

**DOMESTIC
VIOLENCE
RESPONSE
GUIDE
FOR
LAW
ENFORCEMENT
OFFICERS**

SECOND EDITION

Division of
**CRIMINAL
JUSTICE
SERVICES** 

 *West Virginia Coalition*
**AGAINST
DOMESTIC
VIOLENCE**
for a safer state of family

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PURPOSE

- ◆ To **reduce the incidence and severity of domestic violence** by establishing arrest and prosecution as the preferred means of police response to domestic violence.
- ◆ To afford **maximum protection and support to victims** of domestic violence through a coordinated program of law enforcement and victim assistance.
- ◆ To ensure that **law enforcement services are as available** in domestic violence cases as they are in other criminal cases.
- ◆ To **promote safety for law enforcement officers**.
- ◆ To help **reduce police resources consumed** in responding to domestic violence by reducing the number of police interventions required for any particular household.

CONTENTS

Dynamics of Domestic Violence.....	7
Types of Abuse.....	8
Power & Control Wheel.....	10
Equality Wheel.....	11
Common Characteristics of Batterers.....	14
Protective Orders.....	17
Assessing Whether Batterers Will Kill....	21
Definitions.....	25
Initial Law Enforcement Response.....	29
The Arrest Decision.....	43
The Overlap of Federal Law.....	48
Violence Against Women Federal Law.....	56
DV On-Scene Investigation Checklist.....	60
DV Follow-Up Investigation Checklist.....	62
Licensed DV Program Contacts.....	64

DYNAMICS OF DOMESTIC VIOLENCE



The root cause of adult domestic violence is an individual's belief in the arbitrary right to exercise **power and control** over another person. Domestic violence is a **planned pattern of coercive control** that includes verbal abuse, threats, psychological manipulation, sexual coercion, and control over economic resources.

For the purposes of this guide, the terms **battering and abuse** will be used interchangeably. Although the victim is usually a male's female partner, abuse and battering may extend to any family member, including children, elders, male partners, and same-sex partners.

TYPES OF ABUSE

Abusive behavior can be illustrated as being on a continuum of severity from less life threatening to more life threatening. Abuse will typically begin at a low level and gradually get worse over time. Remember this is the norm but not the rule! The first incident, in some cases, is life-threatening. Non life-threatening types of abuse are still destructive. They tear down the victim's sense of self-worth, create doubts about her own sanity, and may contribute to severe depression and ultimately to suicide.

Physical Abuse

Hitting, Punching, Kicking, Slapping, Shoving, Grabbing, Choking, Biting, Hair-pulling, Burning, Stabbing, Arm-twisting, Clubbing, Shooting and Using Weapons.

Sexual Abuse

- ✘ **Forcing** her to have sex or performing sexually in ways she dislikes.
- ✘ **Attacking** her breasts or genitals.
- ✘ **Using** objects sexually against her.
- ✘ **Demanding sex.** This often occurs after a physical beating.

Destruction of Property and Pets

He selects her favorite item and **destroys or threatens to destroy** them (keepsakes, photographs, clothing, puppies, etc.). These actions are intended to send a message to the victim about the potential for violence against her and/or the children.

Emotional & Psychological Abuse

- ✘ Punishing by **withholding affection**.
- ✘ Telling her she is **crazy, ugly, dumb**, etc.
- ✘ Telling her what she is allowed to **think, say, wear**, etc.
- ✘ **Demanding her attention**, competing with the children for her attention.
- ✘ Forcing her to **stay awake** & answer questions.
- ✘ Playing “**mind games**” such as convincing her she did something she really did not do.
- ✘ **Changing** the rules or **expectations** from day to day & **blaming** her for not doing things “right”.
- ✘ **Scaring** her, then **ridiculing** her fright.
- ✘ Ordering her to **laugh on cue**.
- ✘ Ordering her to **account for every minute of her time** & cross-examining her over and over as to where she was.
- ✘ Preventing her from seeing family and friends so that **she becomes more isolated**.
- ✘ Demanding the victim **clean up** the mess that **she** supposedly “**caused**”.

Economic Abuse

- ✘ Preventing her from getting or keeping a **job**.
- ✘ Preventing her from going to **school** to improve her earning potential.
- ✘ Making her ask for **money**.
- ✘ Giving her an **allowance** and forcing her to account for every cent spent.
- ✘ **Taking** the **money** she earns & **controlling** its use.

