

DOMESTIC VIOLENCE

West Virginia Intercollegiate Council
Against Sexual Violence
www.fris.org

LEARNING OBJECTIVES

- Define terms and understand WV law
- Understand abusive behavior dynamics and impact on victims
- Gain knowledge of protective capacities available to victims
- Identify investigative techniques for responding to incidents of domestic violence

WHAT IS DOMESTIC VIOLENCE?

- Domestic violence is a pattern of behavior used by one person to gain power and control in a relationship.

Domestic violence affects people of any race, gender, socioeconomic status, religion, age, sexual orientation and nationality.

**FAMILY VIOLENCE/DOMESTIC
VIOLENCE/ABUSE**

The occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another person with or without dangerous or deadly weapons.
- Placing another person in reasonable apprehension of physical harm.

- Creating fear of physical harm by harassment, stalking, psychological abuse, or threatening acts.
- Committing either sexual assault or sexual abuse.
- Holding, confining, detaining, or abducting another person against that person's will.

DOMESTIC BATTERY

The unlawful and intentional physical contact of an insulting or provoking nature with another family or household member or unlawfully and intentionally causing physical harm to another family or household member.

VICTIMS

- **1 in 4 women and 1 in 7 men** have been the victim of **severe physical violence** by an intimate partner.
- Women **ages 20 to 24** are at the **greatest risk** of nonfatal intimate partner violence.
- Over **1/3 of female homicide victims** that are reported in law enforcement records are **killed by an intimate partner**.

Get The Facts

25% of women and 8% of men will experience being raped or physically abused by a current or former spouse, cohabiting partner, or date in their lifetime.

95% of domestic violence victims are female.

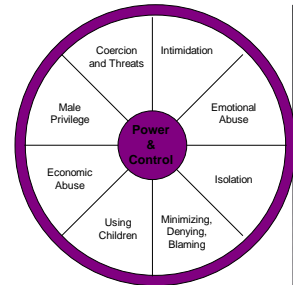
3.3 to 10 million children are exposed to domestic violence every year.

Domestic violence accounts for 22% of the violent crimes experienced by women in the United States, and 3% of violent crimes against men.

Source: Intimate Partner Violence, Washington DC, U.S. Department of Justice, Bureau of Justice Statistics, 2000.

WEST VIRGINIA - 2010

- 12,661 domestic violence offenses were reported to law enforcement
- 14,880 domestic violence cases were filed in West Virginia Family Court
- 1/3 of homicides were related to domestic violence



DIFFERENT TYPES OF DOMESTIC VIOLENCE

There are four main types of abuse:

- Physical Abuse
- Emotional/Verbal Abuse
- Sexual Abuse
- Neglect

PHYSICAL ABUSE

- Hitting
- Punching
- Kicking
- Slapping
- Biting
- Choking
- Spit on
- Reckless driving
- Forced to leave home
- Forced from leaving home

PHYSICAL ABUSE

- Damaged property when angry (thrown objects, punched walls, kicked doors, etc.)
- Preventing someone to seek help
- Hurting loved ones such as children or pets

EMOTIONAL/VERBAL ABUSE

- Name calling
- Insults
- Constantly criticizing
- Extreme jealousy
- Isolation from friends and family
- Controls finances
- Threats to hurt/damage family, pets, and/or property
- Monitors personal activity
- Humiliation

SEXUAL ABUSE

- Believes in rigid gender roles
- Controls apparel
- Force/manipulation used in sexual activity
- Accusations of cheating
- Disrespects sexual feelings/limits

NEGLECT

- Withholding significant living necessities

Why didn't she just leave???

PHYSICAL IMPACT

- Injuries
- Death
- Delay in seeking treatment
- Pregnancy complications
- Chronic pain symptoms with no evident cause



BEHAVIORAL IMPACT

- Depression
- Thoughts of suicide
- Anxiety and/or panic attacks
- Sleeplessness
- Alcohol/substance abuse problems



PSYCHOLOGICAL IMPACT

- Decreased self-esteem
- Symptoms of PTSD
- Learned helplessness



PROTECTIVE ORDER

- A protective order is issued to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to a protected individual.
- A protective order issued in any county in West Virginia is in effect in **all counties**.

