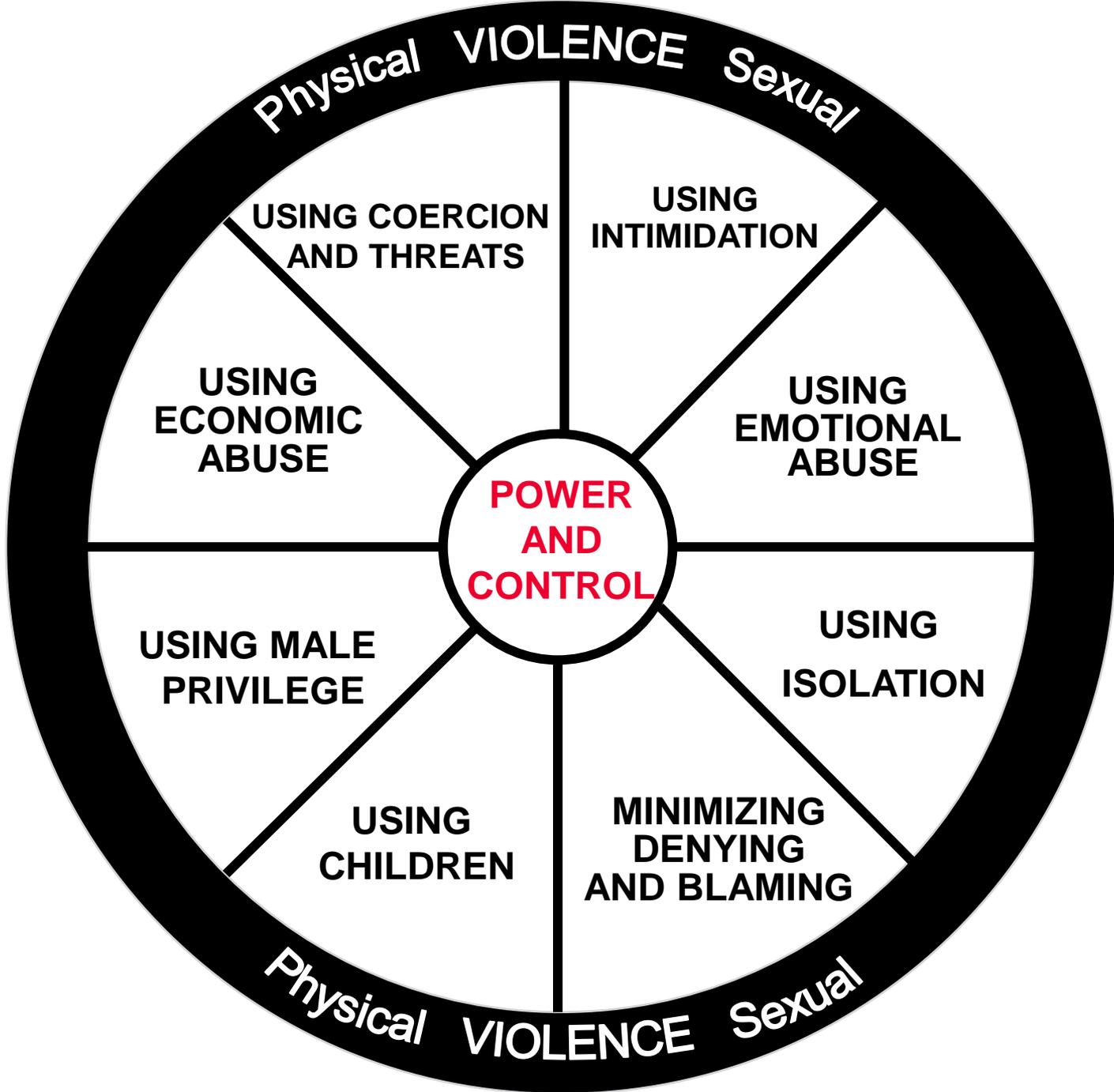


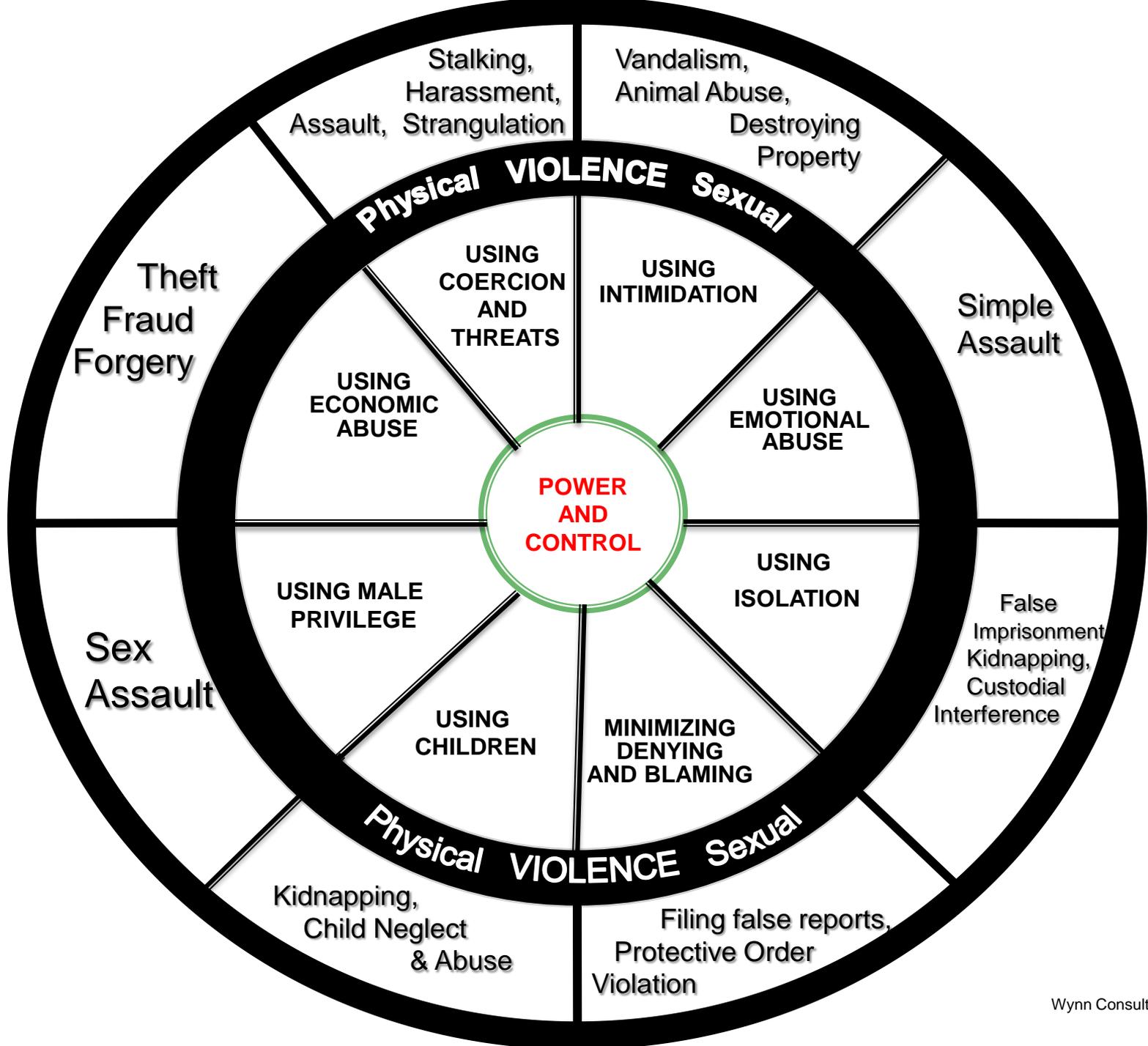
# **Beyond the Obvious**

**Techniques for Building and  
Presenting the Domestic  
Assault Case**

**&**

**Investigating for Power and  
Control**





# Context is Everything

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

# Minimizing by the Victim

# Minimizing by the Offender

# Minimizing by the Officer

# *Dual Arrest & False Arrest*

- *Dual arrest made without establishing probable cause against both parties can result in the victim being falsely arrested*
- *In some states police officers shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by police*
- *False arrest places the law enforcement officer in civil jeopardy*

## *Probable Cause*

- Who is the primary aggressor?

# Fear

**Who talks or appears scared?**

**Remember your last use of force report**

# *Probable Cause*

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## Body Language

**Who displays an aggressive stance?**

**Consider the physical size of the parties.**

# *Probable Cause*

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## History of Abuse

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

## *Probable Cause*

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Neighbors &  
Witnesses

# *Probable Cause*

## Excited Utterances

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



## Questions that foster an accurate victim interview

- What did you remember next?
- Can you help me understand?
- Tell me what you were thinking at that point?
- Tell me what you were feeling when he did that?
- Can you tell me more about that?