VIOLENT RELATIONSHIPS



Using Intimidation

- ◆ Making her afraid by using looks/actions/gestures
- ◆ Smashing things
- ◆ Destroying her property
- ◆ Abusing pets
- ◆ Displaying weapons

Using Emotional Abuse

- ◆ Putting her down
- ◆ Making her feel bad about herself
- ◆ Calling her names
- ◆ Making her think she is crazy
- ◆ Playing mind games
- ◆ Humiliating her
- ◆ Making her feel guilty

Using Isolation

- ◆ Controlling what she does, who she sees & talks to, what she reads, where she goes
- ◆ Limiting her outside involvement
- ◆ Using jealousy to justify actions

Minimizing, Denying & Blaming

- ◆ Making light of the abuse & not taking her concerns about it seriously
- ◆ Saying the abuse didn't happen
- ◆ Shifting responsibility for abusive behavior
- ◆ Saying she caused it

Using Children

- ◆ Making her feel guilty about the children
- ◆ Using the children to relay messages
- ◆ Using visitation to harass her
- ◆ Threatening to take the children away

Using Male Privilege

- ◆ Treating her like a servant
- ◆ Making all the big decisions
- ◆ Acting like the “master of the castle”
- ◆ Being the one to define men's and women's roles

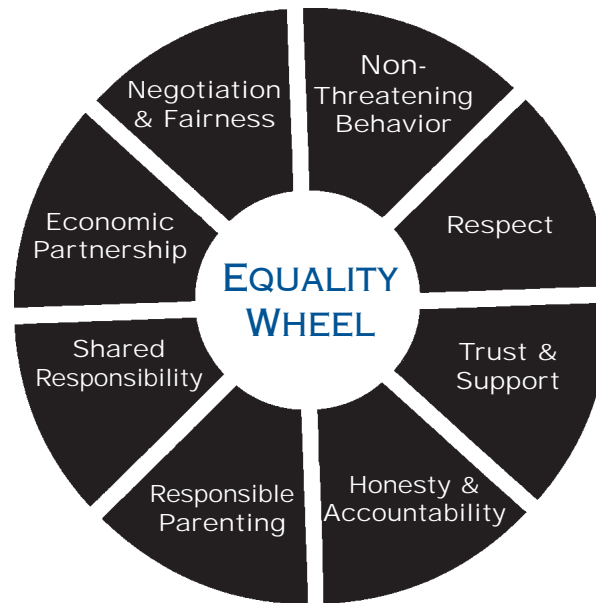
Using Economic Abuse

- ◆ Preventing her from getting & keeping a job
- ◆ Making her ask for money
- ◆ Giving her an allowance
- ◆ Taking her money
- ◆ Not letting her know about or have access to family income

Using Coercion & Threats

- ◆ Making and/or carrying out threats to do some thing to hurt her
- ◆ Threatening to leave her, commit suicide, report her to welfare
- ◆ Making her drop charges
- ◆ Making her do illegal things

NON-VIOLENT RELATIONSHIPS



Non-Threatening Behavior

- ◆ Talking and acting so she feels safe & comfortable expressing herself and doing things

Respect

- ◆ Listening to her non-judgmentally
- ◆ Being emotionally affirming & understanding
- ◆ Valuing opinions

Trust & Support

- ◆ Supporting her goals in life
- ◆ Respecting her right to her own feelings, friends, activities & opinions

Honesty & Credibility

- ◆ Accepting responsibility for self
- ◆ Acknowledging past use of violence
- ◆ Admitting being wrong
- ◆ Communicating openly & truthfully

Responsible Parenting

- ◆ Sharing parental responsibilities
- ◆ Being a positive non-violent role model for the children

Shared Responsibility

- ◆ Mutually agreeing on a fair distribution of work
- ◆ Making family decisions together

Economic Partnership

- ◆ Making money decisions together
- ◆ Making sure both partners benefit from financial arrangements

Negotiation & Fairness

- ◆ Seeking mutually satisfying resolutions to conflict
- ◆ Accepting change
- ◆ Being willing to compromise

COMMON CHARACTERISTICS OF BATTERERS

Abusing Power, Control & Manipulation:

The batterer's goal is to achieve power and control over his victim. Domestic violence is not simply random, isolated acts of violence. The batterer's incessant criticism and allegations of infidelity ravage the victim's self-esteem, keeping her on the defensive and isolated from her family, friends, and co-workers. Part of the manipulation is to keep changing the list of rules and demands the victim must meet to avoid abuse.

Attributing to Substance Abuse: In spite of the high correlation between domestic violence and alcohol/drug abuse, experts agree that such substances do not cause the violence. Alcohol or drugs may function as disinhibitors and a convenient excuse, but batterers who abuse substances have two separate problems for which they should be held accountable. They should receive treatment for their substance abuse and education about their violence.

