet Home: Casting New Light on Domesticity that was published in Police Magazine in 1990. I have time to highlight a few of his conclusions:

- * The majority of officers that were killed in domesticity were killed out of doors; 74% of officers killed in domesticity between '79 and '88 were killed before even getting into the residence.
- * Domestic violence calls have a very high percentage of ambushes.
- * 90% of those killed were killed before ever getting to the arrest phase.

Please take some time and read this article after today's training.

Ask the question:

Q. How can you minimize your risk in responding to these calls?

Record answers on a flip chart.

Show OVERHEAD #5: Tips to Promote Officer Safety

- * Preserve the element of surprise.
- * Remain aware of cover.
- * Advise communications.
- * Begin contact with caution.
- * Survey the scene - quickly.
- * Get as much help as you need.
- * Remove the extra people.
- * Separate and isolate.
- * Break contact off carefully.

In addition to these answers, the following strategies will help to enhance officer safety:

- * Get there promptly but be quiet about it.
- * Use caution during entrance.
- * Check out everybody - quickly.
- * Get the facts.
- * Make a decision fast and act on it.

You need to know:

- * In 17% of the domestics in which officers were killed, someone else was also murdered.
- * In about an equal number of cases, someone else was shot.
- * Most of the other victims were killed after the officer arrived.
- * Most victims were female.
- * 45% of all combatants who killed police officers during a domestic also die at the scene.

5 Min.

RISK REGISTRY

Risk Registry

There is danger of becoming complacent about domestic calls because many result in no substantial court action.

We know, however, that domestic incidents increase in frequency and severity over time. One technique that may help in protecting you is a risk registry accessible by police radio.

Ask the question:

Q. What is a risk registry?

Give the definition of a risk registry:

Definition: A risk registry is data on computer or index cards kept at a department that includes information about law enforcement response to prior domestic violence incidents. Data is catalogued by date and location of incidents, perpetrator, victim, perpetrator use of weapons, injuries to victims, assaults on police officers and any other critical information.

A risk registry can be used to assist dispatch personnel and responding officers in knowing how to approach a call.

The registry should be kept in the department indefinitely; it should be accessible 24 hours a day. While it is important for the department to make a commitment to maintain this information, it is not possible to collect this

data without individual officers completing thorough reports at every domestic violence incident, regardless of the arrest outcome.

Sharing information with your fellow officers may help to save your life.

20 Min.

Intervention
Investigation and
Interviewing
Techniques

Introduction:

This section will review intervention, investigation and interviewing techniques in domestic violence calls. In addition, we will review written report and data collection techniques.

The Objectives of a Domestic Crime Investigation

Show OVERHEAD#6 - Objectives of a Domestic Violence Investigation.

Uncover one point at a time and review each.

Objective #1 - Identifying the Offender

Careful questioning and observation at the scene of the crime will help you identify the offender and gather whatever information is available for pursuit of the offender, if necessary.

Objective #2 - Locate the Offender

Questions that could be asked in locating and apprehending the offender include:

- * Do you know where he might have gone?
- * Does he have family or friends nearby who would harbor him?
- * Is there a particular place that he goes where we might locate him?
- * What is his place of employment?
- * Who is his closest friend?

When an offender has violated a protection order or has committed crimes of sexual assault or reckless endangerment, you may pursue the offender with the same diligence and authority you have when the offender has committed a felony.

Objective #3 - Identify Victims/Witnesses

It is critical that in your interviewing you determine which injuries are offensive and those injuries which are defensive. Often both parties accuse one another of concurrent assault. Through careful questioning and identification of evidence, you may be able to determine the primary offender. You should arrest the primary aggressor.

Objective #4 - Collect and Preserve Evidence

Examples of evidence may include:

1. Statements of victims, suspects and witnesses
2. Injuries.
3. Clothing.
4. Weapons.
5. Crime scene.

Objective #5 - Establish Probable Cause

We will discuss probable cause determination at length in the section on arrest.

Gathering Information

Questioning the victim and the suspect soon after the incident will give you a great deal of information.

You should separate the victim and suspect as soon as safely possible and interview them separately.

Be sure to take the victim out of hearing range and away from eye contact with the suspect to reduce intimidation and increase cooperation with you.

Be careful not to jeopardize officer safety when separating the parties and conducting the interviews. You must maintain control of the parties during the interviews.

Ask the question:

Q. What techniques for information gathering and interviewing are used in any criminal investigation?

The same techniques should be used in interviews at a domestic violence scene.

The following strategies have proven effective in obtaining information:

- * Make your questions specific and direct.
- * Ask them in a supportive and matter-of-fact tone of voice.
- * Be calm and direct.
- * Be aware of your body language.
- * Be patient.
- * Question allegations that the injuries were caused by an accident.

- * Don't get bogged down in trying to ascertain motives.
- * Do not ask accusing or hostile questions.
- * Do not ask ambiguous or rhetorical questions.

Remember:

- * Your approach and tone should reflect the seriousness of the offense and its consequences for both the suspect and the victim.
- * You should impress upon the parties involved that domestic violence is a crime and investigate the incident as thoroughly as any crime not involving family members.

Interviewing Techniques

Ask the question:

Q. What particular information should you look for at a domestic violence call?

Detailed knowledge of the present incident and any past incidents will increase your ability to make appropriate decisions about your arrest options and to correctly advise the victim on follow-up procedures.

Information can best be acquired through carefully interviewing the battered woman. The batterer is usually not a reliable informant.

There are two major types of information that you will want to gather. They include:

- * Information about the presenting incident.
- * Relevant historical information.

The following are examples of how to ask the questions to gain information in these three areas.

1. Information about the presenting incident:

A. Questions for the victim:

- * Can you tell me what happened?
- * You have an injury. It looks like someone hit you. Who hit you?
- * Has this person ever hit you before?
- * What did the person hit you with?
- * Were you hit with an open or closed hand?
- * Where on your body were you hit?
- * How many times were you hit?
- * Was any instrument used - a shoe, a knife, a gun, a telephone, a fist?
- * Were any threats made against you?
- * Are there weapons in the house?

- * Were there witnesses?
- * Was the reporting party someone other than the victim? If so, have you spoken with that person?
- * Are there children likely to be endangered by the incident, or did the children witness the incident?

B. Questions for the perpetrator:

Be sure to Mirandize the suspect before asking these questions.

- * Can you tell me what happened?
- * She has an injury. It looks like someone hit her. Who hit her?
- * Did you hit her?
- * Have you ever hit her before?
- * What did you hit her with?
- * Did you hit her with an open or closed hand?
- * Where on her body did you hit her?
- * How many times did you hit her?
- * Did you use any instrument to hit her? A shoe, a knife, a gun, a telephone, a fist?
- * Did you threaten her? What did you say?

2. Relevant historical information:

A. Questions for the victim:

- * Has this ever happened before?
- * What was the worst incident?
- * Has a weapon ever been used?
- * Has the suspect ever been arrested for hurting you before?
- * Have you ever been treated by a doctor or hospitalized for injuries inflicted by the offender?

B. Questions for the suspected abuser:

- * Has this ever happened before?
- * What was the worst incident?
- * Did you ever use a weapon?
- * Have you ever been arrested for hurting her before?
- * Has she ever been treated by a doctor or hospitalized for injuries inflicted by you?

The information that you receive may help you in evaluating:

- * How dangerous the situation is?
- * Whether to arrest the suspect?
- * What charges to file?
- * Whether or not the children are safe?
- * Whether or not emergency housing should be sought for the victim's safety?

Follow-up Contact

Another way to enhance the investigation is by routinely conducting follow-up visits with the victim.

- * During a second contact, you may see injuries that are now visible that were not immediately visible after the incident.
- * The victim may recall information that will assist you. The crisis is past; more information may be available to you.
- * You will be better able to evaluate the safety of the victim and make appropriate referrals.
- * More complete information will help you to make recommendations for expanded conditions on pre-trial release or for the imposition of a § 4954 Protective Order.

Repeat Calls

Although repeat calls are frustrating for police officers, your response is critical in preserving the safety of domestic violence victims.

Every repeat call should be treated as a new incident.

Be aware that the violence escalates in severity and frequency over time, thereby escalating the danger for both you and the victim.

It is critical that you have as much information available as possible from prior incident reports. To do this, you must take responsibility for filing a written report at every domestic violence call.

Domestic Violence Incident Reports

Filing written reports at every domestic violence scene will:

1. Assist all law enforcement officers in responding to repeat calls at domestic violence incidents.
2. Provide critical information that may help to protect officers in responding to the scene.
3. Help you to track dangerous households.
4. Document law enforcement response to limit the risk of liability lawsuits.
5. Provide documentation for the prosecutor's office in following up on charges for this incident or others in the future.

Ask the question:

Q What information should be included in a domestic violence incident report?

DISTRIBUTE HANDOUT #5 DOMESTIC VIOLENCE INCIDENT REPORT

Minimums include:

1. Names, addresses, and phone numbers of the victim, the accused, witnesses and the caller.
2. A statement of the relationship between the victim and the accused.
3. What, if any, weapons were used or threatened to be used?
4. A description of any injuries observed by the officers.
5. An indication of what arrest decision was made:
 - * a warrantless arrest
 - * an arrest with a warrant
 - * or no arrest

Emphasize: #6

6. If the officer did not arrest or seek an arrest warrant, even though arrest was authorized, the reasons for the officer's decision not to arrest.
7. If an officer was injured in the incident, the nature and circumstances of the injury.

Ask the question:

Q. What are some techniques to make report writing easier?

SHOW OVERHEAD# 7

REPORT WRITING

- * Be sure that the report is factual.
- * Use time sequences.
- * Be accurate and concise.
- * Use as many direct quotations as possible.
- * Include all pertinent information.

20 Min.

Arrest

Introduction:

It is critical to review this information because you have expanded arrest authority for specific crimes in domestic violence cases as well as authority to arrest for violations of a court order of protection.

Arrest Authority in Pennsylvania

Distribute HANDOUT #6: Arrest Authority

You have the power to arrest in Pennsylvania:

- * When you have probable cause to believe that the suspect has committed a felony.
- * When you observe the commission of a felony or a misdemeanor.
- * When you have probable cause to believe that the suspect has committed a domestic violence misdemeanor as specified in 18 Pa. C.S. §2711, which authorizes warrantless arrest when the misdemeanor is involuntary manslaughter (18 Pa. C.S. §2504), simple assault (18 Pa. C.S. §2701), or recklessly endangering another person (18 Pa. C.S. §2705), and the officer observes recent physical injury or other corroborative evidence, and the victim is the spouse of the suspect or a person with whom the suspect resides or has formerly resided. The domestic violence misdemeanor need not have been committed in your presence.
- * When a misdemeanor not included among those in the paragraph above has been committed and you have filed charges and obtained an arrest warrant.
- * When you have probable cause to believe that the suspect has violated a valid protection from abuse order. The violation need not have occurred in your presence, and no corroborative evidence is required.

Specific Arrest Authority in Domestic Violence Cases

Distribute HANDOUT #7: Pa. C.S. §2711

The three enumerated misdemeanors under §2711 are:

1. §2701 - Simple Assault

- (a)(1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury. (Defined as impairment of physical condition or substantial pain.)
- (a)(2) Negligently causing bodily injury to another with a deadly weapon.
- (a)(3) Attempts by physical menace to put another in fear of imminent serious bodily injury. (Defined as bodily injury which creates a substantial risk of death, which causes serious, permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily member or organ.)

2. §2705 - Recklessly Endangering Another Person

Recklessly engaging in conduct which places or may place another person in danger of death or serious bodily injury.

3. §2504 - Involuntary Manslaughter

Causing the death of another as a direct result of a lawful or unlawful act done in a reckless or grossly negligent manner.

Probable Cause

When you answer a domestic violence call that involves one of the three above misdemeanors in § 2711, you are assisted by the statute in identifying the elements of probable cause.

Show OVERHEAD #8 - Probable Cause is Met When The Following Two Factors Are Present.

Review the information.

- 1. Confirmation by the victim, complainant or witness or suspect that the accused committed one or more of the three enumerated misdemeanors**

It is critical that you be familiar with the elements of each of the three enumerated misdemeanors.

For example, in the first and third paragraphs of the simple assault statute, §2701, the alleged perpetrator need only attempt bodily injury or attempt to place the victim in fear of imminent serious bodily injury. The alleged perpetrator need not even succeed. Only through careful questioning will you be able to determine if an attempt has been made because it may not be obvious.

- 2. Observation by the officer of recent physical injury to the victim or other corroborative evidence.**

Review the definition of recent physical injury.

Recent physical injury - If recently inflicted, the following examples of injuries would meet this requirement:

- * strained muscles
- * scratches
- * bruises
- * broken bones
- * knife or bullet wounds
- * impaired breathing

Review the definition of corroborative evidence.

Corroborative evidence - Is that which tends to confirm the allegation that a crime has been committed and/or that the suspect committed the crime.

Ask the question:

Q. What are examples of corroborative evidence?

List participants' answers on the flipchart

Examples might include any of the following:

- * broken furniture, windows, or telephones
- * holes in the wall
- * presence of weapons in the room where the alleged misdemeanor occurred
- * unusual items in inappropriate places of the house; for example, kitchen utensils found in the living room or bedroom
- * torn clothing, scratches or other injuries on the alleged perpetrator consistent with acts of self-defense
- * statements or excited utterances by the alleged victim, witnesses or perpetrator
- * continuing threats made to the victim in the presence of the police
- * apparent state of mind of the victim and children (including fear or anger)
- * violation of a valid protection order
- * fact of prior domestic violence calls regarding the suspect

Emphasize:

Remember: You need only observe recent physical injury to the victim or other corroborative evidence.

Distribute HANDOUT #8: Domestic Violence Crimes, BRIEFLY review crimes.

Domestic Violence Crimes Chart
Crimes include:

- § 2501. Criminal Homicide
- § 2502. Murder
- § 2503. Voluntary Manslaughter
- § 2504. Involuntary Manslaughter
- § 2701(a). Simple Assault
- § 2702(a). Aggravated Assault
- § 2705. Recklessly Endangering
- § 2706. Terroristic Threats
- § 2709. Harassment

- § 2901. Kidnapping
- § 2902. Unlawful Restraint
- § 2903. False Imprisonment
- § 2905. Interference with Custody of Committed Person
- § 2906. Criminal Coercion
- § 2909. Concealment of the Whereabouts of a Child
- § 2910. Luring a Child into a Motor Vehicle
- § 3121. Rape
- § 3123. Involuntary Deviant Sexual Intercourse
- § 3126. Indecent Assault
- § 3127. Indecent Exposure
- § 3128(a). Spousal Sexual Assault
- § 3128(b). Involuntary Spousal Deviant Sexual Intercourse
- § 3301(a)
(c)(d)(f). Arson

Other crimes involving domestic violence include:

- § 2505. Causing or Aiding Suicide
- § 2506. Drug Delivery Resulting in Death
- § 3301. Arson
- § 3302. Causing or Risking a Catastrophe
- § 3303. Failure to Prevent a Catastrophe
- § 3304. Criminal Mischief
- § 3502. Burglary
- § 3503. Criminal Trespass
- § 3701. Robbery
- § 3921. Theft by Unlawful Taking or Disposition
- § 3922. Theft by Deception
- § 3923. Theft by Extortion
- § 3925. Receiving Stolen Property
- § 3927. Theft by Failure to Make Required Disposition of Funds
- § 3928. Unlawful Use of Auto or Other Vehicle
- § 4101. Forgery
- § 4104. Tampering with Records or Identification
- § 4105. Bad Checks
- § 4106. Credit Cards
- § 4117. Securing Execution of Documents by Deception
- § 4906. False Report to Law Enforcement
- § 5503. Disorderly Conduct
- § 5504. Harassment by Communication or Address
- § 5506. Loitering and Prowling at Night Time
- § 5507. Obstructing Highways and Other Public Passages
- § 5511. Cruelty to Animals
- § 5703. Interception, Disclosure or Use of Wire, Electronic or Oral Communications
- § 5901. Open Lewdness
- § 5903. Obscene and Other Sexual Materials
- § 6103. Crime Committed with Firearms
- § 6106. Firearms Not to be Carried Without a License
- § 6106.1. Carrying Loaded Weapons Other Than Firearms

- § 6312. Sexual Abuse of Children
- § 6501. Scattering Rubbish
- § 6504. Public Nuisances

Distribute HANDOUT #9: The Protection from Abuse Act

This copy of the Protection from Abuse Act has all law enforcement information highlighted in bold and italics. It is important to be familiar with this Act. Please read it carefully after today's training. Right now we will focus on indirect criminal contempt procedures.

NOTE TO INSTRUCTOR. Please review:

- * class of people covered
- * § 6113 (g.) "Resumption of co-residence" clause
- * § 6106 (f.) "Failure to serve shall not stay the effect of a valid order"

Arrest where there is a court order of protection

**Distribute HANDOUT #10: Indirect Criminal Contempt Procedures,
23 Pa. C.S. §'s 6113-6114.**

Review the statute emphasizing the following sections:

Police Responsibilities Under the Indirect Criminal Contempt Provisions of the Protection from Abuse Act, 23 Pa. C.S. §'s 6101-17: § 6113. Arrest for Violation of Order.

- (a) **General rule** - A violation of an order issued pursuant to this chapter may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department, county registry or issuing authority.
- (b) **Seizure of weapons** - Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated weapons to the office of the sheriff. The sheriff shall maintain possession of the weapons until the court issues an order specifying the weapons to be relinquished and the persons to whom the weapons shall be relinquished.
- (c) **Procedure following arrest** - Subsequent to an arrest the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When the court is unavailable, the police officer shall convey the defendant to a

district justice designated as appropriate by local rules of court, or, in counties of the first class, to the appropriate hearing officer.

The Arrest Decision

Research has demonstrated that arrest is the most effective tool for law enforcement response to domestic violence.

- * Arrest deters recidivism best.

Pro-arrest policies by police departments:

- * Protect victims.
- * Protect responding officers.
- * Assist officers in identifying perpetrator conduct as criminal and potentially dangerous.
- * Allow definitive and expeditious intervention.

We have just reviewed when you have authority to arrest in a domestic violence case. It is important for you to know that it is your responsibility to decide whether an arrest should be made.

You should consider the victim's opposition to arrest but should emphasize to the victim and to the accused as well that the criminal action initiated is the Commonwealth's action, and not the victim's action.

- * You may decide to arrest even if the victim is opposed to that decision.
- * You may also decide not to arrest immediately and check back with the victim after she has more information and is able to make a safer and more informed decision.
- * You may decide not to arrest.

Deciding to Arrest

If an arrest is made, be sure to:

1. Advise the victim of what procedure will happen next, including the probability that the accused will be in custody for only a short period of time.
2. Obtain the address and telephone number where the victim can be contacted if she decides to leave the residence. **Be certain that the accused cannot overhear.**
3. Obtain information from the victim to be included in the arrest report indicating any special conditions of bail that should be requested at the preliminary arraignment.

4. Provide the victim with the police incident number, if available, the officer's name and badge number, and a follow-up telephone number.

Reluctant Witnesses

It may be difficult to convince a resistant witness to cooperate with the criminal process, but you have a number of options in assisting a reluctant witness.

They include:

- * Convey information out of the alleged abuser's presence.
- * Conduct a thorough investigation to find other witnesses in addition to the victim.
- * Refer the victim to the local domestic violence program for information and support in participating in the criminal justice process.
- * Give the victim information about the obligations and procedures which follow an arrest.
- * Advise her that you will seek and out and she will be protected by conditions of bail.
- * Suggest that court intervention may help to deter the violence.
- * Follow up. Leave your badge number and telephone number and name with the victim and suggest that she think about this decision.
- * Inform victims of 4954 protective orders.

Weapons Seizure

1. If an arrest is made, you should confiscate all weapons used or threatened to be used in the commission of the crime and such weapons should be held as evidence for the prosecution.
2. If you arrest for a violation of a protection from abuse order, you are required to confiscate all weapons used or threatened to be used in the violation and to deliver such weapons to the office of the sheriff.

Deciding Not to Arrest

1. It is within your discretion not to arrest at the scene of a domestic. You may decide not to arrest where you conclude that probable cause is not adequate. It is important to remember that such an arrest could be made following further investigation and subsequent finding of probable cause by obtaining an arrest warrant.
2. It is important not to leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated.

3. You are required by 18 Pa. C.S. §2711 to notify the victim orally or in writing of the availability of a shelter, including its telephone number or other services in the community. We will review this specific information in the victim safety section.

Remember:

If you decide not to arrest, documenting the incident and the reason for no arrest will help you in responding to future incidents of violence at that residence and may assist in liability protection.

10 Min. BREAK

15 Min. LIABILITY

Liability for over-reaction

Historically, law enforcement officers have been vulnerable to lawsuits in response to something that they have done. Examples of these lawsuits include:

- * False Arrest
- * Illegal search and seizure
- * Use of excessive force
- * Civil rights violations

Liability for police failure to act

Recently, it is more likely that liability suits are filed against police for failure to protect or failure to prevent crime. Examples of these cases include:

- * Failure to respond to calls for assistance.
- * Failure to arrest or restrain violent persons who are committing, or are about to commit, violent crime.
- * Failure to investigate.
- * Failure to train.
- * Action that is so deficient that it entails gross negligence or intention misconduct or abridgement of the rights of citizens.

Special Relationship

The failure to act (or to act adequately), in and of itself, will not result in liability. A second ingredient is required. There must be a specific duty to protect the person needing protection.

