

● **IMPORTANCE OF DOCUMENTATION**

Presented by

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Objectives

- Understand how the dynamics of an abused victim of domestic violence affects your investigation
- Reinforce effective techniques for interviewing victims, witnesses and suspects
- Identifying and documenting physical evidence
- Requesting the proper charges and the appropriate court
- Case follow-up considerations

Dynamics of an Abused Victim of Domestic Violence

Your mindset can make the difference

What is going through your mind?

Pessimistic

- I keep coming out here and they (courts) never do anything
- Why doesn't she just leave?
- No matter what I do, he'll just get out of jail and do it again

Optimistic

- We understand she is abused and controlled
- We might be able to prove this case by the evidence
- Our actions can stop the cycle of violence
- We will hold the offender accountable

Why Victims Stay

- Fear/Danger to harm self or children
- The fear of being killed or hurt is very real
- Victims are the best predictor of their safety or lack thereof
- Fear of unknown without economic support and kids
- Fear of losing kids to C.P.S.

Why Victims Stay

- Self Blame: Victim believes they caused the abuse so they try and change
 - (Ex) “If I wouldn’t have told him to get a job, he wouldn’t have done this to me. It’s my fault.”
- Blame Shifting: Victim believes that outside factors caused the abuse
 - (Ex) “They’ve been on him at work and he drinks afterwards to calm him down. If his job wasn’t so stressful, none of this would have happened.”

Low Self-esteem



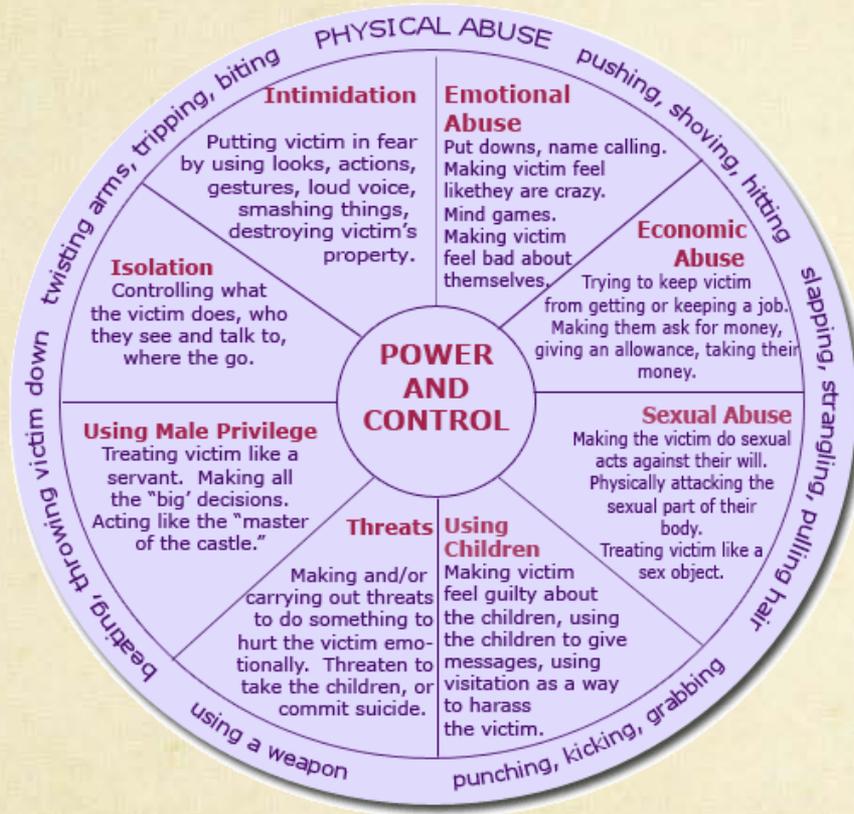
- Having been shamed by their partner, they suffer from this and feelings of unworthiness
- They feel that they cannot take care of themselves
- Victim believes their children need two parents
- Victim loves the abuser and they don't want the relationship to end, just the abuse



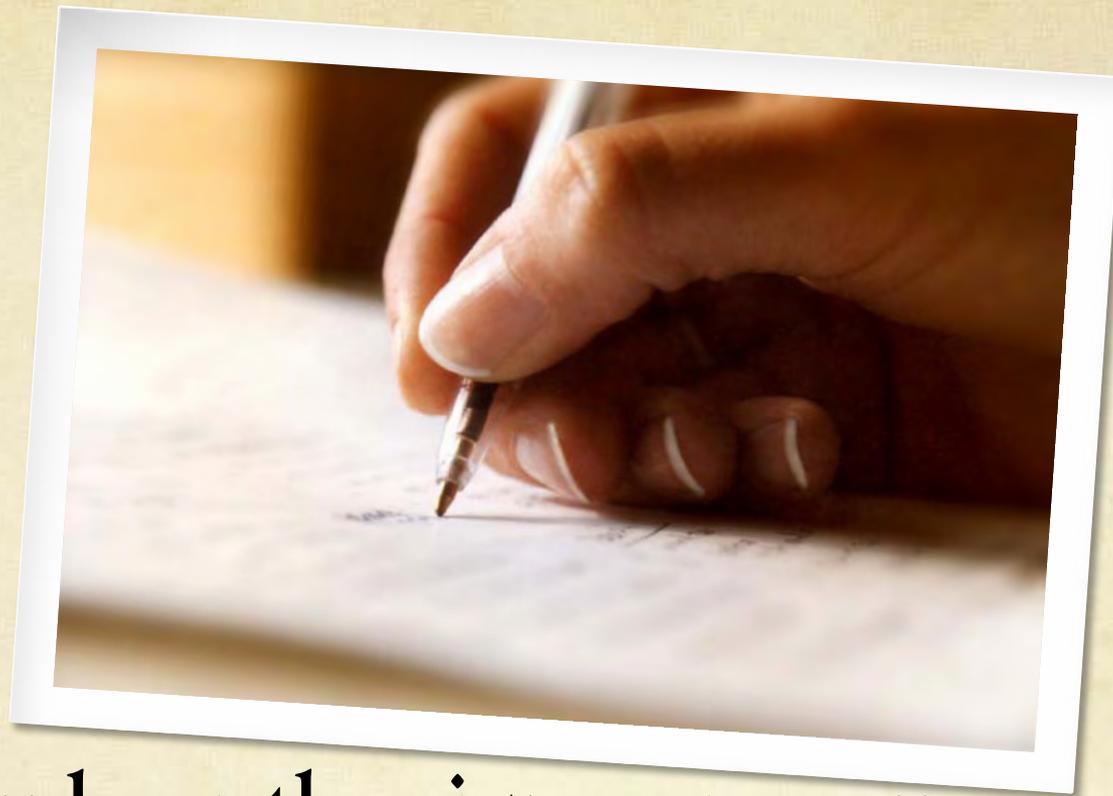
• **Are you looking for the signs
of an abused victim?**