Claiming Loss of Control: For some time mental health professionals believed that most batterers suffered from poor impulse control. Thus, when batterer's said, "Well, I just lost it!", most of us believed them. Experts now report that less than five to ten percent of batterers have poor impulse control or an anger problem. Domestic violence is a planned pattern of coercive control.

Most men who batter their partners and children do not exhibit “generalized violence”. They do not assault the police officer that gives them a speeding ticket or their boss who yells at them for being late to work. Clearly, many batterers believe there will not be sanctions for partner violence. For those batterers who do exhibit generalized violence, extra caution should be taken, as they tend to be more dangerous to their families and law enforcement officers.

Claiming a Problem with Anger: Similar to the excuse of poor impulse control, many abusers allege difficulty controlling their anger. However, only a small minority of batterers cannot control their anger. From listening to batterers explain their abuse, one batterer said that he puts the children in the next room before assaulting his wife to prevent them from witnessing the abuse. Another abuser reported taking off all his rings “so I wouldn’t hurt her too bad.” This planned behavior constitutes pre-meditation in West Virginia and every other state, and obviously does not indicate someone whose anger is uncontrollable.

Failure to Take Responsibility for Own Actions: Most batterers blame outside forces for their violent behavior such as the victim’s “mouthiness”, alcohol or a bad day at work.

Minimizing and Denying the Abuse: Few batterers, even the most brutal, consider themselves batterers, and will, invariably, underreport or deny their abuse. Even when directly questioned by law enforcement, judges or therapists, most batterers simply lie about the abuse. Some also attempt to rationalize it.

When prodded, the majority of batterers will minimize their actions with comments such as “I only gave her a little shove.” When, in fact, he pushed the victim down a flight of stairs. Batterers typically consider even serious abuse (punching, choking, beating up) as self-defense, when it is clearly retaliation for the victim’s failure to do what the batterer wanted. Often, even severe batterers express shock when arrested, for it has not registered that their violence constitutes a crime.

External Motivation: Most batterers are externally motivated. That is, they care very much what others, particularly men, think of them. When men in our communities are willing to stand up and say, “Real men don’t beat their partners and their children,” abusers can get the message that their behavior is closer to that of an immature bully and coward.

Projecting Blame: One of the most widespread forms of batterer manipulation is to blame the victim for his abuse. Similar to alcoholics, the batterer portrays himself as the victim, arguing that she “drove me to it”, “pushes my buttons” or “provoked me.” Frequently, outsiders are then deceived into focusing on the victim’s actions. This does the batterer no favor; for in failing to hold him accountable, he has no means to analyze options to the violence.

Public vs. Private Behavior: Many batterers work hard to create the public image of being the concerned, decent “family man.” Often nobody else has seen the violent, controlling side of him, resulting in victims being accused of exaggeration or lying about the abuse.

PROTECTIVE ORDERS



- ✎ A protective order is an injunction or other order, issued under **domestic violence, family violence, antistalking, or similar domestic relations laws**.
- ✎ A protective order is issued to **prevent an individual from engaging in violent or threatening acts against**, harassments of, contact or communication with, or physical proximity to **a protected individual**.
- ✎ A protective order must be **issued by a court**, agency or other entity authorized by law to issue or modify a protective order.
- ✎ Protective orders include, but are not limited to, Emergency Protective Orders, Temporary Emergency Orders, Domestic Violence Protective Orders, Temporary or Final Protective Orders issued as part of Temporary or Final Divorce Orders, or any other terms or orders that have a **similar purpose**.
- ✎ Domestic violence protective orders are to be considered **criminal** in nature.
- ✎ All sworn law enforcement **officers** in West Virginia are **responsible for the initial service** of all protective orders.
- ✎ Service may be performed on **any day** including Sundays and holidays.

PROTECTIVE ORDERS

- ✎ No law enforcement **officer shall refuse to serve** pleadings or orders in domestic violence protective order actions.
- ✎ A protective order **generally** remains in effect for the period of time stated in the order.
- ✎ A protective order can remain in effect **longer than the period** of time stated in the order if:
 - 1) The protected person has filed for and received an extension;
 - 2) The protective order was automatically extended by the filing or reopening of a court case between the same parties; or,
 - 3) The protective order was extended by an order entered in another court case between the same parties;
- ✎ A protective order **does not remain in effect** for the period of time stated in the order if:
 - 1) An order was entered by the court dismissing the protective order; or,
 - 2) In a case between same parties, which extended the protective order by law, and another temporary or final order was entered, and that temporary or final order did not extend the protective order.
- ✎ A protective order issued in any county in West Virginia is **in effect in all counties**.