ADVOCACY

- Always refer victims to the local domestic violence program
- Advocates can work with victims to safety plan, based on the victim's unique circumstances and needs
- Continue to work with advocates throughout the case

RESPONSE

INITIAL CONTACT

As the responding law enforcement officer you should:

- a) Identify yourself.
- b) Explain the reason for your presence.
- c) Request entry into the residence or business.
- d) Ask to see the person who is the subject of the call.
- e) Do not reveal the caller's name if the person who called is someone other than the subject of the call.

ESTABLISH CONTROL OF SCENE

- a) Identify and secure potential weapons in the surroundings.
- b) Separate the victim and the accused when appropriate.
- c) Assess injuries, administer first aid, and notify emergency medical services as necessary.
- d) Identify all occupants and witnesses on the premises.
- e) Separate occupants and witnesses from the victim and accused.
- f) Maintain visibility and restrict mobility of all persons present at the scene.

INVESTIGATION

- Investigate as you would any other crime scene.
- Interview the victim in an area apart from the accused, witnesses, and bystanders if possible.
- Gather evidence.
- Listen carefully before taking action.

Interviewing techniques:

- Use supportive interview techniques in questioning the victim.
- Tell the victim, "Your safety is my first priority." Repeating this phrase often calms the victim and children present.
- Use calm, directive statements and distraction techniques. Ask, "How can I help?"
- Try to lean toward the victim in a non-threatening way.
- Ask for details using open-ended questions.
- Advise the victim of the local domestic violence program and services available.

FOLLOW-UP INVESTIGATION

- a) Take photographs of injuries approximately two days after the incident.
- b) Obtain all available medical reports after receipt of medical release from the victim.
- c) Obtain a copy of 911 recordings or other communications.
- d) Interview victims and witnesses who were unable to be properly interviewed at the time of the incident.

- e) Interview potential witnesses (neighbors, co-workers, friends, etc.).
- f) Ascertain if the accused is on parole or probation.
- g) Obtain all jail telephone and communication logs at the time of the incident.
- h) Conduct a complete NCIC check, and if possible, a criminal history check of the suspect.
- i) Collect all types of threatening communication.

ARREST THE ACCUSED...

If you have observed credible corroborative evidence that the offense has occurred or:

- a) Have from the victim or a witness, verbal or written allegation of facts constituting a violation of a domestic assault or domestic battery or violation of a valid protective order.
- b) When a misdemeanor or felony has been committed and you or another person obtains or has previously obtained an arrest warrant.
- c) When a capias has been issued, or when a circuit judge has signed an attachment order.

PREDOMINANT AGGRESSOR

Consider:

- a) Prior complaints of domestic or family violence.
- b) The relative severity of the injuries inflicted on each person.
- c) The likelihood of future injury to each person.
- d) Whether one of the persons using reasonable force acted in self-defense.
- e) Initial physical contact alone does not determine predominate aggressor.

Dual arrests are discouraged. Dual arrests should be the exception and not the rule.

IF NO ARREST IS MADE:

1. Explain to the victim the reasons that an arrest is not being made.
2. Advise the victim of the applicability of criminal laws.
3. Encourage the victim to contact the nearest available domestic violence program.
4. Inform the victim that you will provide transportation for or facilitate transportation to that shelter after contacting them.
5. In the absence of an arrest, you should remain neutral and be concerned primarily with maintaining the peace and safety of those persons present.

ADDITIONAL ASSISTANCE - ON SCENE

- Do not leave the scene of the incident until the situation is under control.
- Stand by for a reasonable period of time while victims or other persons desiring to leave gather necessities.
- Notify the victim verbally or in writing of the availability of a local domestic violence program and other services in the community.

- If an arrest is made or an arrest warrant obtained:
 - a) Advise the victim of what will happen next.
 - b) Obtain from the victim information to be included in the arrest report indicating any special conditions of bail that should be requested at the initial appearance before the magistrate.

RESOURCES

- Local domestic violence programs
www.wvcadv.org
- National Teen Dating Violence Helpline
www.loveisrespect.org
- WV Coalition Against Domestic Violence
www.wvcadv.org
- WV DV Response Guide for Law Enforcement Officers
<http://www.dics.wv.gov/Specialized%20Programs/gtea/Documents/Domestic%20Violence%20Response%20Guide%202.pdf>