Q. What is needed in addition to a failure to act in order to create liability for failure to protect?

A. A specific duty to protect the victim.

As surprising as it sounds, law enforcement owes no duty of protection to the general public. The duty to protect only occurs if there is a special relationship between the officer or the department and the individual. "Special relationship" is a legal term.

Case Examples

DISTRIBUTE HANDOUT #11: LIABILITY CASE EXAMPLES

Show OVERHEAD #9: Liability Case Examples.

BRIEFLY REVIEW CASES

The courts have found a duty to protect and liability where the victim had obtained a protection order, the police had notice of the order, and the police had notice of the danger posed at the time of the incident.

**NOTE TO
INSTRUCTOR:
BECOME
FAMILIAR
WITH CASES**

Thurman v City of Torrington, 595 F Supp. 1521 (D. Conn. 1984):

A wife had been continuously brutalized by her estranged husband. The police refused to act on her complaints, even though she had obtained a court order of protection. One officer stood by and watched as her husband beat and kicked her while she was suffering from stab wounds inflicted by the husband. A jury awarded the victim/plaintiff \$2.3 million.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to respond to call for help; stood by and watched assault; failure to protect.

Sorichetti v. City of New York, 482 N.E. 2d. 70 (N.Y. 1985):

An estranged husband of known dangerous tendencies repeatedly threatened his wife and daughter. A court order of protection had been issued. The police failed to investigate when the daughter was not returned home from a visit with her father, despite the mother's pleas and evidence that the child was in serious danger. When the police belatedly responded, they discovered that the father had attacked the child with a knife and tried to saw off her leg. The assault on the child occurred after she was due back from the visit. The New York Court of Appeals, that state's highest court, upheld a \$2 million award to the daughter.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to act in a timely fashion after the expiration of visitation schedule; failure to respond to the risk of lethal violence; failure to protect.

Dudosh v. City of Allentown, 722 F. Supp. 1233 (U.S. District Court, E.D. Pa. 1989):

Kathleen Dudosh's former boyfriend had assaulted her in the past and threatened to kill her. The police had failed to protect her from the man despite the existence of a court order of protection. On the day of her death Kathleen learned that the former boyfriend had broken into her apartment and remained there. She went to the premises with two police officers who told her to open the door of the apartment. The boyfriend fatally shot Kathleen and then killed himself. In a civil rights action against the municipality and officers, the court held that liability might attach if the police department had failed to train the officers and this failure led to Ms. Dudosh's death in violation of her civil rights. The case was settled out of court; award to estate of Ms. Dudosh not revealed.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to train; affirmatively placing battered woman in danger; failure to protect.

Coffman v. Wilson, et al, 739 F. Supp. 257 (E.D. Pa. 1990):

The trial court found that a court order of protection and a contempt order may create a special relationship or the duty to protect a victim of domestic violence and that a failure to protect may be a violation of the victim's due process rights. The court also stated that if the Wilson Police Department had failed to train police officers on domestic violence and the failure to train amounted to deliberate indifference to victim rights, liability could attach against Wilson. The court suggests that the fact that the assault occurred in another police jurisdiction (after Wilson's failure to protect) would not immunize Wilson from a judgement of liability. The case was settled out of court; award to victim was undisclosed.

Elements of special relationship: Protection order; contempt order; notice of danger.

Culpable behavior: No protective order taken; course of conduct reveals pattern of failure to protect.

How to Minimize the Risk of Liability

REVIEW MAIN POINTS.

Show OVERHEAD #10: Steps to Minimize the Risk of Liability for Law Enforcement Officers.

Individual officers can:

- * Document all domestic incidents with a written report.
- * Enumerate the reasons for actions taken or not taken.

- * **Participate** in on-going training.
- * **Document** your participation in training with lesson plans, date and number of hours spent on training.
- * **Follow** departmental policy.

10 Min. **Victim Safety**

Introduction: As we mentioned at the beginning of this training session, law enforcement plays a critical role in enhancing victim safety.

- * You may be the first contact that she's had with an outside agency or person for assistance.
- * Your actions and attitude will influence her cooperation with the criminal justice system and may influence the outcome of future violence.
- * You also are mandated under §2711 to notify the victim of her right to file for a Protection from Abuse order and of local community resources for her assistance.

Distribute HANDOUT #12:

Notification of Rights by a Police Officer to a Victim of Domestic Violence.

As mentioned earlier, you are required under § 2711 to notify the victim of her rights and local community resources for assistance. This handout will give you the complete information of the notice required.

Show OVERHEAD #11:

Notification of Rights by a Police Officer to a Victim of Domestic Violence.

1. You, as a victim of domestic violence, have a right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Act of 1976 (P.L. 1090, No. 218), known and referred to as the "Protection from Abuse Act" and the following rights may be available to you under this Act:
 - a) An order may be entered by the court restraining the perpetrator of the abuse from acts of abuse;
 - b) An order directing the abuser to leave your household may be entered;
 - c) An order preventing the abuser from entering your residence, school, business or place of employment may be entered;
 - d) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children; and
 - e) An order may be entered by the court directing the abuser to pay support to you and the minor children if the perpetrator of the abuse has a legal obligation to do so.
2. If the abuser threatens or intimidates you while criminal charges are pending against him for assaulting you, you may obtain a protective order pursuant to the Act of December 4, 1980 (P.L. 1097, No. 187) known as

the Victim and Witness Intimidation Act. To do this, go to the District Attorney's Office.

- 3. You may be entitled to crime victim's compensation. For more information, contact the office of the District Attorney or call your own attorney.**
- 4. In situations where no arrest is made, you may still be able to file a private criminal complaint against the assailant. The police officer can tell you where to do this.**
- 5. You are notified that a shelter is available to you and your family members by contacting: (The name and hotline number for your local domestic violence program can be found in the handout which follows.)**

Review the Main points of the overhead.

Domestic Violence Programs

Distribute HANDOUT #13: Pennsylvania Domestic Violence Programs Hotline Numbers by County.

This handout gives you the hotline numbers for all the domestic violence programs in Pennsylvania. These telephone numbers are answered 24 hours a day and are the link to victims services including:

- * safe housing**
- * information and referral**
- * legal information and support**
- * crisis intervention**
- * counseling services for adults and children.**

You can call the crisis center at the scene of a domestic call so that the battered woman is in touch with the hotline counselor while you are on the scene.

Examples of Other Assistance You Might Provide to Battered Women

- * Stand by while victim gathers necessities for short-term absences from home.**
- * Advise the victim of what procedures will follow your response to the call.**
- * Notify the victim that if the accused is in custody, it will probably be only for a short, specified period of time.**
- * Provide the victim with the police incident number, your name and badge number, and a follow-up telephone number.**
- * Arrange for translation for non-English speaking victims.**

- * Offer assistance in locating lodging with family, friends, public accommodations, or domestic violence shelter if temporary relocation for safety is necessary.
- * Provide help or help arrange transportation to emergency housing or a medical facility.
- * Obtain from the victim information indicating special conditions of bail that should be requested at the preliminary arraignment.
- * Convey an attitude that domestic violence is unacceptable and that the sole responsibility for violence rests with the perpetrator.

Special Conditions of Bail

According to Pennsylvania Rules of Criminal Procedure, Rule 4013, Conditions of Bail, you have the opportunity to advocate for victim safety by suggesting that special conditions be imposed. Examples of these conditions include:

- * Stay away order
- * No contact order
- * Enrollment in batterer counseling
- * Surrender of weapons
- * Weekly compliance reporting to the district justice

Bail conditions can be imposed to assure the defendant's appearance at trial and to help him avoid further criminal conduct pending prosecution.

Bail conditions can be specifically designed to constrain the individual perpetrator. Law enforcement has better information than the arraigning district justice about the dangerousness of the offender and conditions of bail that might work to secure his attendance at trial and protect the victim.

5 Min.

Summary

Review course objectives; check for last questions.

10 Min.

**Test
Administration**

The information presented here today has reviewed:

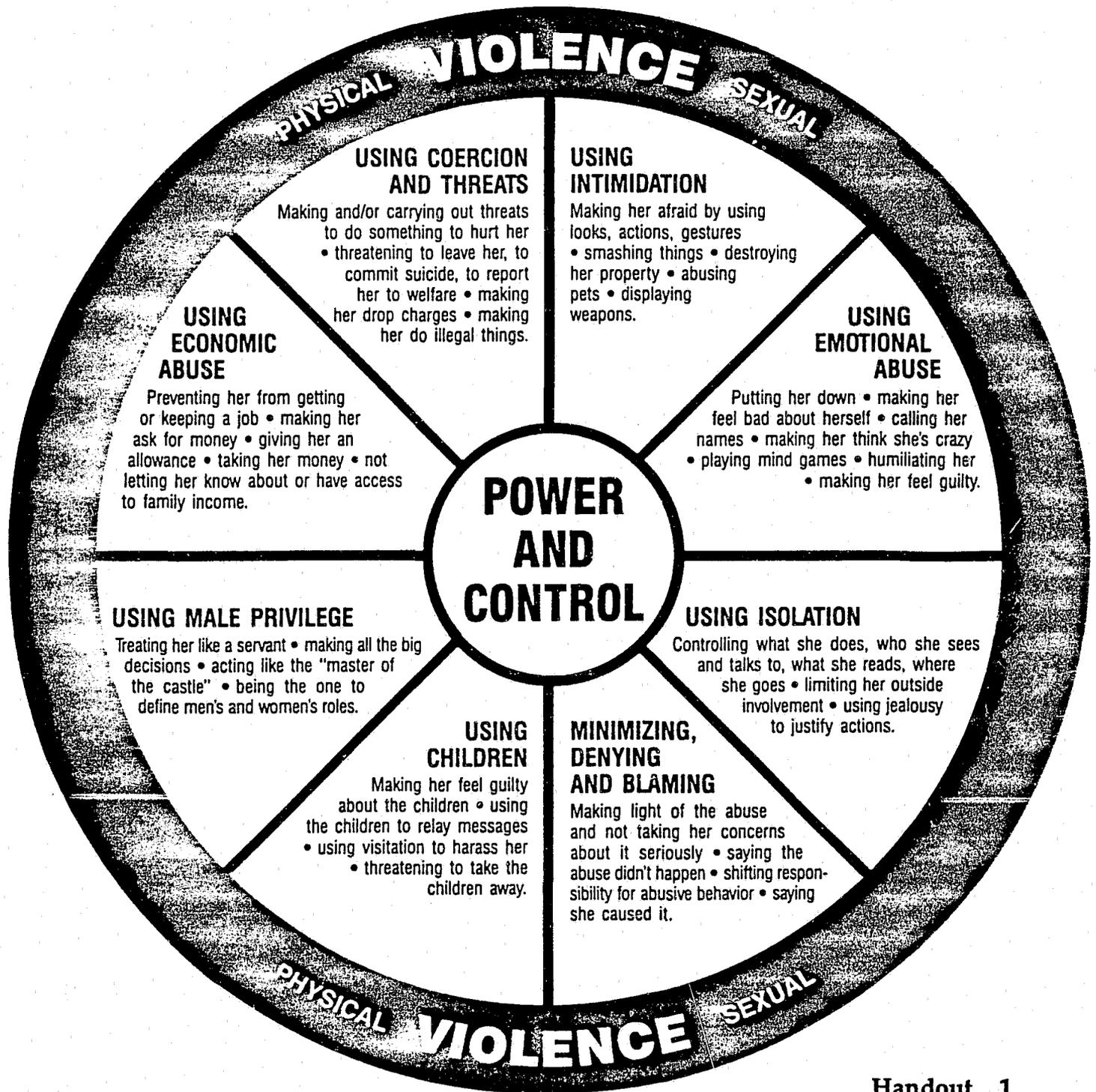
- * The role of law enforcement in domestic violence intervention
- * Impact of domestic violence
- * Separation violence
- * Officer safety
- * Investigation procedures and interviewing techniques
- * Arrest authority in domestic violence crimes
- * Liability issues
- * Victim referral

More information is available from the Pennsylvania Coalition Against Domestic Violence. Contact Jane E. Stuehling, PCADV; 524 McKnight Street, Reading, PA 19601; 215/373-5697. For community resources, please contact your local domestic violence program.

Administer examination.

HANDOUTS

THE POWER AND CONTROL WHEEL



Handout 1

THE MOST DANGEROUS CALLS FOR A POLICE OFFICER

According to the FBI booklet "Law Enforcement Officers Killed and Assaulted in 1988", police officers killed from 1979 through 1988 were as follows:

KILLED IN THE LINE OF DUTY

1. Robbery in progress	123
2. Other arrests	118
3. Traffic pursuits/stops	116
4. Investigating suspicious persons/circumstances	114
5. Man with gun, or Bar fight	85
6. Ambush	76
7. Drug related arrests	65
8. Family quarrels	52

ACCIDENTAL LINE OF DUTY DEATH

1. Auto accidents	289
2. Struck by vehicles (Directing traffic, helping motorists)	88
3. Aircraft accidents	88
4. Struck by vehicles (Traffic stops, road blocks)	71
5. Motorcycle accidents	52
6. Accidental shootings (Crossfire, mistaken identities, firearm mishaps)	45
7. Other accidents (Falls, drownings)	39
8. Accidental shootings (Training sessions)	10

If we were to combine the murders with the accidental deaths, it would appear that the most dangerous assignments would be:

EVENT	TOTAL DEATHS
1. Driving a car.	289
2. Responding to a robbery in progress	123
3. Making an arrest	118
4. Pursuing a car	116
5. Investigating suspicious persons/circumstances	114
6. Directing traffic, helping motorists (Struck by vehicle)	88
7. Flying a police aircraft	88
8. Responding to a man with a gun, or bar fight	85
9. Being ambushed	76
10. Making a traffic stop, or setting up a roadblock	71
11. Making a drug related arrest	65
12. Responding to a family quarrel	52

**DOMESTIC VIOLENCE CALLS RESULTING
IN POLICE OFFICER HOMICIDES**

1985 - 7 officers killed responding to domestic violence calls
1986 - 4 officers killed responding to domestic violence calls
1987 - 13 officers killed responding to domestic violence calls
1988 - 3 officers killed responding to domestic violence calls

Total - 27 officers killed

Deceased officers time on the job:

0 to 5 years: 7
6 to 10 years: 5
11 to 15 years: 4
16 to 20 years: 5
21 + : 2

Ages of assailants:

Teens: 0
Twenties: 9
Thirties: 7
Forties: 3
Fifties: 3
Sixties: 2

Sex of assailants:

Male: 24
Female: 0

Weapons used against the officers:

Handgun: 18 times (6 times it was the
officer's own weapon)
Shotgun: 4 times
Rifle: 2 times

Tours of duty:

12 AM. to 8 AM. 9 officers killed (4 between 1 & 2 a.m.)
8 AM. to 4 PM. 2 officers killed
4 PM. to 12 PM. 13 officers killed (4 between 9 & 10 p.m.)

Five things to remember from this data are:

HANDOUT 3

HOME SWEET HOME? Casting New Light on Domestic

by
Sgt. T. S. Duncan

During the 10-year period from 1979 through 1988, there were 841 law enforcement officers killed in all types of cases, 69 of whom were killed during domestic disturbances. But the FBI reports that 52 officers were killed during "family quarrels" during this period. The difference between the numbers is due to cases that were precipitated by domestics but reclassified by the FBI because of ambushes or arrests. My goal was to look at all cases precipitated by a domestic disturbance; the officers involved may have been ambushed or attempting an arrest, but the type of case was always a domestic.

By definition, the word "domestic" means of or relating to the household or family. Thus we usually envision a domestic occurring inside a residence, as the officer arrives and makes entry, contacts the combatants and attempts to restore order. Our training and experience tell us to constantly be on guard while inside the residence, and to keep the combatants out of the "danger" areas like the kitchen and bedrooms to reduce access to weapons.

As good as all of these precautions may be, they are misleading -- because we perceive the threat as being indoors. But the majority of officers killed in domestics are killed out-of-doors. In fact, 74 percent of the officers killed in domestics between 1979-1988 were killed before ever getting into the residence. Our approach to these cases now takes on a whole new perspective.

Consider the time lag between when dispatch receives a complaint, and when the officer arrives on the scene. We need to realize that much can happen during this 5-10 minute period. Time is not frozen for the combatants; the disturbance continues, often intensifying, and sometimes resulting in a shooting before the first officer arrives.

If a crime has been committed or if the aggressor sees the arrival of the police as threatening, he may be outside ready to take offensive action. Thus domestics have a very high percentage of ambushes, and even in non-ambush cases the officers are fired upon soon after arrival and contact.

Other reasons for the combatants being outside are easy to understand. Both parties usually know the police are en route, and each wants to be the first to influence the officers with their side of the story. The victim may also have fled the residence out of fear, hoping to get a few seconds of extra protection by being outside when the police arrive; but the aggressor usually follows the victim outside.

HANDOUT 4, PAGE 1

The implication for police tactics is obvious: Our approach techniques are critical, since the risk starts as soon as we are anywhere near the scene. The basic rules of parking away from the scene, and surveying the scene as you approach, are vital. The worst thing an officer can do is park directly in front of the scene, walk up to the front door and start knocking. You should make your arrival as unobtrusive and as unexpected as possible.

Many would guess the arrest phase is the most dangerous phase of handling a domestic, but once again we are surprised. Eighty-seven percent of the officers killed in domestics were killed before even getting to the arrest phase.

Specifically, 41 percent were killed on the arrival/approach phase. Many of these killings were ambushes; which explains why so many occurred outside. Of the officers killed in domestics, 23 percent were ambushed -- of those killed in all types of circumstances, only 9 percent.

The emotional content of a domestic runs especially high, the assailant having a much different motivation: He is seeking revenge -- or at the very least emotional satisfaction -- and often loses complete control prior to the officer's arrival. If the assailant is in an emotional rage, he lacks the self-control found in other perpetrators; and the bottom line is he just doesn't care what happens.

Once the officer arrives and finds the combatants, the contact phase, 46 percent of the officers were killed. Many of these killings occurred outside soon after contact was made.

Almost 90 percent of officer deaths in domestics occurred before the arrest phase, which seems to demonstrate that the assailant was out of control and beyond being manageable. This supports the "pro-arrest" philosophy as a way of improving officer safety. When a combative subject has committed an offense, it's time to go to jail. You owe it to yourself, and you owe it to the victim, or potential victim.

* * *

Only 10 percent of the officers killed in domestics were killed during the arrest phase. While it is clear that the time leading up to the arrest is the most dangerous, domestics can be difficult because a hostile victim may assault an officer during an arrest. Therefore, should an officer move to make an arrest, it is important to keep the victim in view as much as possible. The best way to do this is to keep the assailant between you and the victim. This way, if the victim becomes hostile (especially if they are armed), you have some protection with the assailant obstructing the victim's path to you.

HANDOUT 4, PAGE 2

* * *

Departure from the scene of a domestic is generally not a dangerous time. Only 3 percent of the officers killed in domestics were attacked during this stage. One indicator of trouble when departing is if one of the combatants is still highly emotional and angry with the officers. In one case, the subject of the complaint -- who had left prior to the officer's arrival -- returned and ambushed the officer while he sat in his car doing paperwork. When it's time to leave, leave. Remaining at the scene only increases your chances of being victimized.

Weapons. Since about half the homes in the United States contain at least one firearm, the danger from these weapons is very real in domestics. Of the 69 officer deaths in this study, 68 involved firearms and one officer was killed with a knife. Only 35 percent of the assailants in these cases used handguns -- 21 percent less than the percentage of handguns used to kill officers in other types of cases.

In domestics, officers were killed with long guns, particularly rifles, at twice the rate they were in other cases (forty-nine percent versus only twenty-four percent in other cases). The increased use of long guns in residences is understandable, since few offenders will carry a firearm on the street that is not easily concealed.

...Of the 10 officers killed indoors during domestics over the past 10 years, eight were killed with their own weapons. Proximity to the combatants becomes of major concern; and when it comes to weapons retention, a greater distance between officers and combatants means a better change of survival.

* * *

Shooting Aspects. It appears that many of the officer-involved shootings occur within a short period of time -- perhaps two minutes -- after the officer arrives on the scene. The suddenness of the attack seems to catch many officers off guard because only 17 percent were able to return fire. Fifty-seven percent of the officers killed were assisted by other officers at the time of the shooting, and in many cases it was the other officers who were responsible for returning fatal fire at the assailant.

The necessity of assessing and acting on a case quickly is clear. Patience may be a virtue, but in a deteriorating domestic, control of the combatants is needed immediately. When a combative subject continues to test the officer, second warnings only give that combatant time and opportunity. Making an arrest takes away both.

HANDOUT 4, PAGE 3

Other Victims. In 17 percent of the domestics in which officers were killed, someone else was also murdered; and in about an equal number of cases someone else was also shot. Most of the other victims were killed after the officer arrived, and most were female.

One would think once an officer is killed, the assailant would find it easy to continue to shoot others, but it doesn't happen. This may be due to the psychological principle of transference. The assailant builds up a tremendous amount of anger and frustration prior to the officer's arrival, but because he still has affection for the complainant, he is prevented from following through and committing a murder. However, all of those pent-up emotions have an outlet when the officer arrives. The assailant couldn't care less what happens to the officer. So instead of releasing his anger on a loved one, he directs his frustrations toward a stranger -- the police officer.

The emotional recklessness of subjects in a domestic is further demonstrated by evidence that assaults involving strangers are less likely to result in injuries than assaults involving non-strangers. This brings new meaning to the old saying, "You only hurt the ones you love."