PROTECTIVE ORDERS



- ✉ A protection order issued by a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States, or an Indian tribe or band that has jurisdiction to issue protection orders is accorded **full faith & credit** & enforced as if it were an order of this state whether or not the relief ordered is available in this state, if there is probable cause to believe that it is a valid foreign protection order.
- ✉ There is probable cause to believe that a protection order is **valid** if it identifies both the protected individual and the respondent, and the order appears, **on its face**, to be authentic and currently in effect.
- ✉ In circumstances whereby a written protection order is not presented, law enforcement officers may consider other credible information in determining whether there is **probably cause to believe that the order exists** and is currently in effect. Presentation of **a certified copy of a protection order is not required for enforcement**.
- ✉ A protection order, temporary or final, **from another jurisdiction may be enforced** even if the order is not registered, filed or entered into the state law enforcement information system.

PROTECTIVE ORDERS

- ✎ If you determine that an otherwise valid protection order cannot be enforced because the respondent has not been notified of or served with the order, you **must inform the respondent of the order**.
- ✎ Officers must make a **reasonable effort to serve the order** upon the respondent.
- ✎ Officers must allow the respondent a reasonable **opportunity to comply** with the order.
- ✎ After such opportunity to comply has been given to the respondent, the officer must **then enforce the order**.

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 protective 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 foolproof. It is important to conduct an assessment at every call, no matter how many times an officer has responded to the same household.

The dispatcher and responding officer can utilize the indicators described in the next three pages in making an assessment of the batterer's potential to kill. Considering these factors may or may not reveal actual potential for homicidal assault. However, the likelihood of a homicide is greater when these factors are present.

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 the assessment. However, law enforcement will not obtain reliable information from an interview conducted with the victim and perpetrator together or from the batterer alone.

Lethality Indicators

✓ **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.

✓ **Fantasies of Homicide or Suicide**

The more the batterer has developed a fantasy about whom, how, when, and/or where 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.

✓ **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 of arson or the threat of arson, fire should be considered a weapon.

✓ **“Ownership” of the Battered Partner**

The batterer who says “Death before divorce!” or “You belong to me and will never belong to another!” may be 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.

✓ **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 family and community contacts, may retaliate against a partner who decides to end the relationship. He rationalizes that her “betrayal” justifies his lethal retaliation.

✓ **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.

✓ **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.

✓ **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 a 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.

✓ **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.

✓ **Escalation of Batterer Risk**

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

✓ **Hostage-Taking**

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

If an intervener 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 notifying the victim and law enforcement of the risk, as well as seeking a mental health commitment where appropriate.

The victim should be advised that the presence of these indicators that may mean that the batterer is contemplating homicide and that she should immediately take action to protect herself. And further, should contact the local battered woman's program to further assess lethality and develop safety plans.

Barbara J. Hart

"Assessing Whether Batterers Will Kill,"

@ PCADV, 1990.

DEFINITIONS



Credible Corroborative Evidence

Evidence that is worthy of belief and corresponds with the allegations of one or more elements of the offense and may include, but is not limited to, the condition of the victim, the accused, and the scene.

Credible Evidence of the Condition of the Accused

May include, but is not limited to, physical injury or other conditions similar to those set out for the condition of the victim which are consistent with the alleged offense or alleged acts of self defense by the victim.

Credible Evidence of the Victim's Condition

May include, but is not limited to, one or more contusions, scratches, cuts, abrasions, swellings, or other signs of physical injury; missing hair; torn clothing or clothing in disarray consistent with a struggle; observable difficulty in breathing or breathlessness consistent with the effects of choking or a body blow; observable difficulty in movement consistent with the effects of a body blow or other unlawful physical contact.

Credible Evidence of the Condition of the Scene

May include, but is not limited to, damaged premises or furnishings or disarray or misplaced objects consistent with the effects of a struggle.

Credible Evidence, Other

May include, but is not limited to, statements by the accused admitting one or more elements of the offense; threats made by the accused in the presence of a law enforcement officer; audible evidence of a disturbance heard by the dispatcher or other agent receiving the request for police assistance; or written statements by witnesses.

Deadly Weapon

An instrument designed to be used to produce serious bodily injury or death, or is readily adaptable to that use. The term “deadly weapon” includes, but is not limited to, blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol, or revolver.

Domestic Battery

Any family or household member who unlawfully and intentionally makes physical contact of an insulting or provoking nature with another family or household member or unlawfully and intentionally causes physical harm to another family or household member.

Domestic Assault

Any family or household member who unlawfully attempts to commit a violent injury of another family or household member or unlawfully commits an act that places another family or household member in reasonable apprehension of immediately receiving a violent injury.