*Probable Cause*

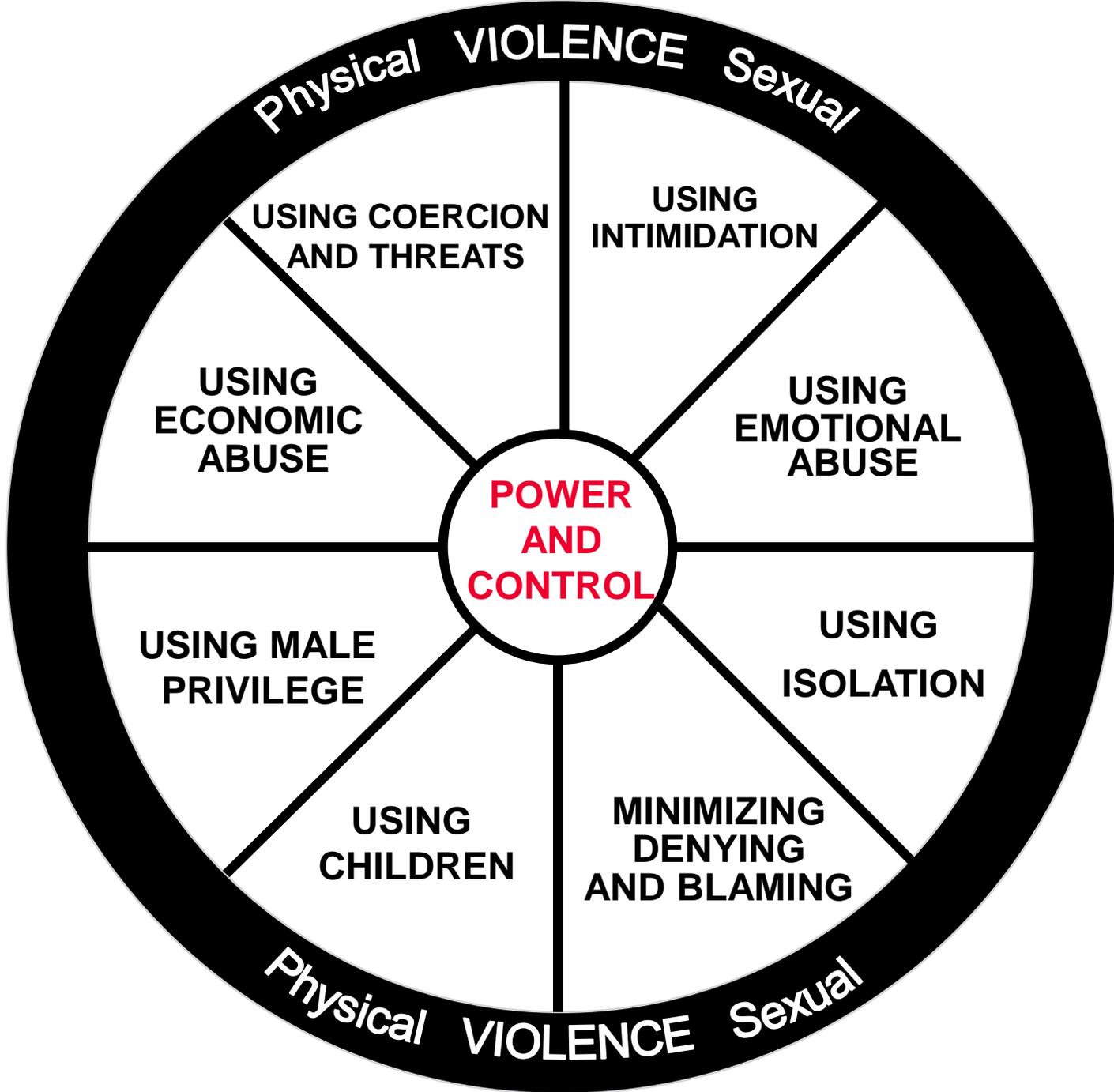
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Crime Scene

*Probable Cause*

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Injuries



# Power and Control Tactics

## *Intimidation.....*

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

# Power and Control Tactics

## *Isolation.....*

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

# Power and Control Tactics

## *Economic abuse.....*

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

# Power and Control Tactics

## *Using Male Privilege.....*

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

# Power and Control Tactics

## *Threats.....*

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

# Power and Control Tactics

## *Minimizing - Denying - Blaming.....*

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

# Power and Control Tactics

## *Using the Children...*

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

# Victim Reluctance

A victim may....

- be afraid that she will be harmed
- not have financial resources
- still love him
- have been threatened he will take the children
- want the relationship to work

# Victim Reluctance

**A victim may....**

- **believe the violence won't happen again**
- **feel responsible**
- **have religious reasons**
- **believe his threats**

# ***Defensive Injuries***

# Why Documenting Is Important

Photographs make a huge difference

- They tell the story for the prosecutor
- They don't minimize
- They don't recant
- Photographs decrease denial
- Photographs increase the likelihood of a conviction

# Specialized DV Form - Front

- Spontaneous Statements
- History of DV
- Photos
- Evidence Impounded
- Medical Treatment
- Paramedics
- Use of drugs/alcohol

# Specialized DV Form - Back

- Information about Children
  - Names, ages, statements & demeanor
- Body chart
- Restraining orders
- Victim information
- Medical release

# Aging Contusions

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- Fresh: red-blue
- 1-3 days: deep black or purple
- 3-6 days: green to brown
- 6-15 days: green to tan to faded

# Aging Contusions

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- Fresh: red-blue
- 1-3 days: deep black or purple
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*Scratches to the back of the  
hands, wrists or arms*

*Scratches to the  
face or neck*

# *Bite Marks*

*Bite marks on the chest or neck*

*Bite marks on the inside  
of arms  
(indicates possible strangulation  
from behind)*

*Bruising on the arms*

*Indications of hair being pulled*

*Injuries to top or back of head*

# *Groin or kicking injuries*

# *Dragging Injuries*

*Injuries caused by any hard object or  
weapon (equalizer)*

*Scratches to back*

# *Eye Injuries (gouging)*

*Injuries hidden beneath the clothing  
line*

*Be aware of injuries that seem minor  
compared to their own injuries*

*Remember that basic human survival instinct is based on the premise of "Fight or Flight"*

***Persons using self defense will often admit to their use of violence but may not know what to call it.***