Assailants. A basic tenet of police work is that you can't trust anybody. This is particularly true in domestics, because of the number of false or exaggerated reports and the hostile victims that are sometimes encountered. Yet, even with this in mind, during the past 10 years not one police officer was killed by a female during a domestic disturbance...

There are a variety of reasons for the predominance of male assailants; one of which is that men are simply more likely to own and be experienced with firearms. Even early on in life, boys play with imitation guns.

The implications are obvious. During a domestic disturbance, males are a much greater threat to the police than females, and we need to adapt our tactics accordingly. The primary threats in these cases are males and firearms, not females.

Offender Disposition. We already know how emotional these cases can become, and their emotional intensity is why they are often so violent and so hard to prevent. The key to survival is an understanding of how deeply emotional the assailants can become, and that as they become more emotional we have a slimmer chance of reasoning with or coercing them. We need not agree with or even understand why the assailant is so emotionally violent, but it is essential to realize that their outrage is enough that they don't even care what happens to themselves. And an assailant who doesn't care about his survival will be more violently aggressive.

HANDOUT 4, PAGE 4

* * *

Those who kill officers are 12 times more likely to commit suicide than assailants in other types of cases. Combined with the number of assailants killed at the scene, we find that 45 percent of all combatants who kill police officers during a domestic, also die at the scene. (See: "Assessing Whether Batterers Will Kill," pg. 103.)

The uncontrollable rage, frustration and combativeness of these assailants is obvious. The important thing for us to remember is that these uncontrollable emotions do exist and there is little we can do to prevent or restrict them once they are displayed.

Summary. Having all of this knowledge on domestics and acting on it are not the same thing. There is a real danger of becoming complacent with domestics, because so many of them result in no substantial police action. The information contained here can allow every officer to handle domestics in a safer manner by modifying their tactics to meet the real threats.

Duncan, T.S. (1990) "Home Sweet Home? Casting New Light on Domestics." Police.

**For further information on dispatch and response techniques, please see:
"Domestic Violence Model Protocol for Police Response," pg.13.**

HANDOUT 4, PAGE 5

DOMESTIC VIOLENCE

INCIDENT REPORT

The following minimum information should be included in a domestic violence incident report.

1. Names, addresses, and phone numbers of the victim, the accused, witnesses and the caller.
2. A statement of the relationship between the victim and the accused.
3. What, if any, weapons were used or threatened to be used?
4. A description of any injuries observed by the officers.
5. An indication of what arrest decision was made:
 - * a warrantless arrest
 - * an arrest with a warrant
 - * or no arrest

HANDOUT #5

ARREST AUTHORITY

UNDER CURRENT PENNSYLVANIA LAW, ARREST IS AUTHORIZED IN THE FOLLOWING CIRCUMSTANCES:

- When the officer has probable cause to believe that the suspect has committed a felony.
- When the officer observes the commission of a felony or a misdemeanor.
- When the officer has probable cause to believe that the suspect has committed a domestic violence misdemeanor as specified in 18 Pa. C.S. §2711, which authorizes warrantless arrest when the misdemeanor is involuntary manslaughter (18 Pa. C.S. §2504), simple assault (18 Pa. C.S. §2701), or recklessly endangering another person (18 Pa. C.S. §2705), and the officer observes recent physical injury or other corroborative evidence, and the victim is the spouse of the suspect or a person with whom the suspect resides or has formerly resided. The domestic violence misdemeanor need not have been committed in the officer's presence.
- When a misdemeanor not included among those in the paragraph above has been committed and the officer has filed charges and obtained an arrest warrant.
- When the officer has probable cause to believe that the suspect has violated a valid protection from abuse order. The violation need not have occurred in the officer's presence, and no corroborative evidence is required.

Attorney General's Family Violence Task Force,
Model Protocol, F. 2(a-e), 1989.

Pa. C.S. §2711

The three enumerated misdemeanors under §2711 are:

1. **18 Pa. C.S. §2701 - Simple Assault**

- (a)(1) **Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury. (Defined as impairment of physical condition or substantial pain.)**
- (a)(2) **Negligently causing bodily injury to another with a deadly weapon.**
- (a)(3) **Attempts by physical menace to put another in fear of imminent serious bodily injury. (Defined as bodily injury which creates a substantial risk of death, which causes serious, permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily member or organ.)**

2. **§2705 - Recklessly Endangering Another Person**

Recklessly engaging in conduct which places or may place another person in danger of death or serious bodily injury.

3. **§2504 - Involuntary Manslaughter**

Causing the death of another as a direct result of a lawful or unlawful act done in a reckless or grossly negligent manner.

HANDOUT 7

Domestic Violence Crimes Chart

Crimes include:

§ 2501.	Criminal Homicide
§ 2502.	Murder
§ 2503.	Voluntary Manslaughter
§ 2504.	Involuntary Manslaughter
§ 2701(a).	Simple Assault
§ 2702(a).	Aggravated Assault
§ 2705.	Recklessly Endangering
§ 2706.	Terroristic Threats
§ 2709.	Harassment
§ 2901.	Kidnapping
§ 2902.	Unlawful Restraint
§ 2903.	False Imprisonment
§ 2905.	Interference with Custody of Committed Person
§ 2906.	Criminal Coercion
§ 2909.	Concealment of the Whereabouts of a Child
§ 2910.	Luring a Child into a Motor Vehicle
§ 3121.	Rape
§ 3123.	Involuntary Deviant Sexual Intercourse
§ 3126.	Indecent Assault
§ 3127.	Indecent Exposure
§ 3128(a).	Spousal Sexual Assault
§ 3128(b).	Involuntary Spousal Deviant Sexual Intercourse
§ 3301(a) (c)(d)(f).	Arson

Other crimes involving domestic violence include:

- § 2505. Causing or Aiding Suicide
- § 2506. Drug Delivery Resulting in Death
- § 3301. Arson
- § 3302. Causing or Risking a Catastrophe
- § 3303. Failure to Prevent a Catastrophe
- § 3304. Criminal Mischief
- § 3502. Burglary
- § 3503. Criminal Trespass
- § 3701. Robbery
- § 3921. Theft by Unlawful Taking or
Disposition
- § 3922. Theft by Deception
- § 3923. Theft by Extortion
- § 3925. Receiving Stolen Property
- § 3927. Theft by Failure to Make Required
Disposition of Funds
- § 3928. Unlawful Use of Auto or Other Vehicle
- § 4101. Forgery
- § 4104. Tampering with Records or
Identification
- § 4105. Bad Checks
- § 4106. Credit Cards
- § 4117. Securing Execution of Documents by
Deception
- § 4906. False Report to Law Enforcement
- § 5503. Disorderly Conduct
- § 5504. Harassment by Communication or
Address
- § 5506. Loitering and Prowling at Night Time
- § 5507. Obstructing Highways and Other
Public Passages
- § 5511. Cruelty to Animals
- § 5703. Interception, Disclosure or Use of Wire, Electronic or
Oral Communications
- § 5901. Open Lewdness
- § 5903. Obscene and Other Sexual Materials
- § 6103. Crime Committed with Firearms
- § 6106. Firearms Not to be Carried Without a
License
- § 6106.1. Carrying Loaded Weapons Other Than
Firearms
- § 6312. Sexual Abuse of Children
- § 6501. Scattering Rubbish
- § 6504. Public Nuisances

PROTECTION FROM ABUSE ACT

23 Pa.C.S. § 6101-6117 (Effective 3/17/91)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

- 6101. Short title of chapter.
- 6102. Definitions.
- 6104. Registration of order.
- 6105. Responsibilities of local law enforcement agencies.
- 6106. Commencement of proceedings.
- 6107. Hearings.
- 6108. Relief.
- 6109. Service of orders.
- 6110. Emergency relief by minor judiciary.
- 6111. Domestic violence counselor/advocate.
- 6112. Disclosure of addresses.
- 6113. Arrest for violation of order.
- 6114. Contempt for violation of order or agreement.
- 6115. Reporting abuse and immunity.
- 6116. Confidentiality.
- 6117. Procedure and other remedies.

§ 6101. Short title of chapter.

This chapter shall be known and may be cited as the Protection From Abuse Act.

§ 6102. Definitions:

(a) General rule.—The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abuse." The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, spousal sexual assault or involuntary deviate sexual intercourse with or without a deadly weapon.

(2) Placing by physical menace another in fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

"Adult." An individual who is 18 years of age or older.

"Confidential communications." Information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship and in confidence by a means which, insofar as the victim is aware, discloses the information to no third person other than to those who are present to further the interest of the victim in the consultation or assistance, to those who are coparticipants in the counseling service or to those to whom disclosure is reasonably necessary for the transmission of the information or an accomplishment of the purpose for which the domestic violence counselor or advocate is consulted. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports or working papers given or made in the course of the relationship.

"Domestic violence counselor/advocate." An individual who is engaged in a domestic violence program, who provides services to victims of domestic violence, who has undergone 40 hours of training and who is under the control of a direct services supervisor of a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence.

"Domestic violence program." A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

"Family or household members." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Hearing Officer." A district justice, judge of the Philadelphia Municipal Court, bail commissioner appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue) and master appointed under 42 Pa.C.S. § 1126 (relating to masters).

"Minor." An individual who is not an adult.

"Victim." A person who is physically or sexually abused by a family or household member.

(b) Other terms.—Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offense).

§ 6103. Effect of departure to avoid abuse.

The court shall have jurisdiction over all proceedings under this chapter. The right of plaintiff to relief under this chapter shall not be affected by plaintiff leaving the residence or household to avoid further abuse.

§ 6104. Registration of Order.

(a) Registry.—The prothonotary shall maintain a registry in which it shall enter certified copies of orders entered by courts from other jurisdictions in this Commonwealth pursuant to this chapter.

(b) Registration of order in any county.—A plaintiff who obtains a valid order under this chapter may register that order in any county within this Commonwealth where the plaintiff believes enforcement may be necessary. *A court shall recognize and enforce a valid order under this chapter which has been issued by another court but properly registered with a county within the judicial district of the court where enforcement is sought.*

(c) Certified copy.—A valid order under this chapter may be registered by the plaintiff in a county other than the issuing county by obtaining a certified copy of the order of the issuing court endorsed by the prothonotary of that court and presenting that certified order to the prothonotary where the order is to be registered.

(d) Proof of registration.—Upon receipt of a certified order for registration, the prothonotary shall provide the plaintiff with a copy bearing the proof of registration to be filed with the appropriate law enforcement agency.

§ 6105. Responsibilities of local law enforcement agencies.

The police department of each municipal corporation shall insure that all its officers and employees are familiar with the provisions of this chapter. Instruction concerning protection from abuse shall be made a part of the training curriculum for all trainee officers.

§ 6106. Commencement of proceeding.

(a) General rule.—An adult or an emancipated minor may seek relief under this chapter for that person or any parent, adult household member or guardian ad litem may seek relief under this chapter on behalf of minor children, or a guardian of the person of an adult who has been declared incompetent under 20 Pa.C.S. Ch. 51 Subch. B (relating to appointment of guardian) may seek relief on behalf of the incompetent adult, by filing a petition with the court alleging abuse by the defendant.

(b) Affidavit of insufficient funds for fees.—If the plaintiff files an affidavit stating that plaintiff does not have funds available to pay the fees for filing and service, the petition shall be filed and service shall be made without payment of fees, and leave of court to proceed in forma pauperis shall not be required.

(c) Determination of indigency.—When the petition is filed without payment of fees, the court shall determine at the hearing on the petition whether the plaintiff is able to pay the costs of filing and service. If the plaintiff is unable to pay the costs of filing and service, the court may waive the payment of costs or, if the plaintiff prevails in the action, assign them to the defendant. This subsection and subsection (b) apply to courts of common pleas and hearing officers.

(d) *Court to adopt means of service.—The court shall adopt a means of prompt and effective service in those instances where the plaintiff avers that service cannot be safely effected by an adult individual other than a law enforcement officer or where the court so orders.*

(e) *Service by sheriff.—If the plaintiff files an affidavit stating that the plaintiff does not have funds available to pay the costs of filing and service or if the court so orders, the sheriff or other designated agency or individual shall serve the petition and order without prepayment of costs.*

(f) *Service of petition and orders.—The petition and orders shall be served upon the defendant, and orders shall be served upon the police departments with appropriate jurisdiction to enforce the orders. Orders shall be promptly served on the police. Failure to serve shall not stay the effect of a valid order.*

(g) Assistance and advice to plaintiff.—The courts and hearing officers shall:

(1) Provide simplified forms and clerical assistance in English and Spanish to help with the writing and filing of the petition for a protection order for an individual not represented by counsel.

(2) Advise a plaintiff not represented by counsel of the right to file an affidavit stating that the plaintiff does not have funds available to pay the costs of filing and service and assist with the writing and filing of the affidavit.

§ 6107. Hearings.

(a) General Rule.—Within ten days of the filing of a petition under this chapter, a hearing shall be held before the court, at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall advise the defendant of the right to be represented by counsel.

(b) Temporary orders.—If a plaintiff petitions for a temporary order for protection from abuse and alleges immediate and present danger of abuse to the plaintiff or minor children, the court shall conduct an ex-parte proceeding. The court may enter such a temporary order as it deems necessary to protect the plaintiff or minor children when it finds they are in immediate and present danger of abuse.

(c) Continued hearings.—If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

(d) **Costs.**—If the plaintiff prevails, the court shall assign costs to the defendant unless the parties agree otherwise. If the defendant is indigent, costs shall be waived.

§ 6108. **Relief.**

(a) **General rule.**—The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties, is owned or leased by the entireties or is owned or leased solely by the plaintiff.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff or, by consent agreement, allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. A defendant shall not be granted custody or partial custody where it is alleged in the petition, and the court finds after a hearing under this chapter, that the defendant abused the minor children of the parties or where the defendant has been convicted of violating 18 Pa.C.S. § 2904 (relating to interference with custody of children) within two calendar years prior to the filing of the petition for protection order. If a plaintiff petitions for a temporary order under section 6107(b) (related to hearings) and the defendant has partial, shared or full custody of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under section 6107(a). Nothing in this paragraph shall bar either party from filing a petition for custody under 23 Pa.C.S. Ch. 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.

(5) After a hearing in accordance with Section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.

(6) Prohibiting the defendant from having any contact with the plaintiff, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff and from harassing the plaintiff or plaintiff's relatives or minor children.

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's weapons which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. The court's order shall provide for the return of the weapons to the defendant subject to such restrictions and conditions as the court shall deem appropriate to protect the plaintiff or minor children from further abuse through the use of weapons.

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorneys fees.

(b) Duration and amendment of order or agreement.—A protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) Title to real property unaffected.—No order or agreement under this chapter shall in any manner affect title to any real property.

§ 6109. *Service of orders.*

(a) *Issuance.*—A copy of an order under this chapter shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement in accordance with the provisions of this chapter or as ordered by the court or hearing officer.

(b) *Placement in county registry.*—Upon receipt of an order, the police department shall immediately place the order in a county registry of protection orders. The police department shall assure that the registry is current at all times and that orders are removed upon expiration thereof.

§ 6110. *Emergency relief by minor judiciary.*

(a) *General rule.*—When, in counties with less than four judges, the court is unavailable during the business day by reason of duties outside the county, illness or vacation, and when, in counties with at least four judges, the court deems itself unavailable from the close of business at the end of each day to the resumption of business the next morning or from the end of the business week to the beginning of the business week, a petition may be filed before a hearing officer who may grant relief in accordance with section 6108(a)(1) and (2) or (1) and (3) (relating to relief) if the hearing officer deems it necessary to protect the plaintiff or minor children from abuse upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) *Expiration of order.*—An order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the next business day, at which time the court shall schedule hearings on protection orders entered by hearing officers under subsection (a) and shall review and continue in effect protection orders that are necessary to protect the plaintiff or minor children from abuse until the hearing, at which time the plaintiff may seek a temporary order from the court.

(c) *Certification of order to court.*—An emergency order issued under this section and any documentation in support thereof shall be immediately certified to the court. The certification to the court shall have the effect of commencing proceedings under section 6106 (relating to commencement of proceedings) and invoking the other provisions of this chapter. If it is not already alleged in a petition for an emergency order, the plaintiff shall file a verified statement setting forth the abuse of defendant at least five days prior to the hearing. Service of the verified statement shall be made subject to section 6106.

(d) *Instructions regarding the commencement of proceedings.*—Upon issuance of an emergency order, the hearing officer shall provide the plaintiff instructions regarding the commencement of proceedings in the court of common pleas at the beginning of the next business day and regarding the procedures for initiating a contempt charge should the defendant violate the emergency order. The hearing officer shall also advise the plaintiff of the existence of programs for victims of domestic violence in the county or in nearby counties and inform the

plaintiff of the availability of legal assistance without cost if the plaintiff is unable to pay for them.

§ 6111. Domestic violence counselor/advocate.

A domestic violence counselor/advocate may accompany a party to a hearing under this chapter.

§ 6112. Disclosure of addresses.

During the course of a proceeding under this chapter, the court or hearing officer may consider whether the plaintiff or plaintiff's family is endangered by disclosure of the permanent or temporary address of the plaintiff or minor children. Neither in the pleadings nor during proceedings or hearings under this chapter shall the court or hearing officer require disclosure of the address of a domestic violence program.

§ 6113. *Arrest for violation of order.*

(a) *General rule.--An arrest for violation of an order issued pursuant to this chapter may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department, county registry or issuing authority.*

(b) *Seizure of weapons.--Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated weapons to the office of the sheriff. The sheriff shall maintain possession of the weapons until the court issues an order specifying the weapons to be relinquished and the persons to whom the weapons shall be relinquished.*

(c) *Procedure following arrest.--Subsequent to an arrest, the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When that court is unavailable, the police officer shall convey the defendant to a district justice designated as appropriate by local rules of court or, in counties of the first class, to the appropriate hearing officer.*

(d) *Preliminary arraignment.--The defendant shall be afforded a preliminary arraignment without unnecessary delay.*

(e) *Other emergency powers unaffected.--This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this chapter.*

(f) *Hearing.--A hearing on a charge or allegation of indirect criminal contempt shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing on other criminal charges preclude a hearing on a charge of indirect criminal contempt.*

(g) *Notice.--Notice shall be given to the defendant, in orders issued pursuant to section 6108 (relating to relief), of the possible ramifications of resumption of residence in the family domicile contrary to court order. Resumption of co-residence on the part of the plaintiff and defendant shall not nullify the provisions of the court order directing the defendant to refrain from abusing the plaintiff or minor children.*

§ 6114. Contempt for violation of order or agreement.

(a) **General rule.**—Upon violation of a protection order issued under this chapter or a court approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish him in accordance with law.

(b) **Trial and punishment.**—A sentence for contempt under this chapter may include imprisonment up to six months or a fine not to exceed \$1,000, or both, and may include other relief set forth in this chapter. The defendant shall not have a right to a jury trial on such a charge; however, the defendant shall be entitled to counsel.

§ 6115. *Reporting abuse and immunity.*

(a) **Reporting.**—*A person having reasonable cause to believe that a person is being abused may report the information to the local police department.*

(b) **Contents of report.**—*The report should contain the name and address of the abused person, information regarding the nature and extent of the abuse and information which the reporter believes may be helpful to prevent further abuse.*

(c) **Immunity.**—*A person who makes a report shall be immune from a civil or criminal liability on account of the report unless the person acted in bad faith or with malicious purpose.*

§ 6116. Confidentiality.

Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, a domestic violence counselor/advocate shall not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the counselor/advocate by or to a victim. The privilege shall terminate upon the death of the victim. Neither the domestic violence counselor/advocate nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under Chapter 63 (relating to child protective services), a Federal or State mandatory reporting statute; or a local mandatory reporting ordinance.

§ 6117. Procedure and other remedies.

Unless otherwise indicated in this chapter, a proceeding under this chapter shall be in accordance with applicable general rules and shall be in addition to any other available civil or criminal remedies.

EFFECTIVE — The 17th day of March, A.D. 1991.

ROBERT P. CASEY

PROTECTION FROM ABUSE ACT INDIRECT CRIMINAL CONTEMPT

23 Pa.C.S.A. §§ 6113-14 (Effective 3/17/91)

§ 6113. ARREST FOR VIOLATION OF ORDER.

- (a) **General rule.**--An arrest for violation of an order issued pursuant to this chapter may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department, county registry or issuing authority.
- (b) **Seizure of weapons.**--Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated weapons to the office of the sheriff. The sheriff shall maintain possession of the weapons until the court issues an order specifying the weapons to be relinquished and the persons to whom the weapons shall be relinquished.
- (c) **Procedure following arrest.**--Subsequent to an arrest the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When that court is unavailable, the police officer shall convey the defendant to a district justice designated as appropriate by local rules of court, or, in counties of the first class, to the appropriate hearing officer.
- (d) **Preliminary arraignment.**--The defendant shall be afforded a preliminary arraignment without unnecessary delay.
- (e) **Other emergency powers unaffected.**--This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this chapter.
- (f) **Hearing.**--A hearing on a charge or allegation of indirect criminal contempt shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing on other criminal charges preclude a hearing on a charge of indirect criminal contempt.
- (g) **Notice.**--Notice shall be given to the defendant, in orders issued pursuant to section 6108 (relating to relief), of the possible ramifications of resumption of residence in the family domicile contrary to court order. Resumption of co-residence on the part of the plaintiff and defendant shall not nullify the provisions of the court order directing the defendant to refrain from abusing the plaintiff or minor children.