Family Violence/Domestic Violence/Abuse

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

- a) Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another with or without dangerous or deadly weapons.
- b) Placing another in reasonable apprehension of physical harm.
- c) Creating fear of physical harm by harassment, psychological abuse, or threatening acts.
- d) Committing either sexual assault or sexual abuse.
- e) Holding, confining, detaining, or abducting another person against that person's will.

Family or Household Member

- a) Current or former spouses
- b) Persons living as spouses or who have formerly resided as spouses
- c) Current or former sexual/intimate partners
- d) Persons who are dating or who have dated
- e) Persons who are presently or in the past have resided or cohabited together
- f) Persons who have a child in common.
- g) Parents and stepparents
- h) Children and stepchildren
- i) Siblings (full, half, and step)
- j) In-laws (including step)
- k) Grandparents, aunts, uncles (including step)
- l) Nieces, nephews, first and second cousins

Firearm

Any weapon that will expel a projectile by action of an explosion.

Full Faith and Credit

Any temporary or final family protection order issued pursuant to this article shall be effective throughout the state in every county. Any family protective order issued by:

- a) Any other state
- b) Territory
- c) Possession of the United States
- d) Puerto Rico
- e) The District of Columbia
- f) Indian tribe

Shall be accorded full faith and credit and enforced as if it were an order of this state whether or not such relief is available in this state.

Probable Cause

Those facts and circumstances that would lead a reasonably prudent person to believe that a crime has been committed.

Primary Aggressor

Refers to the most significant aggressor, not the one who struck the blow first. The intent of the law is to protect the victim. The comparative extent of the injuries, abuse history between the parties, comparative sizes of the parties, claims of self-defense and the demeanor of the parties involved are factors to be considered when determining which party is the primary aggressor.

INITIAL LAW ENFORCEMENT OFFICER RESPONSE

1. Approaching the Scene

Whenever possible, **two law enforcement officers** should respond to domestic violence calls. Approach the scene of a domestic incident as one of high risk.

Obtain all available information from the dispatcher before arriving at the scene and notify the dispatcher upon arrival.

Unless the circumstances of a particular incident require different measures, you should:

- a) **Approach** the scene **inconspicuously**.
- b) **Do not use sirens or lights** in the immediate area of the scene of the incident.
- c) **Park away** from the immediate scene of the incident.
- d) Keep a **safe exit route** in mind.
- e) Be alert for the employment of **weapons** from doors, windows, or nearby vehicles.
- f) Be alert for **persons moving away** from the immediate scene of the incident.
- g) Employ other standard **precautionary measures** for approaching high-risk scenes.

2. 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 home 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.

3. Entry

- a) **Enter and conduct a search** of the premises relevant to the incident if written or verbal consent has been given to do so.
 - If refused entry, **be persistent** about seeing & speaking alone with the subject of the call.
 - If access to the subject is refused, request the dispatcher to **contact the caller** if the caller is the subject of the call.
 - Forced entry** may be necessary & appropriate when:
 - 1) The residence area shows **signs of a fight or scuffle**; or
 - 2) A person from inside the residence **calls for assistance or is yelling**; or
 - 3) A person from inside is **visible** and the law enforcement officers observe that the person is **wounded, injured**, or is otherwise **in need of assistance**.
- b) If a family protection order is in effect, **written consent to enter** may have been given by the victim and be on file.
- c) **Limit the search** to one for other suspects, victims, witnesses, or evidence connected with the alleged incident.

4. Establishing Control of the Scene

- a) Identify and securing potential **weapons** in the surroundings.
- b) **Separate victim, children and accused** when circumstances are appropriate.
- c) **Assess injuries** (including inquiry about possible internal injuries), administer first aid, and/or notify emergency medical services.
- d) **Identify all** occupants & witnesses on the premises.
- e) **Separate occupants and witnesses** from the victim and accused and keep them out of hearing range (to avoid compromising their witness status.)

5. On-Scene Investigation

- a) Conduct an **investigation** using the same procedures used in any other on-scene criminal investigation.
- b) Attempt to **establish the existence of credible corroborative evidence.**
- c) Make specific note of and **document all statements made by the victim, the accused and all witnesses**, particularly those statements that may be admissible as evidence as exceptions to the hearsay rule such as excited utterances, present sense impression and statements made for medical treatment.
- d) Determine if such **statements were made to the dispatcher** and take appropriate measures to **secure and preserve such evidence.**

6. Interviewing the Victim, Accused & Witnesses

Ensure the victim's and children's safety and privacy by interviewing the victim and children in an area apart from the accused, witnesses, and bystanders, if possible. Remember that what you see upon arrival may be misleading. The male may appear calm and in control assuring you that there has only been a minor argument. The female may be hysterical and unruly, or displaying a "flat affect" (no emotion at all). Try not to make presumptions. Gather evidence. Listen carefully before taking action.