• Many signs are not this visible

Are you listening for signs of...?



- Emotional Abuse
- Economic Abuse
- Threats
- Using Children
- Intimidation
- Isolation
- Using Male Privilege
- Sexual Abuse



If you hear the signs, are you documenting them?

Remember, you are the expert. Your training tells you these are signs of domestic violence, so document it.

Investigative Mindset

Obstacles

- High likelihood that your victim will recant or deny original statements due to being controlled
- Offender threatens that the victim's children will be taken by CPS.
- It's a "he said – she said" situation

Solutions

- You may only get one shot at interviewing a cooperative victim. Make it count!
- Abusers use children to control their victims. Educate them about the system.
- Look for evidence – Look for witnesses

Interviewing Victims

An Holistic Approach

Keep these things in mind

- Ask about previous incidents.
 - Many times they disclose prior incidents but the police were not called, resulting in the officer to discount it. (If it were true, they would have called)
- Make the victim as comfortable as possible
- Our victims might be traumatized, don't become abrupt with them. Let them talk.
- Use supportive interview techniques (this isn't your fault).

Interviewing Witnesses

You must find them... They won't always come to you



Witnesses

- The two most often overlooked witnesses to be interviewed are:
 - Children
 - Neighbors

Witnesses





Interviewing Offenders

Are you prepared?

Some Common Abuser Characteristics

- Low Self-esteem
- Limited tolerance for change or deviation from set standards
- Dependent and insecure
- Had a dysfunctional family; may have witnessed DV
- Avoids responsibility by minimizing, denying and blaming

Some Common Abuser Characteristics

- Avoids Facts
- Views family in terms of ownership
- Uses anger to intimidate and control others
- Believes they are better and different than others
- Holds traditional values on women and families
- Their anger is not a lack of control but rather a tool to control. They can turn it off (sometimes) when speaking to others. It's a conscious choice.

Are You Ready to Interview your Suspect?

Taking a few extra minutes can make the difference.

- Have an interviewing plan
- Locking your suspect into a story
- Introduce known evidence
- Present themes
- Use learned interviewing techniques (Reid)
- Remember, poking a million holes into is story is sometimes just as good as a confession.



Identifying and Documenting Physical Evidence

16 Areas of Evidence that Don't Involve the Testimony of the Victim

- Officer Testimony
- Child Testimony
- Neighbor Testimony
- Photos of victim's injuries
- Follow-up Photos (days later)
- 911 Tapes
- Medical Records
- Paramedic Run Sheet if transported.
- Torn Clothing and Blood Evidence
- Damaged Furniture / Phones
- Weapons
- Employee Records.
- Telephone Records of Victim (calls from Jail or before apprehension)
- Letters/Cards/Notes from the Offender (get letters from when he hurt her before)
- Diagram of the Scene (refreshes memory)
- Pictures of Suspect and Children

Orders of Protection



- Insure you are having the O.O.P. faxed or e-mailed to you so that it can be used as evidence.
- This also applies to Initial Appearance Release Conditions (Same A.R.S. statute)

Evidence

- The victim can be the crime scene
- The suspect can be your crime scene
- Don't limit a "scene" to just a location.



Submittal of Proper Charges

It is more common than you think that improper charges are submitted

Common Mistakes when Submitting Charges

- We don't always take a close look at the specific ARS statues (culpable mental states, elements of the crime).
- We stretch for the most severe crime instead of the one we have a much better chance at proving.

How Can this Be Avoided?

- You MUST network and build strong relationships with your City and County Attorneys.
- It is an “Investigation” and “Prosecution”
- Not an “Investigation’ versus “Prosecution”

Case Follow-up Considerations

Sometimes we stop too soon

Injury Documentation

- **Progression photographs** – Many times the injuries get worse (visually) before they get better. Show the jury the true results of the offender's actions.
- If a picture says a thousand words, then why aren't we taking a lot of them?

Offender Accountability



- If you have a repeat offender, use different ideas to protect the victim
- If there was a recent arrest, check his/her release conditions. Most often, they stipulate that they are not to return to the scene of the crime. (Their home)
- Give your victim a surprise visit. You might find the offender is there violating these conditions.

Questions?

- Make a difference