§ 6114. CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT.

- (a) **General rule.**--Upon violation of a protection order issued under this chapter or a court approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish him in accordance with law.
- (b) **Trial and punishment.**--A sentence for contempt under this chapter may include imprisonment up to six months or a fine not to exceed \$1,000, or both, and may include other relief set forth in this chapter. The defendant shall not have a right to a jury trial on such a charge; however, the defendant shall be entitled to counsel.

LIABILITY

CASE EXAMPLES

A special relationship has been found and liability attached where the victim had obtained a protection order, the police had notice of the order, and the police had notice of the danger posed at the time of the incident.

Thurman v City of Torrington, 595 F Supp. 1521 (D. Conn. 1984.):

A wife had been continuously brutalized by her estranged husband. The police refused to act on her complaints, even though she had obtained a court order of protection. One officer stood by and watched as her husband beat and kicked her while she was suffering from stab wounds inflicted by the husband. A jury awarded the victim/plaintiff \$2.3 million.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to respond to call for help; stood by and watched assault; failure to protect.

Sorichetti v. City of New York, 482 N.E. 2d. 70 (N.Y. 1985):

An estranged husband of known dangerous tendencies repeatedly threatened his wife and daughter. A court order of protection had been issued. The police failed to investigate when the daughter did not return home from a visit with her father, despite the mother's pleas and evidence that the child was in serious danger. When the police belatedly responded, they discovered that the father had attacked the child with a knife and tried to saw off her leg. The assault on the child occurred after she was due back from the visit. The New York Court of Appeals, that state's highest court, upheld a \$2 million award to the daughter.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to act in a timely fashion after the expiration of visitation schedule; failure to respond to the risk of lethal violence; failure to protect.

Dudosh v. City of Allentown, 722 F. Supp. 1233 (U.S. District Court, E.D. Pa. 1989):

Kathleen Dudosh's former boyfriend had assaulted her in the past and threatened to kill her. The police had failed to protect her from the man despite the existence of a court order of protection. On the day of her death Kathleen learned that the former boyfriend had broken into her apartment and remained there. She went to the premises with two police officers who told her to open the door of the apartment. The boyfriend fatally shot Kathleen and then killed himself. In a civil rights action against the municipality and officers, the court held that liability might attach if the police department had failed to train the officers and this failure led to Ms. Dudosh's death in violation of her civil rights. The case was settled out of court; award to estate of Ms. Dudosh not revealed.

Elements of special relationship: Protection order; notice of danger.

Culpable behavior: Failure to train; affirmatively placing battered woman in danger; failure to protect.

HANDOUT #11, PAGE 2

Notification of Rights by a Police Officer to a Victim of Domestic Violence.

1. You, as a victim of domestic violence, have a right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Act of 1976 (P.L. 1090, No. 218), known and referred to as the "Protection from Abuse Act" and the following rights may be available to you under this Act:
 - a) An order may be entered by the court restraining the perpetrator of the abuse from acts of abuse;
 - b) An order directing the abuser to leave your household may be entered;
 - c) An order preventing the abuser from entering your residence, school, business or place of employment may be entered;
 - d) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children; and
 - e) An order may be entered by the court directing the abuser to pay support to you and the minor children if the perpetrator of the abuse has a legal obligation to do so.
2. If the abuser threatens or intimidates you while criminal charges are pending against him for assaulting you, you may obtain a protective order pursuant to the Act of December 4, 1980 (P.L. 1097, No. 187) known as the Victim and Witness Intimidation Act. To do this, go to the District Attorney's Office.
3. You may be entitled to crime victim's compensation. For more information, contact the office of the District Attorney or call your own attorney.
4. In situations where no arrest is made, you may still be able to file a private criminal complaint against the assailant. The police officer can tell you where to do this.
5. You are notified that a shelter is available to you and your family members by contacting (**fill in shelter contact data**).

HANDOUT 12

HOTLINE NUMBERS

PENNSYLVANIA DOMESTIC VIOLENCE PROGRAMS

**HOTLINE NUMBERS
BY COUNTY**

COUNTY NUMBER	PROGRAM/CITY	TELEPHONE
Adams	Survivors, Inc. Gettysburg	717/633-6005
Allegheny	Women's Center & Shelter of Greater Pittsburgh	412/687-8005
	Crisis Center North Allison Park	412/487-4700
	Womansplace McKeesport	412/678-4616
	Alle-Kiski Area HOPE Center New Kensington	412/224-4673 800/435-7249
Armstrong	HAVIN Kittanning	412/548-8888
Beaver	Women's Center of Beaver County Beaver	412/775-0131
Bedford	Bedford County Abuse Center Bedford	814/623-5682
Berks	Berks Women in Crisis Reading	215/372-9540
Blair	Domestic Abuse Project of Blair County Altoona	814/944-3585
Bradford	Abuse and Rape Crisis Center Towanda	717/265-9101
Bucks	A Woman's Place Doylestown	800/220-8116 (hotline) 215/343-9421 (admin.)
Butler	Volunteers Against Abuse Center Evans City	412/282-3672
Cambria	Women's Help Center Johnstown	814/536-5361 800/999-7406

Cameron	C.A.P.S.E.A. Ridgway	814/772-1227
Carbon	Carbon County Women in Crisis Lehighton	215/377-0880 800/424-5600
Centre	Center County Women's Resource Center State College	814/234-5050
Chester	Domestic Violence Center of Chester County West Chester	215/431-1430
Clarion	S.A.F.E. Clarion	814/226-7233
Clearfield	DuBois Women's Help Center DuBois	814/371-1223
Clinton	Clinton County Women's Center Castanea	717/748-9509
Columbia	Women's Center, Bloomsburg Bloomsburg	717/784-6631
Crawford	Women's Services/The Greenhouse Meadville	814/333-9766
	Titusville Women's Center Titusville	814/827-9777 800/828-7474
Cumberland	Domestic Violence Services of Cumberland and Perry Counties Carlisle	800/852-2102
Dauphin	YWCA of Greater Harrisburg Harrisburg	800/654-1211
Delaware	Domestic Abuse Project/Delaware County Media	215/565-4590
Elk	C.A.P.S.E.A. Ridgway	814/772-1227
Erie	Hospitality House for Women, Inc. Erie	814/454-8161
Fayette	Fayette County Family Abuse Council Uniontown	412/439-9500
Forest	Women's Center of Warren Warren	814/726-1030 800/338-3460
Franklin	Women in Need, Inc. Chambersburg	717/264-4444 800/621-6660

Fulton	Women in Need, Inc. Chambersburg	800/621-6660
Greene	Fayette Family Abuse Council Uniontown	412/966-2200
Huntingdon	Huntingdon House Huntingdon	814/643-1190
Indiana	Alice Paul House Indiana	412/349-4444 800/435-7249
Jefferson	Crossroads Punxsutawney	814/849-1617 800/648-3381
Juniata	Mifflin County Abuse Network Lewistown	717/242-2444
Lackawanna	Women's Resource Center Scranton	717/346-4671
Lancaster	Lancaster Shelter for Abused Women Lancaster	717/299-1249
	Domestic Violence Legal Clinic Lancaster	717/291-5826
Lawrence	Women's Shelter of Lawrence County New Castle	412/652-9036
Lebanon	YWCA of Greater Harrisburg Harrisburg ^{PA}	800/654-1211
Lehigh	Turning Point of Lehigh Valley Allentown	215/437-3369
Luzerne	Domestic Violence Service Center Wilkes-Barre Hazelton	717/823-7312 717/455-9971
Lycoming	Wise Options for Women Williamsport	800/624-4636
McKean	Domestic Violence Program Bradford	814/368-6325
Mercer	AW/ARE, Inc. Sharon	412/981-1457
Mifflin	Mifflin County Abuse Network Lewistown	717/242-2444

Monroe	Women's Resources/Monroe County, Inc. Stroudsburg	717/421-4000
Montgomery	Women's Center of Montgomery County Jenkintown	215/885-5020
	Laurel House Norristown	215/643-3150
Montour	Women's Center, Bloomsburg Bloomsburg	717/784-6631
Northampton	Turning Point of Lehigh Valley Bethlehem	215/437-3369
Northumberland	Susquehanna Valley Women in Transition Lewisburg	717/523-6482 800/544-8293
Perry	Domestic Violence Services of Cumberland and Perry Counties Carlisle	800/852-2102
Philadelphia	Women Against Abuse Legal Center Philadelphia	215/386-7777 215/686-8253
	Women in Transition Philadelphia	215/922-7500
	Lutheran Settlement House Philadelphia	215/739-9999 Hispanic 215/235-9992
Pike	Women's Resources/Monroe County, Inc. Milford	717/296-4357
Potter	Clinton County Women's Center Castanea	814/274-0240
Schuylkill	Schuylkill Women in Crisis Pottsville	717/622-6220 800/282-0634
Snyder	Susquehanna Valley Women in Transition Lewisburg	717/523-6482
Somerset	Women's Help Center Johnstown	814/536-5361 800/999-7406
Sullivan	Wise Options for Women Williamsport	800/624-4636
Susquehanna	Women's Resource Center Scranton	717/278-1800

Tioga	Tioga County Women's Coalition Wellsboro	717/724-3554 800/332-6718
Union	Susquehanna Valley Women in Transition Lewisburg	717/523-6482
Venango	Titusville Women's Center Titusville	814/827-9777 800/828-7474
Warren	Women's Center of Warren Warren	814/726-1030 800/338-3460
Washington	Washington Women's Shelter Washington	412/223-9190
Wayne	Victims Intervention Program Honesdale	717/253-4401
Westmoreland	Women's Services of Westmoreland Co., Inc. Greensburg	412/836-1122
	Alle-Kiski Area HOPE Center Tarentum	412/224-4673
Wyoming	Victims Resource Center Wilkes-Barre	717/836-5544 800/331-3261
York	ACCESS-York, Inc. York	717/845-8179 800/262-8444

ADDITIONAL INSTRUCTOR BACKGROUND MATERIALS

Coffman v Wilson Police Department,
Borough of Wilson
and Richard D. Nace

739 F. Supp. 257 (E.D. Pa.1990).

Outcome of Coffman v. Wilson:

The trial court found that a court order of protection and a contempt order may create a special relationship or the duty to protect a victim of domestic violence and that a failure to protect may be a violation of the victim's due process rights. The court also stated that if the Wilson Police Department had failed to train police officers on domestic violence and the failure to train amounted to deliberate indifference to victim rights, liability could attach against Wilson. The court suggests that the fact that the assault occurred in another police jurisdiction (after Wilson's failure to protect) would not immunize Wilson from a judgement of liability. The case was settled out of court; award to victim was undisclosed.

Elements of special relationship: Protection order; contempt order; notice of danger.

Culpable behavior: No protective action taken; course of conduct reveals pattern of failure to protect.

ASSESSING WHETHER BATTERERS WILL KILL

Some batterers are life-endangering. While it is true that all batterers are dangerous, some are more likely to kill than others and some are more likely to kill at specific times. Regardless of whether there is a protection from abuse order in effect, officers should evaluate whether an assailant is likely to kill his* partner or other family members and/or police personnel and take appropriate action.

Assessment is tricky and never full-proof. It is important to conduct an assessment of the batterer's potential to kill. Considering these factors may or may not reveal actual potential for homicidal assault. But, the likelihood of a homicide is greater when these factors are present. The greater the number of indicators that the batterer demonstrates or the greater the intensity of indicator, the greater the likelihood of a life-threatening attack.

Use all of the information you have about the batterer, current as well as past incident information. A Thorough investigation at the scene will provide much of the information necessary to make this assessment. However, law enforcement will not obtain reliable information from an interview conducted with the victim and perpetrator together or from the batterer alone.

1. THREATS OF HOMICIDE OR SUICIDE.

The batterer who has threatened to kill himself, his partner, the children or her relatives must be considered extremely dangerous.

2. FANTASIES OF HOMICIDE OR SUICIDE.

The more the batterer has developed a fantasy about who, how, when, and/or were to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable "solution" to his problems. As in suicide assessment, the more detailed the plan and the more available the method, the greater the risk.

*We have assumed that the victim is a woman and the abuser is a man. It may be that the victim is man and the abuser a woman or that the abuser and the victim are the of the same sex. Assessment is basically the same despite these gender differences. The only additional indicator to be assessed in a lesbian or gay relationship is whether the abuser has been firmly closeted and is now risking exposure as a lesbian or gay person in order to facilitate their severe, life-threatening attacks. When a person has been desperately closeted, losing the protection o invisibility in order to abuse potentially suggests great desperation and should be included in the assessment.

3. WEAPONS.

Where a batterer possesses weapons and has used them or has threatened to use them in the past in his assaults on the battered woman, the children or himself, his access to those weapons increases his potential for lethal assault. The use of guns is a strong predictor of homicide. If a batterer has a history or arson or the threat of arson, fire should be considered a weapon.

4. "OWNERSHIP" OF THE BATTERED PARTNER.

The batterer who says "Death before Divorce!" or "You belong to me and will never belong to another!" maybe stating his fundamental belief that the woman has no right to life separate from him. A batterer who believes he is absolutely entitled to his female partner, her services, her obedience and her loyalty, no matter what, is likely to be life-endangering.

5. CENTRALITY OF THE PARTNER.

A man who idolizes his female partner, or who depends heavily on her to organize and sustain his life, or who has isolated himself from all other community, may retaliate against a partner who decides to end the relationship. He rationalizes that her "betrayal" justifies his lethal retaliation.

6. SEPARATION VIOLENCE.

When a batterer believes that he is about to lose his partner, if he can't envision life without her or if the separation causes him great despair or rage, he may choose to kill.

7. DEPRESSION.

Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, he may be a candidate for homicide and suicide. Research shows that many men who are hospitalized for depression have homicidal fantasies directed at family members.

8. ACCESS TO THE BATTERED WOMAN AND/OR TO FAMILY MEMBERS.

If the batterer cannot find her, he cannot kill her. If he does not have access to the children, he cannot use them as means of access to the battered woman. Careful safety planning and police assistance are required for those times when contact is required, e.g. court appearances and custody exchanges.

9. REPEATED OUTREACH TO LAW ENFORCEMENT.

Partner or spousal homicide almost always occurs in a context of historical violence. Prior calls to the police indicate elevated risk of life-threatening conduct. The more calls, the greater the potential danger.

10. ESCALATION OF BATTERER RISK.

A less obvious indicator increasing danger may be the sharp escalation of person risk undertaken by a batterer; when a batterer begins to act without regard to the legal or social consequences that previously constrained his violence, chances of lethal assault increase significantly.

11. HOSTAGE-TAKING.

A hostage-taker is at high risk of inflicting homicide. Between 75% and 90% of all hostage takings in the U.S. are related to domestic violence situations.

If an officer concludes that a batterer is likely to kill or commit life-endangering violence, extraordinary measures should be taken to protect the victim and her children. This may include providing transportation and conducting meticulous follow-up. The victim should be advised that the presence of these indicators may mean that the batterer is contemplating homicide and that she should immediately take action to protect herself and should contact the local battered woman's program to further assess lethality and develop safety plans.

ARREST EXERCISE

John and Sara are married. Sara left John and rented an apartment of her own last month. This afternoon John went to Sara's place of employment and asked her to talk with him about reconciliation. Sara agreed to talk. She got into John's car. When she did not agree to John's proposal and concluded that no further conversation would be productive, she attempted to get out of his car. John restrained her. He then took off at a high rate of speed. Sara demanded that he stop and let her out. He laughed and told her that he would kill her before she'd get a divorce. He asked her if she would like to die in a car wreck and swerved the car toward a bridge abutment, bringing the car back into the driving lane seconds before impact with the bridge.

A. Suppose you are a patrol officer who observes the swerving of the car and the excessive speed, and you pull John over. He appears not to be intoxicated. Sara tells you all of the above.

* What crimes do you have probable cause to believe John has committed?

* Do you have the authority to arrest John without obtaining a warrant? Why or why not?

B. Suppose, instead, you did not observe John's driving, but when Sara eventually got out of the car that she called and reported the above to you.

* Do you have the authority to arrest John without obtaining a warrant? Why or why not?

C. Suppose, instead again, that Sara had obtained a protection order against John previously, and that when you responded to her call, you verified that there was a current, valid protection order issued against John in Sara's favor.

* What crimes do you have probable cause to believe that John has committed?

* Do you have the authority to arrest John without obtaining a warrant? Why or why not?

D. Suppose Sara tells you, pursuant to the scenario described in Paragraph C., that she believes that John has several guns in his car.

* Do you have the authority to seize those guns?

- E.** Suppose, instead, that Sara told you about the weapons in the scenario in Paragraph A.
- * Do you have the authority to seize the weapons? Why or why not?
- F.** Suppose, instead, again, that Sara had not obtained a protection order and that John eventually dropped her off at her apartment. He demanded to come in. She told him that he did not have her permission to enter. He took her keys and entered the apartment, dragging her behind him. The neighbors see this and call the police. You investigate and believe that above occurred as reported in this account.
- * What crimes do you have probable cause to believe that John has committed?
 - * Do you have authority to arrest John without a warrant? Why or why not?
- G.** Suppose in Paragraph F that Sara tells you that she does not want to have John arrested; she just wants you to make him give her keys back, remove him from her home, and tell him to stay away.
- * Should you arrest and charge John anyway? Why or why not?
 - * Would your decision be any different if when you arrive you discover that Sara is bleeding from the ear and tells you that John hit her there? She still does not want him arrested.
- H.** Suppose in each of the scenarios that John was not present when you responded to the call. Which is the better practice? -- 1.) To advise Sara to go the district justice and file a private criminal complaint? OR 2.) To pursue John and make an arrest? OR 3.) To file criminal charges and request an arrest warrant?

ARREST EXERCISE

Answer Sheet

John and Sara are married. Sara left John and rented an apartment of her own last month. This afternoon John went to Sara's place of employment and asked her to talk with him about reconciliation. Sara agreed to talk. She got into John's car. When she did not agree to John's proposal and concluded that no further conversation would be productive, she attempted to get out of his car. John restrained her. He then took off at a high rate of speed. Sara demanded that he stop and let her out. He laughed and told her that he would kill her before she'd get a divorce. He asked her if she would like to die in a car wreck and swerved the car toward a bridge abutment, bringing the car back into the driving lane seconds before impact with the bridge.

A. Suppose you are a patrol officer who observes the swerving of the car and the excessive speed, and you pull John over. He appears not to be intoxicated. Sara tells you all of the above.

*** What crimes do you have probable cause to believe John has committed?**

Motor vehicle violations, false imprisonment, recklessly endangering, terroristic threats, and harassment.

*** Do you have the authority to arrest John without obtaining a warrant? Why or why not?**

Yes, he can be arrested under 18 Pa. C.S. § 2711 -- a.) because the victim is someone with whom he formerly resided; b.) if you believe Sara's allegations, then you have probable cause to believe that John has

recklessly endangered Sara by his driving; c.) you observed corroborative evidence of her allegations in that you witnessed his erratic driving. John can also be arrested outside of the authority of § 2711 on the basis of an "in-view" misdemeanor, if your observations, independent of the statements of Sara lead you to believe that his erratic driving recklessly endangered her.

B. Suppose, instead, you did not observe John's driving, but when Sara eventually got out of the car that she called and reported the above to you.

*** Do you have the authority to arrest John without obtaining a warrant? Why or why not?**

No. The arrest authority under § 2711 requires corroboration OR observation of recent physical injury.

Unless Sara can produce an eye-witness or can produce a tape-recording of the incident, there is no arrest authority based on these facts. Sara should be advised that she can file a private criminal complaint alleging the crimes above. And then again, you could go to the district justice to file charges and seek an arrest warrant if you conclude there is probable cause to believe that a crime has been committed.

C. Suppose, instead again, that Sara had obtained a protection order against John previously, and that when you responded to her call, you verified that there was a current, valid protection order issued against John in Sara's favor.

*** What crimes do you have probable cause to believe that John has committed?**

Indirect criminal contempt^{1*}, plus all the substantive crimes listed in Paragraph A.

*** Do you have the authority to arrest John without obtaining a warrant? Why or why not?**

^{1*} The legislature has re-located the Protection From Abuse Act, moving it from Title 35 to Title 23. The effective date of that change is not until 3/17/91, however. Thus, until that date, indirect criminal contempt should be cited as 35 Pa.C.S. § 10190(a), but on that date and after, it should be cited as 23 Pa.C.S. § 6114(a). Furthermore, authority to arrest for a violation of protection order is now found at 35 Pa.C.S. § 10190(c), but after the effective date it will be found at 23 Pa.C.S. § 6113(a).

Yes. You have the authority to arrest him for violation of the protection order if you conclude that there is probable cause to believe that a violation has occurred. The charge for a violation is indirect criminal contempt. You may ALSO charge him with all the substantive crimes involved in the incident above.

D. Suppose Sara tells you, pursuant to the scenario described in Paragraph C., that she believes that John has several guns in his car.

*** Do you have the authority to seize those guns?**

Probably. When there is a violation of protection order, law enforcement has the authority to seize all weapons used or threatened to be used in the current incident of violence or any

prior incident of violence. If you conclude that the guns were not used in this incident, but determine that weapons have been used in the past, you have the authority to seize the weapons. Even if John only used one particular firearm in the past incident(s) of domestic violence, all firearms may be seized. 35 Pa. C.S. § 10190 C.1 until 3/17/91 and 23 Pa.C.S. § 6113(b) thereafter. Further, upon investigation, you may discover a violation of 18 Pa.C.S. § 6106 or 6106.1 and seize firearms pursuant to an arrest on one or both of these.