Checklist for Interviewing the Accused

- Interview** the accused as **fully** as circumstances allow.
- Inquire about the **nature of the disturbance**.
- Be alert to possible **incriminating statements**.
- Protect the constitutional rights** of the accused.
- Solicit information** as to the possible whereabouts of the accused (place of employment, relatives, friends, etc.).
- Make **reasonable efforts to locate and interview the accused** for any statements or evidence they wish to provide prior to arrest or obtaining a warrant.

What To Do Checklist

- Interview** the victim and/or any witnesses (including all child witnesses.)
- Ask about **previous** domestic violence **incidents**.
- Ask about **frequency and severity** of previous incidents.
- Take down names, addresses and other **relevant information**.
- Determine whether the victim and/or any witnesses allege facts that **constitute all of the elements** of assault or battery.
- Inquire whether the victim and/or any witnesses are willing to **sign a statement** containing those facts.
- Inquire about **past abuse or other crimes** to aid in evaluating the accused dangerousness.
- Interview **children in a manner appropriate** to the child's age.
- Document **signs of trauma** and any apparent **wounds** on the child.
- Proceed with the investigation **even in the absence of a statement** from either a victim and/or any witnesses.

Interviewing the Accused

- ✓ The rules of evidence require that as soon as you identify an accused or suspect, that individual be given **Miranda Rights** before questioning.
- ✓ Interview the accused in a **separate room or area** from the victim.
- ✓ If the accused does not freely offer information, **ask what happened**.
- ✓ In the incident report **document all statements of the accused**. Often these are admissible in court and key to the case.
- ✓ If the accused states that he was fighting back in self-defense, be sure to **take photos** to help determine if that is true. Remember that some batterers see themselves as the victim; allow them to explain this viewpoint.
- ✓ **Document** in the incident report **the demeanor of the accused** and whether or not he appears under the influence of **drugs or alcohol**. Note if his clothing is torn, and his general physical condition. The more details the better.
- ✓ **Document the actions of the accused**, especially if they are consistent with guilt. For example, if the accused does not want you to interview the victim outside of his earshot, note that in the report. If he objects to your interviewing the children or taking pictures, document that.

Interviewing Victims

- ✓ **Use supportive interview techniques** in questioning the victim. If possible, establish eye contact and get on the same level as the victim.
- ✓ **In a soft, calm voice**, tell the victim, “Your safety is my first priority.” Even if the victim is drunk or belligerent, officers report that repeating this phrase often calms the victim and any children present.
- ✓ If the victim is hysterical, **use calm, directive statements** and distraction techniques. Ask the victim, “How can I help?”
- ✓ Try to **lean toward the victim** while interviewing, to communicate interest. **Allow the victim a chance to tell the story in her own words**, and then ask for details with open-ended questions. Tell the victim, “I am sorry this happened to you. You are not alone. There are people who want to help you. You have been treated terribly and have reason to be upset.”
- ✓ If the victim expresses mixed feelings or fear about getting help, **acknowledge her feelings and urge her to talk with an advocate** about safety planning, whether or not she stays with the abuser. It’s fine to tell her that what she is feeling is common among victims of abuse.
- ✓ WV 48-27-702(a) requires that the responding officer **advise the victim of the availability of a family violence protection program.**

Interviewing Children

✓ The interview must occur **away from the victim or accused**.

✓ Children **do not have to have been in the same room to have witnessed the assault**. Even if the other parties state that the children are upstairs asleep, chances are high that they were awakened by the incident and can give very helpful information about present and past abuse.

✓ Children may have negative stereotypes of law enforcement officers; **speak in a soft and calm tone**.

✓ **Get down to the child's level before talking**. If the children are in a room or closet with a closed door, first tell them you will count to five and then open the door.

✓ **Explain what you are doing**. School-age children should be told: *"Some of my questions will be easy to understand and some will be hard"*. Just say, *"What do you mean?"* or *"I don't get it,"* if you need to.

✓ **Ask open-ended questions to start**. In the midst of the crisis, it is hard for children to spontaneously provide a lot of information. By asking open-ended questions the child can explain circumstances which may not have occurred to you and give more accurate information.

✓ **Progress to specific questions.** If a child under seven is asked, “*Was there a weapon?*” he may answer “*No.*” But he may answer “*Yes*” if asked “*Was there a gun?*”

✓ **Never bribe, threaten, coerce or bully children into answering you.** Inconsistencies can be probed by explaining that you are confused.