E. Suppose, instead, that Sara told you about the weapons in the scenario in Paragraph A.

*** Do you have the authority to seize the weapons? Why or why not?**

No. There is no authority to seize these weapons under these circumstances because they were not used in the commission of the crimes alleged, and there are no allegations of any violation of Chapter 61 of the Crimes Code -- Firearms and Other Dangerous Materials.

F. Suppose, instead, again, that Sara had not obtained a protection order and that John eventually dropped her off at her apartment. He demanded to come in. She told him that he did not have her permission to enter. He took her keys and entered the apartment, dragging her behind him. The neighbors see this and call the police. You investigate and believe that above occurred as reported in this account.

- * What crimes do you have probable cause to believe that John has committed?**

Same as in A., including the motor vehicle violations; plus criminal trespass, burglary and theft by unlawful taking.

- * Do you have authority to arrest John without a warrant? Why or why not?**

Yes. Probable cause exists that John has committed several felonies. You have authority to arrest for these even though you did not witness the commission of these crimes since they are felonies. You also have authority under 18 Pa.C.S. § 3904, related to theft.

G. Suppose in Paragraph F that Sara tells you that she does not want to have John arrested; she just wants you

to make him give her keys back, remove him from her home, and tell him to stay away.

- * Should you arrest and charge John anyway? Why or why not?**

Yes. He has committed several felonies and there is at least one eye witness.

- * Would your decision be any different if when you arrive you discover that Sara is bleeding from the ear and tells you that John hit her there? She still does not want him arrested.**

You should arrest to deter John from further violence, to protect Sara, and to protect yourself and the department against potential liability and to protect yourself or other officers against the increased risk to

officer safety if John is not stopped in his escalating pattern of violence.

H. Suppose in each of the scenarios identified below that John was not present when you responded to the call. Which is the better practice? --
1.) To advise Sara to go the district justice and file a private criminal complaint? OR 2.) To pursue John and make an arrest? OR 3.) To file criminal charges and request an arrest warrant?

Paragraph B. 3 or 1

Paragraph C. 2

Paragraph F. 2

Advantages of having and using a written pro-arrest Domestic Violence Protocol

Gives legitimacy to the criminal treatment of domestic violence.

Improves protection against liability

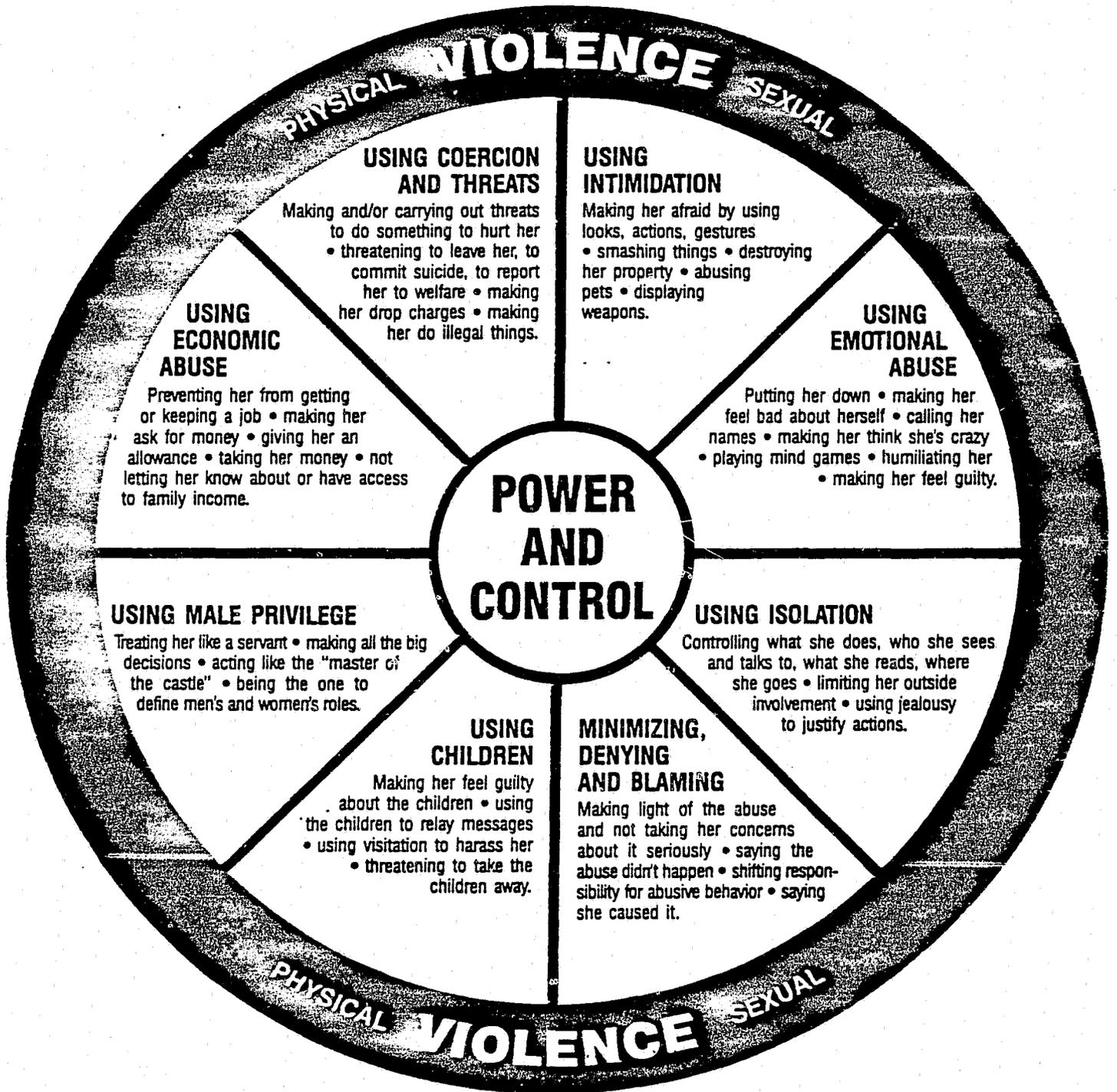
Provides clear direction

Increases officer safety

Reduces repeat calls

Increases victim safety

Enhances consistency of departmental practice



What Are the Effects of Domestic Violence ?

For Adult Victims:

- physical injury
- mental problems
- long-term medical problem
- unemployment
- loss of community
- poverty

For Child Victims:

- behavior and emotional problems
- boys more likely to inflict violence as adults
- girls may tolerate abuse as adults
- school problems

Why Do Women Stay?

Leaving is dangerous

Hope for change

Isolation

Societal denial

Barricades to leaving

Belief in batterer treatment

What Are The Most Dangerous Calls for a Police Officer?

(Answer Key)

- | | | |
|--|---|-----|
| 1. Driving a car | - | 289 |
| 2. Responding to a robbery in progress | - | 123 |
| 3. Making an arrest
(not burglary, robbery or drug related) | - | 118 |
| 4. Pursuing a car | - | 116 |
| 12. Responding to a family violence call | - | 52 |

Domestic Violence Calls Resulting in Police Officers Homicides

Five Things to Remember:

- 1.) Domestic violence calls are dangerous.
- 2.) Newer officers are more at risk than veteran officers.
- 3.) Male assailants are more dangerous than females.
- 4.) Your own weapon or other firearms are your greatest risk.
- 5.) You are in the most danger between 4 p.m. to 8 a.m.

Tips to promote officer safety:

- Preserve the element of surprise.
- Remain aware of cover.
- Advise communications
- Begin contact with caution.
- Survey the scene - quickly.
- Get as much help as you need.
- Remove the extra people.
- Separate and isolate.
- Make a decision fast and act on it.
- Break contact off carefully.

**The Five Objectives of a
Domestic Violence Investigation Are:**

Objective #1 - Identify the Offender

Objective #2 - Locate the Offender

**Objective #3 - Identify Victims/
Witnesses**

**Objective #4 - Collect and Preserve
Evidence**

**Objective #5 - Establish Probable
Cause**

**Probable Cause Is Met When The
Following Two Factors Are Present:**

- 1.) Confirmation by the victim,
complainant or witness that the
suspect committed one or more of the
three enumerated misdemeanors

- 2.) Observation by the officer of recent
physical injury to the victim

or

other corroborative evidence.

Steps to Minimize the Risk of Liability for Law Enforcement Agencies

- Learn the relevant law; keep current.
- Adopt a clear, comprehensive domestic violence policy.
- Monitor policy compliance.
- Evaluate and modify policy.
- Build a strong data collection and analysis system.
- Provide on-going trainings on domestic violence intervention.
- Establish and keep current protection order registry.
- Establish a high-risk domestic violence offender registry.

*Adopted with permission from work of Nancy Versteig,
Esq. , 1991.*

Steps to Minimize the Risk of Liability for Law Enforcement Officers

- Document all domestic incidents with a written report.
- Enumerate the reasons for actions taken or not taken.
- Participate in on-going training.
- Document your participation with lesson plans, date and number of hours spent on training.
- Follow departmental policy.

Adopted with permission from work of Nancy Versteig, Esq. , 1991.

Liability Case Example:

Thurman v. City of Torrington,

(Elements of
special relationship.)

(Culpable behavior.)

Protection order;
notice of danger.

Failure to respond to call
for help; stood by and
watched assault; failure to
protect.

Liability Case Example:

Sorichetti v. City of New York,

(Elements of
special relationship.)

Protection order,
notice of danger.

(Culpable behavior.)

Failure to act in a timely fashion after the expiration of visitation schedule; failure to respond to the risk of lethal violence; failure to protect.

Liability Case Example:

Dudosh v. City of Allentown.

(Elements of
special relationship.)

(Culpable behavior.)

Protection order;
notice of danger.

Failure to train;
affirmatively placing
battered woman in
danger; failure to protect.

Liability Case Example:

Coffman v. Wilson Police Department,
Borough of Wilson and Richard D. Nace.

(Elements of
special relationship.)

(Culpable behavior.)

Protection order;
contempt order;
notice of danger.

No protective action
taken; course of conduct
reveals pattern of failure
to protect.

Required notice statement under §2711

"If you are a victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from abuse pursuant to the Act of October 7, 1976 (P.L. 1090, No. 218), known as the Protection from Abuse Act, which could include the following:

- 1.) an order restraining the abuser from further acts of abuse**
- 2.) an order directing the abuser to leave your household**
- 3.) an order preventing the abuser from entering your residence, school, business or place of employment**
- 4.) an order awarding you or the other parent temporary custody of or temporary visitation with your child or children**
- 5.) an order directing the abuser to pay support to you and minor children if the abuser has a legal obligation to do so."**

LESSON PLAN

Lesson: Investigation, Probable Cause and the Arrest Decision

Time: 80 Minutes

Objectives: Participants will:

- I investigate the scene of a domestic violence crime in the same manner as any other crime scene.
- II increase their investigative skills in the following areas: interviewing techniques, methods of investigation, appropriate questions to ask the victim, writing the narrative of the crime report.
- III explain what probable cause is.
- IV identify the appropriate police behaviors for both probable cause and non-probable cause situations.
- V make more arrests in dv crimes.
- VI distinguish between defensive and offensive injuries.

Methodology: Brainstorming

Training Aids: flip charts, markers and a fireplace.

15m. Objective I Investigate the dv crime scene in the same manner as any other crime scene.

1. Ask participants to answer the question, "Who are the victims of dv? (Chart #1)"
2. Record answers.
3. Focus on the answer of 'children', and bring out the point that dv also will affect their children, the children not yet born, the grandchildren and great grandchildren of the 1990 dv family.
4. Ask participants to answer the question, "Why do a thorough investigation? From victim's perspective From officer's perspective (Chart #2)."

Anticipated Responses: Victim's Perspective - protection, documentation of the crime that could lead to arrest and grounds for a PFA, victim knows someone cares, victim knows help is available, victim knows that what has happened is a crime, prevent future violence, make a stronger case (important in dv because of a lying perp and a reluctant witness), increase safety, build confidence.

Officer's Perspective - victim will be more likely to follow through, liability, reduce follow-up calls to that home, conviction, job satisfaction - pride in your work.

20m

Objective II Increase their investigative skills in the following areas: interviewing techniques, methods of investigation, appropriate questions to ask the victim, writing the narrative of the crime report.

1. Ask participants to complete this statement: "A thorough investigation would include ..." (Chart #3)/

Anticipated responses: statements of victim, perp, witnesses, photos, diagrams of scene, medical records, tape recorded statements, written statements from the victim, collect evidence including clothes, weapons, etc..

2. Refer participants to pages 48 and 49 for a discussion of interviewing techniques, appropriate questions, and two important crime preventative techniques: follow-up visits and repeat call information gathering.
3. If time allows, discuss 'active listening' (officer repeating to the victim what she has told him/her) and the humanistic goals of an investigation of any past crime: restore a sense of dignity, power and security to the crime victim.
4. Refer participants to page 47 and ask them to write down one answer to the 'techniques for writing the crime report'.
5. Record answers on Chart #4, "Techniques for Writing a Crime Report".

Anticipated Responses: chronological order, tell story as though you were telling a friend, be brief and concise, use direct quotes, use first person 'I', use specifics (not 'hit', but 'hit with closed fist 5 to 10 times'.

10m

Objective III Explain what probable cause is.

1. Ask participants to answer the first question on Chart #5, "What is p.c.?"

Anticipated response: you believe a crime was committed and that a particular person committed that crime.

2. Refer participants to the Supreme Court definition on p. 53 and make point that their definition refers to 'a reasonably prudent person' and not the narrower scope of 'a reasonably prudent police officer'.

10m

Objective IV Identify the appropriate police behaviors for both probable cause and non-probable cause situations.

1. Ask participants to complete the second statement on Chart

#5, "If p.c., what would you do?"

Anticipated responses: arrest, get a warrant (perp gone), issue legal rights card, give support to victim and family, give referrals to both victim and perp.

2. Ask participants to complete the third statement on Chart #5, "If no p.c., what in the hell would you do?"

Anticipated responses: give support, give rights card with emphasis on PFA, make a report (?), give perp a sense of the seriousness of the issue, kick ass.

15m Objective V Make more arrests in dv crimes.

1. Ask participants to answer the question, "What are the advantages in making a dv arrest?" (Chart #6).

Anticipated responses: stops violence, reduces callbacks, prevents future injuries to officers, protects victim, immediate consequence to the perp, children get message that violence is wrong, reduces liability risk, gets perp into the system which could lead to counseling, probation, etc..

2. Ask participants to answer the second question on Chart #6, "What are the advantages in not making an arrest, but advising the victim to file for a PFA?"

Anticipated responses: gives victim an alternative, could get perp motivated to go to counseling.

3. Ask participants to look at both sets of advantages and decide which is usually more effective.

10m Objective VI Distinguish between defensive and offensive injuries.

1. Refer participants to the arrest scenario on page 55 and ask them to decide who gets arrested. (Ans. the man)
2. Refer to chart #7, and ask them to fill in the blanks:

Injuries: (offensive)
vs.
(defensive)

distinguished via
(thorough investigation)

XI. PLANNING COMMUNITY CONFERENCES

At some point advocates might want to sponsor a domestic violence conference in your community. Perhaps one police department has adopted a model intervention directive and your program wishes to persuade other departments to adopt a similar directive. Or advocates might want to engage district justices in collaborative intervention with police departments which have adopted a model intervention directive so that the minor judiciary will act more vigorously to support strengthened police practice to better protect victims and to hold perpetrators accountable. Or your program could decide to locally replicate the PCADV/PCCD "Stopping the Violence" conferences to enhance inter-agency cooperation between all components of the criminal justice system and battered women's services in your county.

The following are important tasks to undertake when planning a municipal or regional conference.

1. Start planning the conference at least 4 months in advance.
2. Identify the conference planning committee. Invite them to an initial planning meeting. Determine their level of interest and the amount of time they can contribute to planning over the next few months.

At each planning meeting take minutes, including date of meeting, names of those present, synopsis of discussion, decisions agreed upon, date of the next meeting, specific tasks members agreed to undertake and the assigned member's name. Mail the minutes to all planning committee members 10 days before the next meeting.

3. Decide whether you want or need a co-sponsor.

The advantage of having a co-sponsor is that it brings the conference additional credibility and possibly some financial support, at least in-kind contributions. The disadvantage may be the loss of control over the content or speakers.

4. Identify the problem(s) the conference is intended to address.
5. Define the conference goals.
6. Select the participant population.

Participant groups should be chosen on the basis of those who are potentially willing to resolve the problem you have identified and have the power to effect change.

7. Decide on the length of the conference.

Consider factors such as the need to accomplish your goals, costs to your program and the participants, potential interest in the subject, geographical distance that participants must travel, and the anticipated draw of your selected speakers.

8. Select dates and a conference site.

Make sure your selected site is available on the date(s) of the conference. Many hotels have conference space which is free of charge as long as the participants are having lunch at the hotel. Other advantages of a hotel as a conference site are: 1) Participants can sleep, eat, and convene in the same location. 2) The hotel usually does not need an exact head-count for meals or meeting room(s) until 2 or 3 working days before the conference. 3) Hotels offer lower rates for overnight accommodations for conference participants. 4) Hotels often have audio-visual equipment, easels, etc. that are provided without cost or for a low rental.

9. Identify, contact, and interview potential speakers.

Remember the importance of including women of color and formerly battered women as presenters.

Choosing speakers from the legal system can be a tricky process. You may want some of the speakers to belong to the participating groups. People often listen more closely and respond better to someone they identify with or regard as an authority.

The difficulty comes when deciding whether a potential speaker's philosophy or approach is one which the battered women's program wants all participants to accept as a model. Unfortunately, you cannot "program" people to say exactly what you want them to convey; thus, perhaps advocates would want to interview presenters. Conference planners may decide that it is necessary to go outside of your region for quality speakers or forego presentation by a certain professional group.

It is not necessary to have all the speakers selected by the time you send out your brochure. However, if there is someone who would draw participants (a certain judge or legislator, for example), try to confirm that speaker's participation early to include her or his name in the brochure.

10. Create and send out brochures or registration materials to potential participants.

16. Prepare evaluation forms. (See Appendix G, page 113 for a sample evaluation form.)

Make sure to leave time in the agenda (before people drift off) for participants to fill them out.

17. On the day of the event, check details at the conference site.

Arrive at least one hour early to set up the registration table and to check that all the tasks to be undertaken by the hotel staff have been accomplished. Be sure that all details are attended to prior to the arrival of participants. Make yourself available near the registration table for participant questions, verification of payment, directions, greeting of presenters and watching the clock so that the conference schedule begins on time. Very often the coordinator of a conference will have had substantial contact with many of the participants and presenters. High visibility of the coordinator during registration is critical.

This outline is an overview of some of the issues to consider in planning the police training. It may be helpful to use it for notes, reminders, time lines etc. Together we will add and revise items to tailor the training to your county.

county

training date

Initial Police Training Planning

A. Curriculum

- Content
- Films
- Survivor panel??
- Local issue(s)
- Keynote

B. Training Date

- Other police trainings
- Weather!
- Holidays/constraints
- Program needs

C. Location

- Room size
- Central location
- Highway access/parking
- Physical accessibility
- A/C or heat?
- Room fee
- Equipment
- Smoking
- Lunch available
 - Fee
- Kitchen facility
- Local restaurants

D. Promotion

- Sponsorship
- Key note??
- Mailing lists
 - FOP
 - Union
 - Departments
 - DA's office
 - Other
- Brochure
 - Map/directions
 - Sponsor statements
 - Speakers
 - Agenda

E. Budget

- Income
 - grant money (\$50)
 - registration??
 - sponsors??
- Expenditures
 - room fee
 - lunch fee??
 - refreshments
 - (AM coffee/pastry)
 - (PM soft drinks)

GETTING ORGANIZED

USE AN ACCORDION FOLDER TO KEEP TRAINING MATERIALS ORGANIZED.

RECORD THE TRAINING NAME AND DATE ON THE ACCORDION FOLDER.
EXAMPLE:

TRAINING OF TRAINERS
SEPTEMBER 26 - 27, 1991
STATE COLLEGE, PA

USE MANILA FOLDERS WITHIN THE ACCORDION FOLDER TO ORGANIZE THE VARIOUS MATERIALS YOU WILL BE USING BY TOPIC. RECORD THE TRAINING NAME ON EACH FOLDER ALONG WITH THE TOPIC.
EXAMPLE:

TRAINING OF TRAINERS
CORRESPONDENCE

TRAINING OF TRAINERS
SPEAKERS

TRAINING OF TRAINERS
BROCHURE

TRAINING OF TRAINERS
MAILING LIST

TRAINING OF TRAINERS
AGENDA

TRAINING OF TRAINERS
GENERAL INFORMATION

TRAINING OF TRAINERS
RECEIPTS

TRAINING OF TRAINERS
TO DO

TRAINING OF TRAINERS
FEEDBACK

TRAINING OF TRAINERS
EVALUATIONS

TRAINING OF TRAINERS
LOCAL PROTOCOLS

TRAINING OF TRAINERS
SITE INFORMATION

LAW ENFORCEMENT QUESTIONS FOR DISTRICT ATTORNEYS

1. Have you reviewed the Attorney General's Model Protocol? Do you endorse it? If you disagree, why?
2. Should there be a different standard of evidence required for charging a suspect with a crime of domestic violence as opposed to a crime of stranger violence? Why or why not?
3. What standard does the district attorney's office use to interpret "observes physical injury" under 18 Pa. C.S. § 2711?
4. Does the principle of double jeopardy preclude arresting assailants and charging them both with a violation of a valid protection order and with substantive criminal charges?
5. Should the police proceed with an arrest if the victim does not want the assailant arrested or prosecution initiated?
6. Does your office proceed with prosecution without victim cooperation? What steps do you take to encourage victim cooperation with prosecution?
7. Do you seek 18 Pa. C.S. § 4954 protective orders routinely on behalf of intimidated victims and witnesses? What action do you take to protect domestic violence victims during the pendency of prosecution?
8. What is your practice about dropping criminal charges at the request of the victim?
9. What should a responding officer do if he/she responds to an alleged violation but the defendant claims not to have been served? Is there is way to verify service? If not, should the officer arrest the assailant if his only violation is being in a home from which he has been excluded? Or should the officer arrest only if the violation was violent? Should the officer merely "notice" him and remove him from the home if the violation is non-violent? If the assailant is someone who has been evading service, may the police hold him until he can be served?
10. When are law enforcement officers authorized to arrest plaintiffs for violation of a protection order? Is this authorized only when there are mutual protection orders or countervailing protection orders? Or can they arrest for the victim's "contribution" to the violation even if she is not constrained by the protection order?
11. When should the police enforce visitation/custody provisions in a protection order? Should they only arrest if there is probable cause to believe that the

defendant has been violent toward the children? Should they arrest if he detains/withholds the children more than X hours past their scheduled return? If they do not arrest the defendant, should they secure the children and return them to the plaintiff? Under what circumstances? Only if there is a threat of abduction? If they do not arrest the defendant, what do they tell the woman about filing a private criminal complaint or a petition for civil contempt?

12. Are police departments authorized to enforce valid/verified out-of-county protection orders issued in Pennsylvania even if they are not registered in the county registry in the Prothonotary's Office? What should police do if the family court and district attorney disagree on the answer to this question?

LAW ENFORCEMENT QUESTIONS FOR FAMILY COURT JUDGES

1. What should a responding officer do if he/she responds to an alleged violation but the defendant claims not to have been served?

Is there a way to verify service?

If not, should the officer arrest him if his only violation is being in a home from which he has been excluded?

Or should they arrest only if his violation was violent?

Should the officer merely "notice" him and remove him from the home if the violation is non-violent?

If the defendant is someone who has been evading service, may the police hold him until he can be served?

2. When can/should the police enforce visitation/custody provisions in a protection order?

Should they only arrest if there is probable cause to believe that the defendant has been violent toward the children?

Should they arrest if he detains/withholds the children more than X hours past their scheduled return?

If they do not arrest the defendant, should they secure the children and return them to the plaintiff?

Under what circumstances?

Only if there is a threat of abduction?

If they do not arrest the defendant, what do they tell the woman about filing a private criminal complaint or a petition for civil contempt?

3. Are police departments authorized to enforce valid/verified out-of-county protection orders issued in Pennsylvania?

What should they do if the family court and the district attorney disagree on the answer to this question?

4. When a battered woman calls the police and reports that a batterer has violated a protection order, what should a responding officer do if the defendant alleges that he and the victim have reconciled and asserts that the protection order is therefore invalid?

Does it make a difference if the alleged reconciliation occurred yesterday or six months ago?

What if the only violation is cohabitation?

What if there is abuse as well as cohabitation?

Police Training County Profile

County _____ Training Date _____

DV Program: _____

Contact: _____ telephone: () _____

Population: _____

Geography: _____

of Police Department(s): _____

Protocol Info: _____

County Registry: _____

PFA Process: _____

ICC Status: _____

Local Issues: _____

Recent DV Homicides: _____

Agenda: _____

Notes:

Current Participant Count: _____ Date: _____

Hotel Info: _____

Reservation # _____

Directions:

POLICE TRAINING AGENDA PLANNING

County

Training Date

Impact of DV	()	_____
Investigation Probable Cause Arrest Decision	()	_____
Law of Arrest § 2711	()	_____
Arrest Exercise	()	_____
Officer Safety	()	_____
Liability Issues	()	_____
Victim Assistance	()	_____
Victim Services	()	_____
Protection from Abuse Act	()	_____
Local Protocol	()	_____
Effect of DV on Children	()	_____
Keynote	()	_____
Panel Presentation	()	_____
Agents of Change	()	_____

SAMPLE



women's resource center
(717) 346-4671
Box 975, Scranton, PA 18501

May 21, 1991

Chief Daniel Mooney
Abington Township Police Department
Waverly, PA 18471

Dear Chief Mooney,

The Women's Resource Center, in conjunction with the Pennsylvania Coalition Against Domestic Violence, will conduct a training at Marywood College on September 5, 1991, entitled "Confronting Domestic Violence: Effective Police Response".

Police departments throughout Lackawanna and Susquehanna counties will be invited to attend the training.

In order to tailor the agenda to address local issues, we need your input. Please complete the form below and return it to the Center as soon as possible. I will send you more information about the training during the summer.

Sincerely,

Peg Ruddy
Peg Ruddy
Program Director

NAME: _____

DEPARTMENT _____

THIS DEPARTMENT DOES HAVE A DOMESTIC VIOLENCE PROTOCOL _____ YES _____ NO

IF YES, DOES YOUR DEPARTMENT USE THE MODEL DV PROTOCOL DEVELOPED BY THE ATTORNEY GENERAL'S FAMILY VIOLENCE TASK FORCE? _____ YES _____ NO

THIS DEPARTMENT IS INTERESTED IN THE FOLLOWING TOPICS:

CONFERENCE/TRAINING SITE INFORMATION

Name/Dates of Training:
Location Needed:
No. of Participants:
No. of Overnight Rooms:
Set-Up Style of Conference Room:
Lunch Price Range:
Snacks/Beverages & Times Served:

Equipment Needed (circle): Registration table, podium, flipchart (#),
VCR, Monitor, Carousel Slide Projector, Overhead Projector, Screen (size:)
other:

Name of site:
Address:
Telephone:
Parking:
Directions to Site:

Meeting Room
Rental Price:
Discount/Free If:

Set-Up Style(s) Available:

Equipment
Flipcharts/Flipchart Holders:
VCR:
Monitor:
Other:

Food/Beverage Arrangements
Location Lunch is Served:

Cold Buffet:

Hot Buffet:

Cold Sit Down:

Hot Sit Down:

Snacks/Beverages:

Will Send Menus (circle): Yes No

Overnight Accommodations

Single Room:

Double Room:

Discount:

Is this site ~~handicap~~ accessible?

PT Speaker _____

County

Training Date

Topic (s)

Formal Name/Title/Affiliation:

Telephone #: () _____

Fax #: () _____

Mailing Address:

Notes:

Materials Sent:

Films Sent:

Confirmed (telephone)

Letter/Materials sent

Final Telephone Call

Thank you sent

Evaluation or F/U

Films returned

*Domestic Violence Services
of Cumberland and Perry Counties*

P. O. Box 1039 • Carlisle, PA 17013-6039

Date

Addressee
Street Address
City, State, Zip Code

Domestic Violence Services of Cumberland and Perry Counties is pleased to extend to you an invitation to attend a workshop on domestic violence which is being presented to law enforcement officials in our two-county service area.

The workshop which is scheduled from 8:30 a.m. to 12:30 p.m. on Wednesday, May 1, 1991 is being co-sponsored by Legal Services, Inc., and will be funded in large part by a grant from The Pennsylvania Commission on Crime and Delinquency (PCCD). Professional law enforcement trainers, including Jane Stuehling of The Pennsylvania Coalition Against Domestic Violence, and Edmund Stubbing, a retired New York City Police Officer, will be conducting the Cumberland/Perry workshop. A proposed curriculum has been reviewed by J. Michael Eakin, Cumberland County District Attorney, who has offered his endorsement of the training and will provide a workshop presentation.

The goal of this workshop is to share with law enforcement personnel an understanding of the dynamics of abusive relationships, the role of a domestic violence program, and information pertaining to domestic violence situations which is current and relevant to their work.

A registration fee of \$5 per person includes training materials and coffee, tea and pastries.

If you would like to take part in the training, please contact DVS/CP NO LATER THAN APRIL 22, 1991.

I hope that you will plan to join us. If you have any questions about the training workshop, or if you would like any additional information, please contact me at the business number listed below.

Sincerely,

Bonnie Fowler
Executive Director

PT "to the Training" List

County/Date

- _____ Name tags
- _____ Easel
- _____ Flipcharts
- _____ Markers
- _____ Manuals
- _____ Evaluation forms
- _____ Feedback forms
- _____ Registration Listing(s)
 - _____ Alphabetical Name
 - _____ Alphabetical Organization
- _____ List of paid registrants
- _____ Lunch count
- _____ Certificate of Completion form(s)
- _____ Registration sign-in forms
- _____ Handouts:
 - 1.
 - 2.
 - 3.
- _____ Directions to site
- _____ Directions to Hotel
- _____ Confirmation of training site
- _____ Police Cards
- _____ PCADV Brochures
- _____ Business Cards

GUEST SPEAKERS

Among the most common and valued training techniques is the use of guest speakers. A guest speaker offers a change of pace, a different face and voice, as well as expertise and credibility on a particular topic. Often, the presence of someone who may not be familiar to your personnel can generate discussion, provide the opportunity for asking questions and help to identify learning gaps in your curriculum.

Potential speakers in your community and/or state on the topic of family violence might include:

Former Batterers/Director of a Batterers' Program

In talking with police officers and law enforcement executives around the country, one of the areas of greatest interest is the batterer. Who is this individual? Why does he use violence within his home, towards those he is supposed to love? Few officers have the chance to talk with and understand batterers outside the "crisis" of a domestic. Inviting either former batterers or the Director of a batterers program to talk with officers about these questions can help to inform officers and make them more responsive to domestics. See the section on panel presentations for additional information and suggestions.

Formerly Battered Woman/Victim Advocate

When officers respond to the scene of a domestic, all of the players: victims, offenders, witnesses and children are in crisis. Often, the victim may be emotionally distressed, confused, crying and unsure of what is happening and what to do. Because of this, the officer sees only one side of the victim and may not understand what is happening within the family and the difficulties experienced by all members of the family. Inviting a formerly battered woman and/or a victim advocate to talk with officers can help the officers to understand what is happening within the family and the dynamics of family violence. It also provides the officers with time to ask questions which cannot be asked at the crime scene and which can help them to improve their response to future families experiencing domestic violence. Locating formerly battered women or victim advocates can be accomplished with the help of local shelters, victim advocacy groups, domestic violence commissions and the state coalition on domestic violence. See the section on panel presentations for additional information and suggestions.

Law Enforcement Executive Officer

Many departments have developed a specialized unit to focus on domestic violence. Typically, the personnel in these units have either an interest or expertise on the topic of family violence. Inviting such an individual from within your department or from a neighboring department can be interesting and serve as a motivator for your offices. The experience and background that such individuals can share would be helpful as part of a training program on the topic of family violence.

Shelter Director

Many departments encourage and in some cases require their officers to transport female victims of domestic violence to local shelters but few officers have had the opportunity to visit and/or spend time at a shelter. The Director of a local shelter can help officers to understand what takes place at the shelter, and how valuable the shelter and its resources can be for women. By inviting the Director of a local shelter to talk with members of your department, you will be helping to provide your officers with information that they will be able to use in their daily work and which might not otherwise be available. In some cases, Shelter Directors who have talked with police officers have furthered the process by inviting officers to visit the shelter and talk with women about the law enforcement response to family violence.

District Attorney

A common complaint heard among police officers is, "The D.A.'s only going to drop the charges anyway...why should I arrest him?" Inviting the district attorney (county attorney, city attorney, etc.) to talk with your officers about this can clarify the policies of his office and allow your officers the chance to express their frustrations.

Taken from:

The Law Enforcement Response to Family Violence: The Training Challenge
Victim Service Agency, ©1989

Guest Speakers

Page 2 of 2

PANEL PRESENTATIONS

To increase trainees' understanding of complex and emotional issues such as the dynamics of domestic violence, trainers may want to organize a panel discussion. Panel presentations, when conducted effectively, stretch your training time and provide your trainees with first-hand knowledge and increased sensitivity. Panel discussions require preparation of the panelists, the moderator, and the audience. An effective panel discussion requires at least a one-hour block of uninterrupted training time.

The following checklist is designed to help trainers organize and deliver an effective panel presentation.

Suggested Panelists

A former victim of domestic violence, a former batterer and a police officer or other service provider who grew up in a violent home.

Identifications of Panelists

The best battered woman's programs and/or batterers' groups should be able to assist trainers in organizing panel presentations. In addition, the state-wide coalition against domestic violence may have ideas on possible panelists. Enlist the support of these groups by telling them who you plan to train, what you hope to accomplish, the tone you intend to set, who will moderate the panel, etc. Invite them to join you the day of the panel and add support for the panelists and to be available to give their input and resource information.

Characteristics of Panelists

An effective former victim of domestic violence would:

- Have had time and counseling to help her understand the dynamics of domestic violence;
- Not be angry with the police but would want to help the police to understand victims and to respond more effectively to domestic violence calls;
- Be articulate and non-defensive on the topic of family violence; and
- Be willing to share painful memories and personal insights that help explain why she stayed, why she got help and how she got help.

An effective former batterer would:

- No longer be in crisis and would be living violence-free;
- Acknowledge that the violence was his responsibility;
- Have been arrested for his violence;
- Have completed a batterer's counseling program;
- Believe that the police should arrest batterers;
- Be articulate and non-defensive on the topic of family violence; and
- Be willing to share painful memories and personal insights that help explain why he battered and why and how he stopped.

The child witness to family violence (police officer or service provider who grew up in a violent home) would:

- No longer be in crisis and would be living violence-free;
- Believe in the benefits of strong police intervention in violent households;
- Recount police officers' response to his home;
- Be articulate on the impact family violence has on children;
- Be known or respected or easily identified with by the audience; and
- Be willing to share painful memories and personal insights that would help police officers understand the importance of their response to family violence calls.

Preparation of the Moderator

The moderator of the panel discussion should be trained in domestic violence and have experience in training police officers on domestic violence. The moderator should have good interpersonal and communication skills. Ideally, these requirements and the position will be met with ease. However, if this role is unfamiliar or uncomfortable, you may want to ask another trainer or an advocate from your local domestic violence program to assist by being the moderator or co-moderator. The moderator has many roles during the preparation and presentation of the panel. One key role is to protect the panelists. The moderator should be prepared to field difficult questions, avoid confrontations between the panelists and the audience, and take over if a panelist becomes too emotional to speak for a few minutes.

Preparation of the Panelists

Panel Presentations

The spirit of the panel presentation should be one of caring, compassion and teamwork. The moderator should remind the panelists that they have been invited to share their experiences and insights with the goal of helping police officers to increase their effectiveness in responding to family violence calls. The moderator should ask each panelist to identify key points they want to convey. The moderator should discuss each panelist's presentation in detail and clearly identify the questions or topics that the moderator wants each panelist to address. Moderators can prepare their panelists by asking the questions they think the audience will ask. Sample questions for each panelist follow:

The former victim:

- Did she grow up in a violent home?
- How did the relationship start?
- When did the violence begin?
- What did she do then?
- What kinds of abuse - physical? emotional? sexual? financial?
- How did the violence escalate?
- Why did she stay?
- Did she fight back?
- Did she call the police? What did they do? What would she have liked them to do?
- Does violence escalate in severity and frequency?
- What about the kids? Were they involved in the violence? How were they affected?
- How can the police help battered women?

The former batterer:

- Did he grow up in violent home?
- When did he start using violence as an adult?
- How did the relationship start?
- When did the violence start?
- Did he know violence was a crime? What did he think would happen?
- Did anyone try to stop him?
- Why was he violent? Did violence work? How did he feel? How violent was he? What type of injuries did his partner receive?
- What about the kids? How were they affected?
- How and why did he stop being violent? What has helped him? What is he continuing to work on?
- Who was responsible for his violence?
- Looking back, how does he feel about his violence? his victim?
- How can the police help stop family violence?

Panel Presentations

The child witness who is now police officer or service provider:

- How long did you live in a violent home?
- What was the extent of the violence?
- What was the impact of the violence?
- Does violence escalate in severity and frequency?
- How did you view the police?
- Did you ever call the police?
- What did you want the police to do? What should the police do?

Preparation of the Audience

Before the day of the panel presentation, trainees should be advised of the upcoming presentation including a description of the panelists and the trainer's goals in organizing the panel. Trainees may be encouraged to come with questions they always wanted to ask but couldn't because of the crisis situation. To begin the presentation, the moderator should:

- Introduce each of the panelists by first name;
- State that the panelists are not professional speakers and that they will be talking about very personal and painful experiences and that they need the support of the audience;
- State that all are here today to learn from each other and to better understand domestic violence and the law enforcement response;
- Tell the audience that the panelists have agreed to participate because they know these calls are so frustrating and so complex; and
- Describe the format that will be followed such as each panelist will speak and then there will be time for questions.

Additional Points

The moderator should close the session by summarizing the valuable contributions that the panelists have made, commending them for their bravery and honesty, and asking for a round of applause.

After the close of the session, allow a few minutes for the panelists and the trainees to mingle. Some trainees may want to thank the panelists personally and others may want to share experiences or discuss difficult calls.

The moderator should stay in the room until panelists are ready to leave. The experience of sharing personal memories and concerns can be

quite draining for panelists and they may need support from the moderator before they return to their daily life.

If at all possible, panelists should be compensated for their time. A suggested amount would range from \$25 to \$100. Transportation and baby sitting costs should also be covered by the sponsors.

Taken from:

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Victim Service Agency, ©1989.

DEAR OFFICER:

THIS AFTERNOON YOU WILL HAVE THE OPPORTUNITY TO QUESTION A PANEL OF VICTIMS. PLEASE WRITE DOWN THE QUESTION THAT YOU WOULD LIKE TO ASK. WE WILL COLLECT THE QUESTIONS AFTER THE FIRST SESSION. THE QUESTIONS WILL THEN BE GONE OVER AND THE MOST REQUESTED WILL BE PRESENTED TO THE PANEL.

PLEASE REMEMBER THAT THE WOMEN PARTICIPATING ARE DOING SO TO IMPROVE THE WORKING RELATIONSHIP AND UNDERSTANDING BETWEEN VICTIMS AND THE POLICE.

**Questions for Survivors of Domestic Violence
for the Law Enforcement Training Panel**

1. How did the violence begin?
2. What kinds of violence did you experience in the relationship?
3. What were the consequences of leaving?
4. How did he have control?
5. How did you survive the violence?
6. Did you ever leave and then return to your partner?
What allowed (or convinced) you to leave?
Why did you return?
7. Did you have a protection order?
How did that help you?
What would have helped?
8. How were the police helpful to you?
9. What else could the police have done that would have been helpful?
10. Did you ever file charges against your batterer?
Why or why not?
11. Was your batterer ever arrested?
What was that like for you?

**QUESTIONS TO BE ANSWERED BY BATTERERS
FOR THE LAW ENFORCEMENT TRAINING PANEL**

1. How did I abuse my partner?

Be sure to include examples of physical, emotional, sexual and/or verbal abuse. You may want to refer to the Power and Control Wheel. We are especially interested in examples of how you controlled your partner, e.g., if you drove recklessly to threaten her or threaten her with a custody fight, or any kind of economic threats. We want to show the police that lots of the kinds of abuse that are perpetrated on a victim are not (easily) visible when the police respond to a call.

2. How any children were involved?

3. How did I manipulate my partner?

Please discuss what happened both privately and publicly.

4. How did I manipulate the system(s)?

Please discuss especially any contact that you had with the police and/or court system.

QUESTIONS THAT POLICE MAY ASK AT A DOMESTIC VIOLENCE POLICE TRAINING PANEL DISCUSSION

1. How are children affected by domestic violence?
2. Why don't women leave?
3. When do women leave?
4. Why do women stay?
5. Why do men batter?
6. Why do we only talk about women as victims and men as batterers?
7. If drugs or alcohol are involved in this relationship, isn't that the reason for the violence?
8. Why do we always talk about "good" victims and "bad" perpetrators?
9. If women entice men back into the relationship, why isn't there any consequence for them, especially if there's a Protection from Abuse Order in place?
10. Shouldn't we arrest both people if they are both being violent in a relationship?

Responding to Domestic Violence Panel Presentation

Scenario

The police are called to a domestic disturbance at an apartment where an unmarried couple live with their ten year old daughter. The police have habitually been called to this residence. In fact, at least once before assault charges were filed against the man but the woman dropped them. The police know that the apartment is rented in the man's name.

When the officers arrive, they notice that the woman's lip is split and bleeding and that there are several broken dishes on the floor. When the officer asks what happened, the child, who is crying, says, "My mommy got mad and broke all these dishes so my daddy hit her."

The woman angrily hushes the child and denies that there is a problem. She seems angry that the police have been called. The man is quiet. When the officer asks if the man hit the woman, he quietly responds, "I didn't do nothing."

Possible panelists:

D.A.'s office
Battered woman
Local domestic violence program
Legal services
Police officer

Taken from the Beaver County police training, 9/19/91.

VIDEOTAPE RESOURCES

DAMNED IF YOU DONT

COST: \$20.35-28 MINUTES
Including postage/handling

This training film is the only one in existence produced to combat the problems law enforcement agencies face in confronting "failure to protect crime and the failure to prevent crime" situations. The seminar leader in this film presentation is Frank Carrington, an attorney and a former "street cop," having served with the Chicago and Denver police departments.