✓ **Use concrete examples.** Young children do not usually understand abstract concepts about time, height, weight or measurements. Instead of here, there, yesterday or tomorrow, use stable terms such as *in front of the room*, *as tall as the sink*, etc.

✓ **Avoid the use of police jargon** like suspect, victim, assault or witness.

✓ **Avoid passive voice** “Was Mommy hit by Daddy?” Instead use the active voice “Did Daddy hit Mommy?”

✓ **Avoid touching children.** If you want to comfort a child, ask first “Do you want a hug?”

- Explain your role using a pleasant tone of voice.
- Ask, “How are you doing?” or “How do you feel about what has happened”
- Listen and write, listen and write!
- With children under eight, stick to basics: Seeing, Hearing, Smelling, Feeling.
- Ask very simple questions.
- Always take a picture of the child, whether crying in a corner and refusing to talk with you, or seemingly unaffected.

Special Cases

Strangulation / Choking Cases

It is critical to identify strangulation and choking assaults as they can quickly escalate to brain injury and homicide cases.

Routinely ask every abuse victim, **“Did the abuser choke or strangle you?”** If she says, “No,” then ask, **“Did he put his hands around your neck and squeeze?”**

If the victim indicates that she was either choked or strangled, then **DOCUMENT THE DETAILS.**

- With what? An object, cord, plastic bag, etc.
- For how long?
- Did the victim black out or lose consciousness?
- How often does this occur?

Eight pounds of pressure applied for eight seconds is sufficient to cause critical injury.

WV 48-27-702(b) requires that, when an officer believes that the victim has suffered or is likely to suffer physical injury, the officer transport or facilitate transportation to a shelter or court.

Head Injuries

It is critical to identify head injuries as they can result in concussions and death, particularly with the *second blow*. The **signs of head injuries** include: headaches, dizziness, depression, and difficulty remembering, concentrating, reading, writing, and performing tasks.

Routinely ask every abuse victim **“Were you hit on the head or slammed into a wall?”** If she says yes, then **DOCUMENT THE DETAILS.**

- Was the victim hit with an object, fist, or pushed into something?
- How many times was the victim’s head struck?
- Did the victim lose consciousness?
- How often does this happen?

Missing Person

A law enforcement agency, under WV 48-27-601, shall immediately follow its procedures for investigating a missing person if the agency:

1. Has possession of a valid protective order, or has notice of the existence of a protective order which is in effect, or has been expired for a period of less than thirty (30) days, and receives a report that **a person protected by the order has been reported to be missing**; or

2. Receives a missing person report accompanied by a sworn affidavit that the person at the time of the alleged disappearance was **being subjected to treatment, which constitutes domestic battery or assault**.


Your role in responding to a domestic violence call is

**THE SAME AS RESPONDING
TO ANY OTHER CRIME SCENE**

- Conduct an Investigation
- Gather Evidence
- Establish Probable Cause
- Enforce the Law

7. Enforcing any Protective Order

Ask the victim:

- a) Do you **have a protection order**?
 - b) Are there **bail conditions**?
 - c) Do you **have a copy** of the protective order or the bail document?
 - d) Can you **identify the county and court or magistrate** from which the order or document was issued?
- 

Where the accused has not been served and has not had actual notice of the order, if you have a copy to serve upon the accused, serve it now.


If you do not have a copy to serve, then give the accused actual notice of the provisions of the order by stating the provisions of the order to the accused.

If the accused, after having been served with or given actual notice of the order, then refuses to comply with the order, follow the arrest provisions as summarized in the next section, **The Arrest Decision**.

When you **observe any violations of a known bail, probation, or parole condition** in cases of crimes between family or household members, **arrest the accused** for violations of the bail conditions. This may include the presence of the accused at the home of the victim.

8. Further On-Scene Investigation

What To Do Checklist

- 
- Collect and preserve all physical evidence** reasonably necessary to support prosecution, including:
 - Evidence substantiating the victim's **injuries**
 - Evidentiary **articles** that substantiate the attack (weapons, torn clothing, etc.)
 - Evidence recording the crime **scene**

 - Ensure that photographs are taken** of visible injuries on the victim and of the crime scene.

 - Collect all physical evidence, **note evidence in reports, and voucher evidence** as in other criminal investigations.

 - Encourage the victim to seek medical attention** for injuries that do not require emergency treatment at the scene.

 - Inquire about injuries** of the victim that are **concealed** by clothing or otherwise not readily apparent.

 - Advise the victim to **have photographs taken** if injuries appear later.