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CONTACT: National Victim Center
307 West 7th Street
Suite 1001
Fort Worth, TX 76102

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Officers talk candidly about the frustrations of family calls and give their reactions to new police policies. The victims, the batterers, the children tell of their difficult lives and give the viewer a sense of how important the police officer is in their struggle to survive.

CONTACT: Rebecca Turner
Victim Services Agency
2 Lafayette Street, 3rd Floor
New York, NY 10007
212/577-7700

Note:

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CONTACT: Sabina Mitnaul
2505 N. Front Street
Harrisburg, PA 17110

TIPS FOR TRAINERS

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Use a commanding voice. Beware of the "feminine lilt".
- **DIVERSITY THE SPEAKERS.**
Help them prepare according to the curriculum.
- **USE DARK MARKERS FOR WRITING.**
Red or green to highlight.
- **USE THE BROAD SIDE OF THE MARKER TO PRINT.**
It makes the letters easier to read.
- **POLICE TRAINING IS AN OPPORTUNITY FOR SYSTEMS WORK BOTH BEFORE AN AFTER THE TRAINING.**
- **BE SURE TO SEND THANK YOU NOTES TO PRESENTERS AND THOSE PEOPLE WHO HELPED COORDINATE THE TRAINING.**
- **FOLLOW-UP PERIOD.**
Send evaluations and training issues to the local presenters. Include task force members, district attorneys, local police concerned about this issue and others.
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Include microphone, video equipment, films, etc.
- **POLICE ARRIVE EARLY - BE PREPARED!**
- **BE SURE TO HAVE DRINKS AND REFRESHMENTS IN THE MORNING AND AFTERNOON.**
- **FREQUENT BREAKS ARE IMPORTANT.**
- **MONITOR THE HEAT AND/OR AIRCONDITIONING.**
- **REVIEW YOUR EVALUATIONS.**
Make changes in the curriculum for the next time the training takes place.

- DOCUMENT THE TRAINING.
Send a follow-up letter to participants and keep records on file.
- USE AS LITTLE LECTURE METHODOLOGY AS POSSIBLE.
- ENGAGE THE AUDIENCE AT LEAST ONCE EVERY 45 MINUTES WITH QUESTION AND ANSWER, SMALL GROUP OR OTHER INTERACTIVE METHODOLOGY.
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- CONTACT SPEAKERS BY TELEPHONE, FOLLOW UP WITH A CONFIRMATION LETTER AND MATERIALS AND THEN FINALIZE YOUR ARRANGEMENTS WITH A FOLLOW-UP TELEPHONE CALL AFTER THE MATERIALS ARE RECEIVED.
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- SEND BROCHURES OUT 6 TO 8 WEEKS BEFORE THE TRAINING.
- TRAIN IN A ROOM WITH CARPET. CHECK YOUR ACOUSTICS.
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- FLIP CHART IDEAS:
Prepare the charts ahead of the training.
Use sentence fragments.
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EVALUATION FORM

CONFRONTING DOMESTIC VIOLENCE: EFFECTIVE POLICE RESPONSE

1. Name: _____

2. Department: _____

3. Rank: _____

4. Generally, what is your impression of the training?

_____ Exceptional _____ Good _____ Fair _____ Poor

Comments: _____

6. How would you rate the presentations?

_____ Exceptional _____ Good _____ Fair _____ Poor

7. Did the video(s) present information that is relevant to your work?

_____ Yes _____ No

Comments: _____

8. List any sessions which seemed especially good to you: _____

9. List any aspects of the training which seemed unnecessary to you: _____

10. List any topics which you think should have been included: _____

11. On the basis of your experience and expectations, how useful would you describe the training to be?

_____ Too General _____ Satisfactory _____ Too detailed

Comments: _____

Please feel free to write additional comments on the back. Thank you for your cooperation.

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11. On the basis of your experience and expectations, how useful would you describe the training to be?
_____ Too General _____ Satisfactory _____ Too detailed
Comments: _____

Please feel free to write additional comments on the back. Thank you for your cooperation.

Feedback to the Domestic Violence Program

Your answers to any or all of the following questions will be greatly appreciated.

1. The worst part of a police officer's job in responding to a domestic violence call is:

2. Do you think the community is satisfied with your response to domestic violence calls?

3. Do you see a need for on-going training of law enforcement about effective domestic violence response? If yes, which issue(s) should be addressed?

4. If your chief were revising the department's domestic violence protocol, what is the one thing you would like to see added or changed?

5. Do you think your local police department should have a domestic violence protocol or not? Please explain.

6. What priority does a domestic violence call have for dispatch?

7. If you were to draft legislation on domestic violence this year, what is the one recommendation you would like to make?

THANK YOU.

TEST OF KNOWLEDGE

ON
DOMESTIC VIOLENCE AND POLICE AUTHORITY
IN PENNSYLVANIA

PLEASE ANSWER THE FOLLOWING TRUE OR FALSE QUESTIONS :

1. _____ Approximately 25% of all murders in Pennsylvania are committed between family members and lovers.
2. _____ Studies show that over 1.7 million Americans have at some time faced a husband or wife wielding a knife or a gun.
3. _____ "Victims," covered under the Protection From Abuse Act, include more than married couples and blood relatives.
4. _____ "Victims," under the arrest authority of the Probable Cause Arrest statute (§ 2711) include people like former college roommates.
5. _____ If the perpetrator has fled the scene after an assault, the responding officer's best course of intervention is to instruct the victim to obtain a protection order or to file a private criminal complaint against the abuser.
6. _____ If an abuser and a victim are residing together in a home from which the abuser has been excluded by the protection order, the police have authority to arrest the perpetrator for violation of the protection order in response to her call for help.
7. _____ A father can be arrested for locking his eight-year child out of the house in 32° F. weather, without a coat, to stop the child from protecting his mother against a domestic assault, even if the responding police officer does not see the child outside of the house.
8. _____ A responding officer has no authority to arrest a man who calls his wife on the telephone after a "no contact" provision has been included in a protection order issued against him.
9. _____ A responding officer has to see a wife's injuries before the officer can arrest the husband for simple assault, unless the officer sees the assault.
10. _____ A police officer may arrest a father for failing to return his children to the mother as provided in a protection from abuse order.

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DOMESTIC VIOLENCE AND POLICE AUTHORITY
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THANK YOU

ANSWER SHEET

TEST OF KNOWLEDGE ON DOMESTIC VIOLENCE AND POLICE AUTHORITY IN PENNSYLVANIA

The following are answers to the questions posed to participants at the beginning of this seminar.

1. Approximately 25% of all murders in Pennsylvania are committed between family members and lovers. **TRUE.** (Bureau of Research, Pennsylvania State Police. **Crime in Pennsylvania: Uniform Crime Report 34, 1987.**)
2. Studies show that over 1.7 million Americans have at some time faced a husband or wife wielding a knife or a gun. **TRUE.** (Straus, M., Gelles, R., and Steinmetz, S. **Behind Closed Doors: Violence in the American Family.** Garden City, NY: Doubleday, 1980.)
3. "Victims," covered under the Protection From Abuse Act, include more than married couples and blood relatives. **TRUE.** (35 P.S. §§ 10181-90, 42 Pa. C.S. §§ 6701-17)
4. "Victims," under the arrest authority of the Probable Cause Arrest statute (§ 2711) include people like former college roommates. **TRUE.** (18 P.S. § 2711 a)
5. If the perpetrator has fled the scene after an assault, the responding officer's best course of intervention is to instruct the victim to obtain a protection order or to file a private criminal complaint against the abuser. **FALSE.** (18 P.S. § 2711 a)
6. If an abuser and a victim are residing together in a home from which the abuser has been excluded by a protection order, the police have authority to arrest the perpetrator for violation of the protection order in response to her call for help. **TRUE.** (35 P.S. §§ 10181-90, 42 Pa. C.S. §§ 6701-17)
7. A father can be arrested for locking his eight-year child out of the house in 15° F. weather, without a coat, to stop the child from protecting his mother against a domestic assault, even if the responding police officer does not see the child outside of the house. **TRUE.** (18 P.S. § 2711 a)
8. A responding officer has no authority to arrest a man who calls his wife on the telephone after a "no contact" provision has been included in a protection order issued against him. **FALSE.** (35 P.S. §§ 10181-90, 42 Pa. C.S. §§ 6701-17)

9. A responding officer has to see a wife's injuries before the officer can arrest the husband for simple assault, unless the officer sees the assault. **FALSE..** (35 P.S. §§ 10181-90, 42 Pa. C.S. §§ 6701-17)
10. A police officer may arrest a father for failing to return his children to the mother as provided in a protection from abuse order. **TRUE,** (35 P.S. §§ 10181-90, 42 Pa.C.S. §§ 6701-17)

September, 1990

DATE

NAME AND ADDRESS OF POLICE CHIEF

Dear Chief:

Enclosed you will find the agenda and the Certificates of Completion for the members of your department who completed the law enforcement training, "Confronting Domestic Violence: Effective Police Response" on **DATE AND SITE OF TRAINING**. We suggest that you keep a copy of these items on file for documentation of the seminar.

In addition to this training, PCADV is able to provide ongoing technical assistance to your department. Please call on us for information or additional training ideas.

Stopping the violence is a challenge that requires that we learn from one another and work together to protect victims, call batterers to accountability and change community attitudes about domestic violence. You are meeting that challenge by supporting a training like this one. I commend you on your efforts and hope that you will continue to be a leader in confronting domestic violence.

Respectfully,

Jane E. Stuehling
Law Enforcement Trainer

/cdl

enclosures:

Confronting Domestic Violence: Effective Police Response Training
Agenda
Certificates of Completion
LIST NAMES OF RECIPIENTS OF CERTIFICATES

DATE

NAME AND ADDRESS OF INDIVIDUAL

Dear:

Enclosed you will find the Certificate of Completion and the agenda for the law enforcement training, "*Confronting Domestic Violence: Effective Police Response*" held on **DATE AND SITE OF TRAINING**. We suggest that you keep a copy of these items on file for documentation of the seminar.

In addition to this training, PCADV is available to provide ongoing technical assistance. Please call on us for information or training ideas on domestic violence issues.

Stopping the violence is a challenge that requires that we learn from one another and work together to protect victims, call batterers to accountability and change community attitudes about domestic violence. You are meeting that challenge by supporting a training like this one. I commend you on your efforts and hope that you will continue to be a leader in confronting domestic violence.

Respectfully,

Jane E. Stuehling
Law Enforcement Trainer

/cd

enclosures:

Confronting Domestic Violence: Effective Police Response Training
Agenda
Certificate of Completion

Certificate of Training

This certifies that

has successfully completed
the Training for Law Enforcement Personnel
on

Confronting Domestic Violence: Effective Police Response

presented by the
Pennsylvania Coalition Against Domestic Violence
under a grant from the
United States Department of Justice

DATE
LOCATION

Jane E. Stuehling
Law Enforcement Trainer

**DEVELOPING AND STRENGTHENING RELATIONS
WITH POLICE:
THE LAW ENFORCEMENT PERSPECTIVE**

How can shelters and police develop and maintain cooperative working relations? To obtain the law enforcement perspective on this issue, NWAPP interviewed Darrel Stephens, Executive Director of the Police Executive Research Forum. The Forum, a national organization of law enforcement executives from the country's largest agencies, is dedicated to improving police effectiveness through research and debate of critical issues. An experienced police administrator, Mr. Stephens has served on the board of two battered women's shelters.

Q: You have been concerned about the domestic violence for more than a decade. How did you become interested in the problem?

A: Fourteen years ago, I attended a routine meeting of the Kansas City, Missouri Police Department's Task Force Committee. Several officers reported on a study they were conducting of homicides and aggravated assaults. They suggested that police might be able to assist in the prevention of homicides and aggravated assaults that occurred in domestic settings.

Although relatively young at the time, I had been a police officer for more than four years, and was well-schooled in the conventional wisdom of the time: that these were crimes that occurred out of the view of the police, in the heat of passion, and there was simply nothing we could do about them other than to arrest the offender and participate in the prosecution. That report, however, sparked my interest. I paid close attention to the progress of the study and to parallel efforts in the other parts of the country.

Q: As a police chief you served on the board of two shelters. What did you learn from that experience?

A: One of the benefits was dealing with battered women, a segment of the population that was a direct recipient of the services that my department provided. I received a lot of feedback about how police officers treat people in the day-to-day work setting. It helped me to establish a value system within the department based on the old adage that you treat people like you want to be treated. If you can get police officers to apply that fundamental principle, then things will go a lot smoother for them and for the community they serve.

My participation in the training of shelter volunteers also provided me with an opportunity to impart some knowledge about policing and the difficulties police encounter intervening in certain situations.

police see their role as stopping crime and making an arrest. But if that's all police do in these situations, then their relationship with the shelter won't be very successful. Police can take the extra step of letting the woman know about the help that is available to her, or offering to take her to the shelter. But that's not their job. In fact, many jurisdictions discourage that kind of response. But that little extra effort often will make the difference between a successful shelter program and one that doesn't reach as many women because the police have a narrow definition of their job.

Q: So what you're suggesting is really cross-training; shelter staff sharing information about domestic violence and the police sharing information about their roles, the frustrations they feel, and the limitations of their job?

A: Exactly. It's important to establish mutual trust -- to get past the myths that shelters and police may have about each other. If some kind of mutual trust is not developed, you will never get past dealing with specifics and, in fact, will probably get tired of dealing with each other because there always is conflict.

Q: Most shelters would like to provide training on domestic violence for their police departments to help break down those myths. Do you have any suggestions on how to get that started?

A: You can begin by inviting the police to train the shelter staff, board, and volunteers on police operations. It's likely that whoever represents the police department at those trainings will be associated with the in-service training department. The interaction with advocates will be educational for the officer involved. He or she may learn that there are problems with how police respond to domestic violence calls and may suggest more training for police in this area. Further, when they plan a training on domestic violence, they will think back to the shelter staff as potential trainers.

Q: We always suggest to advocates that they go to the "systems" and advocate for change. What is the responsibility of the system to reach out to the community for information and guidance? What should shelter staff expect, at a minimum, from the police department?

A: That's a good question, because change usually comes about as a result of someone raising an issue, of somebody saying "this is a problem." Otherwise, systems go right along assuming that "this is the best we can do," and believing that generally people are happy with the service they are providing. Systems generally don't look for problems.

An ideal expectation would be that police ask for information about the shelter's services and for input on how the police can be most effective in responding to

services you've provided to abused women, you have lowered the number of calls to the police. By starting out successfully with small issues, you may have the opportunity to work together on the bigger ones.

Then, if all else fails, you can go to the person who oversees the police chief -- the city manager, the elected official. Just make sure that you're prepared to discuss the real problems, and are able to offer clear solutions. Sometimes you may have to go this route, but it should be as a last resort.

Q: Will that last approach create new problems?

A: Yes, it might, because what you are really after is a relationship of mutual understanding and respect, not forced cooperation. What may happen is that the police department will respond by the book, follow the rules, regulations, and policies, but miss the spirit and intent of what you're trying to accomplish. For example, a police officer who doesn't have probable cause to arrest might just separate a couple and leave. Even if the officer doesn't have cause to arrest, he or she should leave information about the shelter or suggest that, if the abuse continues, experience shows that one of them is going to be seriously hurt or killed. Those are little things, but they help people to start taking steps to end the violence.

Q: Any final comments?

A: Just that establishing a relationship with the police is a difficult task that requires constant attention. It can be achieved, however, if sincere attempts are made at doing so and the focus remains on our objective: helping victims of domestic violence to live free from violence and other forms of abuse.

Taken from:

The Exchange. Vol. 1, No. 3, October 1987. *The National Woman Abuse Prevention Project*.

LAW ENFORCEMENT CODE OF ETHICS*

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.**

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

* Adopted by the Executive Committee of the International Association of Chiefs of Police on October 17, 1989, during its 96th Annual Conference in Louisville, Kentucky, to replace the 1957 code of ethics adopted at the 64th Annual IACP Conference.

** The IACP gratefully acknowledges the assistance of Sir John C. Hermon, former chief constable of the Royal Ulster Constabulary, who gave full license to the association to freely use the language and concepts presented in the RUC's "Professional Policing Ethics," Appendix 1 of the Chief Constable's Annual Report, 1988, presented to the Police Authority for Northern Ireland, for the preparation of this code.

The Benefits of Having and Using a Pro-Arrest Domestic Violence Policy

The improperly handled domestic violence case of today becomes the homicide investigation of tomorrow or next week. In approximately 70% of the nation's homicides, the victim knew the assailant. Many were domestic violence-related cases.

A well-designed protocol or procedure for responding to domestic violence incidents is imperative.

First and foremost to be considered is the victim. For too long the police and others have not faced the reality that physical abuse of one's mate is a crime and that arrest is the best means of breaking the cycle of violence. If police fail to do their duty, system fails.

The York City Police Department began to draft a protocol in 1984. This undertaking was a result of the Department's recognition of the escalation in domestic violence complaints, coupled with our extremely good relationship with ACCESS/YORK, our shelter for battered women and children, as well as our local victims' assistance center.

Our initial protocol was developed in cooperation and conjunction with the aforementioned agencies. We realized at that particular time that if an officer did not witness the actual assault, he or she could not make an arrest without first obtaining a warrant. However, in those cases which an aggravated assault wasn't committed, our officers began issuing citations for harassment and referring the victim to the Access shelter. We also advised them of their right to obtain a "protection from abuse" order against their assailant.

The procedure was initially met with some resistance and reluctance on the part of officers. In our first year we only arrested approximately 50% of the batterers when called to these incidents. We tracked them by putting a "D" suffix on all our complaint reports. "D" being naturally for domestic. In 1986, our track record began to improve somewhat. We received 583 complaints and issued 403 citations for harassment, and 44 other charges were brought along with 8 simple assaults, 1 recklessly endangering, and 32 warrants were obtained. The following year was the year that changes were made to Section 2711 of the Crimes Code and we reemphasized the importance of making arrests when responding to domestic incidents. We again rewrote our protocol.

All shift supervisors and commanders were to review each domestic complaint that came in, and if an arrest was not made, they queried the officer as to why he or she did not make an arrest.

in her letter that it actually took her several weeks to gather herself and realize that the officer had acted appropriately. In another incident, not in the city, but in York County, a Pennsylvania state trooper arrested an assailant and the victim was very recalcitrant and refused to testify at the subsequent trial. Fortunately, the assailant was convicted in spite of the victim's unwillingness to testify against him. This merely underscores our philosophy of arrest.

Our protocol was again revised and patterned after the model protocol in the Attorney General's Family Violence Task Force manual which was issued in January, 1989. Incidentally, I had the privilege of serving on that Task Force.

As a result of our new protocol, we have a much more uniformed method in handling our domestic violence cases.

Let me just share with you some of our statistics which we've been able to track as a result of having put the "D" suffix on our incident number in our coding process.

In 1988, the year before we revamped our protocol, we had 591 domestic assaults and there were arrests made in 428, or 72% of these cases.

In 1989, there were 591 domestic assaults which was a decrease of 12% in the assaults from 1988. There were arrests made in 391, or 75% of these cases, an increase of 3% of the arrests.

Finally, in 1990, there were 433 domestic assaults which was a decrease of an additional 17% from 1989, and a decrease of nearly 27% from 1988. There were arrests made in 342 of these cases of 79% of all responses.

As you can see, over the 3 year period our domestic assault reports decreased by over 26, nearly 27% and the percentage of cases resulting in arrests continue to increase to a high of 79% in 1990. I underscore that in those cases where arrest was not made, the officer must justify it to his or her supervisor, and having failed to do so is subject to disciplinary action. The point being that we want to show them that we are extremely serious about our policy.

It is our position that the abuser must be held accountable by proper use of our criminal justice system. The justice system provides alternatives not otherwise available to police officers and victims. Incarceration and/or counseling for the abuser are but a few of those options. Furthermore, victims often need shelter and counseling. Such provisions should be made a part of your protocol. It is my understanding that copies of the York City Police Protocol have been provided for each of you. If they have not, and your are desirous of one, if you give me your business card or your name, I'll see that you receive one.

The Benefits of Having and Using a Pro-Arrest Domestic Violence Policy

GOING PUBLIC

by

Stacy Baunton, Linda Chew, Cammie Enslow,
Karen Merriam, Ginny Nicarity, and Peggy Walsh*

For those of us working to stop the physical and emotional abuse of women, and for those of us who have been battered, our intense involvement with the problem sometimes deceives us into believing that most people now understand the nature of abuse, if not what to do about it. We speak of "battering" and "abuse -- privately or publicly -- assuming that our listeners understand the kinds of brutal actions those words stand for. We feel tempted to rush past the details as if the problem might "go away" provided we do not dwell on the specifics. And, if we have experienced abuse, we want to put it out of our minds, hoping the memories will fade. Yet we know that battering will not just "go away." We need to dwell on it; we need to dwell on it publicly in order to arrest this form of violence against women.

We also need to remember that many people still have little or no information or understanding of battering and abuse. The publication of statistics helps, as do news reports of individual batterings, and fictional dramatizations of the problem. But those of us who survived abuse from intimate partners possess a special edge in understanding the depth of the injury and the difficulty of escaping such relationships. That understanding creates a responsibility to say, "I *do* know about this." Nothing enhances credibility and deepens understanding like real people describing their real experiences. "You mean that *you* -- someone like my neighbor, my colleague, *myself*, went through that?"

Along with the surprise comes an awareness that "It could happen to me," or "That is happening to me." Armed with that knowledge, women can act in their own interests, taking care of themselves and each other. By speaking out about what we know, we widen our circle of knowledge, which is our circle of protection.

It may seem that this long-range benefit for all women is bought at too great a cost to the individuals who make themselves vulnerable by speaking out, and in some instances they may be true. But for many women, describing publicly what was done to them can transform vulnerability into strength.

* Four of us are formerly battered women and two are group leaders. We changed all names in the following narrative so that none of us can be identified with a particular statement.
Going Public: Baunton, Chew, Enslow, Merriam, Nicarity and Walsh

That is our second mistake. Accustomed to the role of group leader, the two of us accepted the designated role of leadership in the TV situation without question, and the "non-leaders" make similar assumptions about the appropriateness of those roles.

We made prior arrangements by telephone to do a mock group, but now Tom announces that he plans to change the format. He suggests simply interviewing each woman. We are willing to discuss some changes, but have strong feelings that we should do the program in a group format. Tom calls in Jack, his producer, for help and we persuade him that our plan is best. Tom still wants to pose the questions, which of course places him in the position of group leader, and we refuse to have that! Nor do we want him to decide what gets asked. We review the list of questions; for instance, "How many other abuse relationships have you been in?" "No," we say firmly. "We will ask the questions."

So the taping begins. The two group leaders have their backs to the camera and the four group members face the camera, but the lighting is for silhouette. (Later we wonder why the group members were not placed with their backs to the camera.) The two men sit with long erect microphones pointed at us.

Becoming a Group

We are each alert and confident. The six of us form a bond right there on television. The accuracy of our perceptions about what has been done to us by the men who battered the four of us is affirmed, and we realize we are not alone. Comparing our individual actions makes it even more apparent than previously that what we did or did not do had little bearing on whether or not we got beaten. This widening of our perspectives increases our confidence to place the blame and guilt on the men who bear responsibility. The experience of becoming a group makes us something different from, and larger than, the sum of our individual experiences. It is not a "mock" group after all, but a real one.

The session goes so well that it lasts much longer than planned. When we finally decide to end it, we feel worn out. We want to get out of the station and relax, unwind; but one of us remembers our earlier request to review the tape before leaving, and we know it will be a mistake not to follow through. We remind the station people of their promise, more out of duty than desire.

We watch part of the unedited program, see ourselves in silhouette, and it seems just fine...but wait a minute. Pat's face is in enough light that she is easily recognizable. We point it out and explain again the importance of anonymity. Jack says, "Oh, that's easily fixed. See, we can just darken it." And he does. Perhaps because we are tired, or perhaps because of a "He must know"

Going Public: Baunton, Chew, Enslow, Merriam, Nicarthy and Walsh

substance, then some technical points -- so I asked a woman friend to come over and hold my hand. We watched it together in the basement and wouldn't let any of the men see it." Pat is glad of that, even though her housemates thought her attitude was strange, she followed the logic of her emotions.

Mickey watches the program with her husband and one of the co-leaders. Although the man who battered her had not exhibited any violence in a couple of years, she is still in conflict with him over money and child visitation, and her previous fear of him re-activates as she realizes he may watch the program also.

Marilyn chooses to watch the program alone, her concern relating more to seeing herself on television for the first time than nervousness about the content. Katherine watches at the shelter where she is a volunteer. She appreciates the support she receives from the residents, who feel good about her going public.

Generally we feel pleased with the responsible way the program is presented, and gain an acute awareness of our good luck. Although we could not maintain total control over the editing, there are safeguards we could have taken, mistakes we made that could have caused dangerous, or at the very least, embarrassing repercussions. As more feelings surfaced after the taping, we became chagrined at our underestimation of the emotional impact of going public.

Lack of Anonymity

Some of us experience dismay and then anxiety when we see that the screen is not darkened as promised. Pat's face remains fully visible, as does Katherine's at certain angles. In addition, we imagined that silhouette meant a blob of black, and now we see that in group conversation when we turn to look at each other our profiles make us readily identifiable.

In our quick one-to-one conversation before the taping, none of us addressed the question of identifiable voices, and when we hear the program we realize how distinctive each voice is. Nor do we discuss, before taping, the fact that only one of us uses a pseudonym. Just what *do* we mean by asking for anonymity? A good deal of ambivalence prevails about just how public we feel prepared to go. Perhaps the one advantage of being in shadow, even though voices are recognizable, is that strangers will not remember seeing us. However, friends and colleagues can easily identify us.

Reactions of Friends, Relatives, Colleagues

Katherine receives several surprises. On the day following the first program one of her colleagues says coyly, "Oh, I know where *you* were last night." Katherine, puzzled at first, finally understands that he watched her on *Going Public*: Baunton, Chew, Enslow, Merriam, Nicarity and Walsh

who battered her threatened her directly. The reaction disturbs her. "Is this paranoia?" Yet she has no way of knowing how the batterer will react if he sees the program or hears about it from someone else. No, this is not paranoia. The threat is real.

Some of us have second thoughts about what we said. For instance, toward the end of the taping, one of the station men interjects one last question: "What would you do now if you were threatened by that man?" One of us responds from the gut: "I'd shoot him!" Later she thinks, "That wasn't too appropriate to say on TV. What is next week someone shoots him and they question me? What if he hears the broadcast and wants vengeance? He is a vengeful man."

We asked that the editor not use that particular response, and he complied, but we held no power to enforce our request if, for his own reasons, he chose not to honor it. When one chooses to speak spontaneously, one risks mistakes. In some instances, deleting a comment is possible, but more often, you are in the hands of the media person, who may or may not decide to attend to your request.

In varying degrees, the program reactivated our fears and caused some temporary ultrasensitivity, but within a couple of months that leveled off. Some of us even feel there is a certain safety in the wide exposure of television. Would a man dare retaliate when "everyone" knows about his violence?

As we reflect on this event, we are pleased with the way we handled negotiations with the men at the station. Had we done as they expected us to, that is, agreed to their revised plan to interview each woman, we would have felt once more like battered women. We would have fulfilled the myths that we are passive women pleased to do as we are told by men in powerful positions, allowing them to isolate each of us from the other.

his carelessness, forgetfulness, misunderstanding, or lack of assertiveness in the face of a more powerful editor or publisher.

Preparing to Go Public

Before you put your story in the public's hands, consider these questions: What could happen if the abuser saw, hears, or read your public account of your relationship? What responses to the public disclosure might you anticipate from relatives, friends, colleagues, neighbors, enemies, your boss or your children? How would you feel if the worst of those reactions occurred, no matter how unlikely? How can you prepare some of those people for it? If they will feel that they too are being exposed and have no say about it, how much responsibility will you take for their feelings?

Establishing a support system to help you prepare to go public and which will be available until you resolve any negative feelings that result from the interview is most important. When a group plans to go public, everyone should participate in forming guidelines for how the interview will be conducted and what kinds of things each person wants the opportunity to say, or not to say. Some of these might include names and other identifying information, statements that might result in legal action, political or other affiliations, or any other subjects about which some or all members feel concern.

You need *not* agree on all these items since each person may have different areas of sensitivity, but it helps if each person knows what the others' concerns are. If one person begins to give information she previously said she did not want to disclose, another can say, "Excuse me, but I thought you'd rather not discuss that subject," giving the first person an opportunity to stick to her original resolve or to change her mind after a moment's reflection.

On some items you may need absolute agreement with other members of the group. If an issue is definitely important to you, do not just hope for the best. Take the necessary time to reach an understanding; and if that is not possible you may decide to give up working as a group.

Your group should also decide how future decisions will be made and what responsibilities each participant will have.

If you are like most people, you ascribe quite a bit of power to the media. You may assume that the media staff "knows best" how the interview should be conducted or edited, and of course there is some truth to that, in terms of reaching their goals. However, there may be only a few aspects of going public where the media's goals and your goals coincide. As part of your preparations, include a discussion of your goals and decide which are not. Do this ahead of time, because once you invest time, energy, and hopes, and have become thoroughly involved in the project, it will be hard to say "We won't go along

Going Public: Baunton, Chew, Enslow, Merriam, NicCarthy and Walsh

when they do it again. Each situation is unique. The questions will be different, and the other women's responses may trigger some surprising feelings. In addition, new reactions may arise from the general public or from colleagues or intimates.

Everyone needs an opportunity to gain reassurance about their part in the public event immediately after it takes place, in the special way that only other sister-participants can give. Later, the participants should meet together when there is plenty of time to talk about both immediate and delayed reactions to the experience, the positives and the negatives, the feelings and the ideas, and the things they wish they had done differently. It may require only one meeting or they may continue for many weeks, until participants no longer feel their need or no longer want them. There may come a time when they are not needed, but the members give each other pleasure and stimulation.

We wish we had come together before the television taping, to plan carefully, to act collectively, and to feel more like a cohesive group. Yet we did develop into a real group on the program and later realized that we had feelings to express to each other, mistakes to discuss, and ideas to explore together. We came together for one meeting. Then another. And another. We have become a support group. We have talked about our feelings, what the exposure has meant to each of us, and many other personal and political subjects. The long-term results of the experience surprised and excited us and continue to be richly rewarding.

4. What benefits does each person expect? What if they don't materialize?

THE FORGOTTEN VICTIMS: CHILDREN OF DOMESTIC VIOLENCE

The focus of this paper is on the harm done to children who live in homes where domestic violence occurs. In the overwhelming majority of cases, this involves physical assaults of the children's mothers by their fathers. The literature reviewed herein ranges from rigorous scientific research reports to case studies and extensive observations, examining the initial, short-term, and long-term effects of children's observations of parental violence. It concludes with a discussion on the implications of these findings regarding parental fitness of violent spouses, and how these findings provide guidance on parent-child relations in the best interests of the child following dissolutions of these turbulent marriages.

Child Victims Of Domestic Violence

Victimized Observers

The United States Civil Rights Commission (1982, p. 11) concluded that "children in spouse abuse situations suffer at least as much as other family members...." Most of the children in violent families, even at very young ages, are aware of the violence, whether or not they visually witness it first-hand. Children of domestic violence are victims, including those who observe but are not the direct targets of parental aggression. (These children are being referred to here as "observers" rather than as "witnesses," in agreement with an appeal by Geffner, 1989, to writers and researchers to refrain from use of the term "witnesses" because of confusion by some in the legal field and funding agencies.

Empirical research quickly established that the majority of children residing in violent households are observers (75 percent in the study by Dobash and Dobash, 1979; 76 percent in the study by Pagelow, 1982; 87 percent in the study by Walker, 1984). Dobash and Dobash (1979, p. 151) found that some fathers deliberately arranged that the children witness the violence; other researchers suggest that violence between parents seemed to occur only when the children were present (Wallerstein and Kelly, 1980, p. 16).

In their seminal work on parents, children, and divorce, Wallerstein and Kelly (1980, p. 16) say:

Where physical violence occurred between the parents, children were usually not shielded and often witnessed the fighting. ...[P]hysical abuse between the parents, mainly beating of the wife by the husband, was an ongoing expectable part of life for one-quarter of the children in this study and was witnessed on occasion by well over half the group. And even when such abuse occurred rarely, or even only once, it was long and vividly remembered by the frightened child. Several children in the families of habitual violence lived in terror....

Victimized Observer-Victims - "The Double Whammy"

In addition, some children are doubly victimized, not only by being exposed to interparental violence, but also by being physically abused by one or both parents. The overlap of spouse abuse and child abuse occurring in the same homes has been estimated at between 40 and 60 percent of all violent families (Forsstron-Cohen and Rosenbaum, 1985; Pascoe, et al., 1981; Rosenbaum and O'Leary, 1981). Wallerstein and Kelly (1980, p. 16) note that over 40 percent of the children in their study had exceedingly poor relationships with their fathers, and that, "Parents who treated their children poorly were more likely to treat their marital partners badly as well." Walker (1984) found that 53 percent, Giles-Sims (1985) found that 63 percent, and Bowker and McFerron (1988) report that 70 percent of the abusive husbands also abused their children. Rosenbaum and O'Leary (1981) found that almost 82 percent of the men who observed interparental violence were also physically abused by one or both parents.

THE FORGOTTEN VICTIMS: CHILDREN OF DOMESTIC VIOLENCE

who were observers only, observer-victims, and control groups of children from non-violent homes. The largest body of empirical research focuses on the short-term effects of domestic violence on them. It comes as no surprise to advocates for battered women, who have long insisted that negative effects are bound to occur, that researchers have almost unanimously reported findings showing physical, social and emotional problems of child-observers of parental violence, and even more negative effects on doubly victimized children (Davis and Carlson, 1987; Hershorn and Rosenbaum, 1985; Hughes, 1988; Hughes et al., 1985; Jaffe et al., 1986; Stullman et al., 1987; Wolfe et al., 1985)

Some of this research examined differences by gender of child-observers. A sizable number of reports specifically point to negative effects on boys (Hershorn and Rosenbaum, 1985; Jaffe et al., 1985, 1986a, 1986b). For example, Emery and O'Leary (1982) found that marital discord was most strongly related to behavior problems in boys. While the children of battered women were rated significantly higher than controls in behavior problems and lower in social competence, Wolfe et al. (1985) report that 34 percent of the boys from violent homes, compared to 20 percent of the girls, fell within the clinical range of behavior problems. The researchers compared the children from violent homes who tested as "normally adjusted" to the children who had severe behavior problems and found that, "Children falling in the clinical range were more likely to have been exposed to a higher frequency and intensity of physical violence, and their mothers reported more negative life events over the past year...." (Wolfe et al., 1985, p. 661).

Jaffe et al. (1985) found that boys from violent homes differed significantly from boys raised in non-violent homes, and they also showed significantly more behavior problems than girls from violent homes. This same research team (Jaffe et al., 1986b) noted that both boys and girls suffer negative effects: while the boys indicate problems of social competency, internalizing and externalizing, girls indicate similar social competency problems and problems of internalizing such as depression and anxiety. In other words, boys tend to "act out," whether or not they do so in socially-approved ways, while girls tend to hold in their anxiety, fears, and despair.

Davis and Carlson (1987, p. 288) also found that "The majority of these children, both girls and boys, are experiencing serious problems," but the extent of the problems differed by age. Preschool boys were more negatively affected than preschool girls, but older girls, those in school, showed more negative effects than same-age boys. School-aged girls scored higher than boys on all measures of physical and behavioral problems including aggression, and lower in social competence. The authors say, "...the results of this study strongly suggest that some girls may experience even more difficulty than their male peers" (Davis and Carlson, 1987, p. 288). Considering that some of the early studies of children from violent homes gathered all-male samples, these results strongly suggest that both sexes suffer from domestic violence but its effects are demonstrated in different ways at different ages.

Long-term Effects

A much smaller portion of the literature focuses on long-term effects, largely because of the difficulty of gathering samples of young adults who were child victims, and the paucity of longitudinal studies. The few reports available at this time agree that child observers have a higher incidence of social and behavioral problems than non-victimized controls, and the observer-victim children had the highest incidence of these problems.

When Forsstrom-Cohen and Rosenbaum (1985) searched the literature, they found almost no studies on long-term effects of domestic violence on children. They located one previous study about the effects of divorce on college-age students and another one finding that depression in college women was related to parental conflict and paternal dominance. They pieced together evidence from these two sources to build their hypotheses that problems with anxiety, depression, and aggression are more common among young adults who had observed parental violence (Forsstrom-Cohen and Rosenbaum, 1985, p. 468).

best be helped, and findings have guided the establishment of institutions to assist. However, when a child's mother is a victim of abuse by the child's father, many professionals in the legal and helping communities and some legislators fail to recognize or acknowledge that these children are victims in need of many of the same kinds of services.

Instead, they are more willing to assist with reunification of families that desperately need to separate to prevent the near-inevitable escalation of violence that sometimes leads to homicide. Great deference is given to the legal dictum that the state should act "in the best interests of the child." However, when abused mothers attempt to separate from their abusers or to terminate their violent marriages in hopes of building violence-free lives for themselves and their children, the focus shifts from rights of the children to nonviolent lives to a focus on parental rights.

It is ironic that during the same time period in which we have been learning more and more about the negative effects of domestic violence on children and their mothers, the courts have been making changes that may not be in the best interests of the children. In fact, some changes, while beneficial for many, may be extremely harmful to the forgotten victims of domestic violence. One such change is the growing movement for joint custody and another for mediation (often mandatory) of custody issues. Both these complex issues are addressed in other forthcoming papers (Pagelow, 1990a, 1990b) and cannot be discussed in full here because of space considerations. However, they are too important to ignore entirely because they have vital implications for these children's potential for recovery.

Joint Custody

Bruch (1988) noted that legislation was spurred by efforts of fathers' rights groups, so that one state after another authorized joint custody awards, and some even adopted a preference for this custody arrangement.

The revolution in custody procedures that swept across the U. S. during the past decade was justified in part by the belief that children do better when both parents are actively involved in childrearing. The movement from maternal to joint custody was an attempt to expand the rights and responsibilities of fathers (Furstenberg et al., 1987, p. 696).

It appears that few studies had tested the widely accepted assumption that frequent paternal contact aids children's adaptations to divorce. The all-male research team of Furstenberg, Morgan and Allison (1987) found very little evidence that paternal involvement had either harmful or beneficial effects on the children, but paternal economic support was found to lessen the children's behavior problems. In sum, they found that children aged 11 - 16 from a nationally representative sample showed almost no differences if they had frequent, little, or no contact with their fathers. On the other hand, they suggest that "regular contact between the child and nonresidential father may, in many cases, increase conflict between the ex-spouses, which could adversely affect the child" (Furstenberg et al., 1987, p. 696). Some of the children with frequent father-contact did more poorly than others who had not seen their fathers in years.

Considering how widespread the acceptance of beneficial effects of father-child post-divorce contact is, some might believe that this study is an anomaly, but other research has had similar findings. Kline et al. (1988) and Johnston et al. (1988) also found no evidence that joint custody promoted child adjustment after divorce, and in fact, can operate in the opposite direction. "Increased parental verbal and physical aggression appeared to be generated between parents when children had more frequent access arrangements" (Johnson et al., 1988, p. 7). As a result, the children (particularly boys) were drawn into the disputes, and showed higher incidence of emotional and behavioral problems. The girls were also affected: their adjustment was more problematic with more frequent contact with both parents, regardless of interparental aggression.

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themselves and represent their own interests. These are false assumptions in the case of battered wives and their abusers (Bruch, 1988; Kuehl and Lerman, 1988; Marks, 1986; Sun and Thomas, 1987).

Bruch explains in these terms: "Even a skilled mediator cannot compensate for the sharp disparities in power and sophistication that often exist between divorcing spouses (1988, p.120). Cases involving spousal abuse, according to Bruch and others (Ellis and Wight-Peasley, 1986), may actually be exacerbated by conciliatory dispute-resolution techniques. Bruch states, "Even if subsequent harm is not increased, there seems no justification for subjecting an abused adult or child to a confrontation with the abuser during mediation itself, as sometimes occurs with mandatory mediation" (1988, p. 120). Numerous other factors mitigate against forcing or coercing an abused spouse into mediation, but one that must be mentioned is that the primary goal of the process is for the couple to sign an agreement, and sometimes mediators, pressured by bureaucratic need for expediting cases to a "successful" conclusion, yield to the impulse to put pressure on the parties. In some cases, the inappropriate pressure will be applied to the "more malleable, reasonable spouse, since no settlement will occur unless there are concessions on that person's part" (Bruch, 1988, p. 119).

After long and careful deliberation, the (California) Senate Task Force on Family Equity produced a detailed report of its findings (1987). About the issue of child custody and domestic violence, the task force noted that most states have enacted special domestic violence laws to protect battered women and their children, showing that spouse abuse is now considered a serious societal problem. The report states:

[J]udges currently are not required to consider evidence of spouse abuse in determining the best interests of the child despite research documenting its detrimental effect on children. A battered woman may, therefore, be discouraged from leaving a violent home (or forced to return to one) because of fear of losing custody of a child or children to the abusive parent. Refusal to consider spouse abuse in custody determinations can also have adverse economic consequences for women and children: battered women will often bargain away or forego support or property rights to avoid a custody battle (Senate Task Force, 1987, p. VIII-3).

The task force called upon legislators to amend the civil codes to require courts to consider a history or pattern of abuse by one parent against the other in determining the best interests of the children. It based the recommendation on these precepts: spouse abuse is relevant to determination of parental fitness for custody; failure to consider spouse abuse in determining custody is economically detrimental to battered women and children; and finally, legislation is necessary to require courts to consider spouse abuse as a factor in determining the best interests of the child (Senate Task Force, 1987, pp. VII-4-5).

This august body of citizens and legislators pointed out forcefully that violent behavior against one's spouse indicated unfitness for custody and defective parenting abilities. Their report also noted that batterers serve as improper role models for children. As this review of the literature shows, children who have been victimized by observing interparental violence have already suffered damages. It is in their interests that the violence ceases and they learn not only that violence is not condoned in our society but that there are other, better ways of resolving family conflict. Boys, in particular, need to see that their fathers' violent behavior is unacceptable and is not ignored by the legal system. When they see that their abusive fathers are accorded full rights and parenting privileges as though such behavior is normative, our social system has reinforced their earlier training in violence.

Future Safety

Finally, one feature of domestic violence must be mentioned; abusers are persons who control and dominate other family members (Davidson, 1978; Dobash and Dobash, 1979; Pagelow, 1981a). Batterers use child visitation as one way to maintain domination and control and as a means of knowing

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