THE ARREST DECISION

Arrest the accused whenever arrest is authorized. If no arrest is made, you must include in the incident report an explanation of the reasons why an arrest was not made.

Arrest is Authorized in the Following Circumstances:

- a) When there is **probable cause** to believe that the accused has committed a felony.
- b) When you **observe the commission of a felony or a misdemeanor**.
- c) When you **observe the violation of a valid protective order**, provided the accused was served with the order or had actual notice of the order and its contents.
- d) When you **observe any violation of a condition of bail, probation, or parole**.
- e) When the accused is alleged to have committed **domestic assault** and/or **domestic battery** or the **violation of a valid protective order**.

You Have the Authority to Arrest the Alleged Perpetrator When:

You have observed **credible corroborative evidence** that the offense has occurred and either:

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

Unless mandated by law, it is the law enforcement officer's and the prosecuting attorney's responsibility to decide whether an arrest should be made. Emphasize to the victim, and to the accused as well, that the **criminal action thus initiated is the state's action**, not the victim's action.

If you receive complaints of domestic or family violence from two or more opposing persons, **evaluate each complaint separately to determine who was the primary aggressor**. When you determine that one person was the primary aggressor, you need not arrest the other person.

The Following Factors Should NOT be Considered in Making the Arrest Decision:

- a) The marital status of the parties.
- b) The ownership/tenancy rights of either party.
- c) Verbal assurances that the violence will stop.
- d) A claim by the accused that the victim provoked or perpetuated the violence.
- e) 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).
- f) The disposition of any previous police calls involving the same victim or accused.
- g) Speculation that the arrest may not lead to a conviction.
- h) The existence or nonexistence of a current protective order (except insofar as the violation of the order requires arrest).
- i) Concern about reprisals against the victim.
- j) Adverse financial consequences that might result from the arrest.
- k) That the incident occurred in a private place.
- l) The racial, cultural, social, political, or professional position, or sexual orientation of either the victim or the accused.
- m) The victim's opposition to the arrest of the accused.



Some Considerations in Determining the Primary Physical Aggressor

When probable cause can be established, arrest of the *primary aggressor* is authorized. The following are guides in determining probable cause and who the primary aggressor is.

- **Fear**
Who talks and acts scared?
- **Body Language**
Who displays an aggressive stance?
Consider the physical size of the parties.
- **History of Abuse**
Consider medical records, 911 tapes, police reports, shelter stays, and protective orders. Examine the *paper trail*.
- **Neighbors and Witnesses**
Consider prior and typical behavior.
- **Excited Utterances**
Statements of adults and children blurted out at the scene while they are still upset.
- **Injuries**
Who is injured, and are the injuries *defensive or offensive*?
- **Crime Scene**
Observe smashed furniture, empty liquor bottles or beer cans.

Law Enforcement Officers Shall NOT

- a) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party.
- b) Base the decision to arrest on:
 - 1. The specific consent/request of the victim.
 - 2. The willingness of a victim of or witness to domestic or family violence to testify or otherwise participate in judicial proceeding.

In addition to any other report required, law enforcement officers who do not make an arrest after investigating a complaint of domestic or family violence or who arrest two or more persons for a crime involving domestic or family violence, shall **submit a written report** setting forth the grounds for not arresting or for arresting both parties.

The Law Enforcement Officer Shall Arrest for the Commission of a Crime of Domestic or Family Violence.

- a) **Seize all deadly weapons** that are alleged to have been involved or threatened to be used in the commission of domestic or family violence, including those firearms held in violation of a protective order prohibiting possession of a firearm; and the officer
- b) The officer may **seize a weapon that is in plain view** or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons.

The Overlap of Federal Law

The **possession of a firearm by a person subject to a valid protective order** is a **violation of federal law** and should be referred to federal authorities.

The crossing or causing the crossing of a state line or territory or tribal boundary **to violate a valid protective order or to commit domestic violence** is a **violation of federal law** and should be referred to federal authorities.

Effectuating the Arrest

Persons arrested for domestic violence violations shall be taken before a magistrate within the county in which the offense charged is alleged to have been.

The risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence. If the accused has fled the scene, initiate procedures to pursue and apprehend the accused as promptly as possible if the presence of the accused in the vicinity represents a continuous threat to the safety of the victim and/or other members in the household. If a warrant is necessary, obtain and execute the warrant as soon as practical.

When the accused is a minor (under 18 years of age), these same provisions are fully applicable, except that the law enforcement officers should arrest and process the juvenile pursuant to W. Va. Code §49-5-1 et. seq.

Procedure When Arrest is Not Authorized or, if Authorized, is Not Made

If an arrest is not authorized because of the absence of probable cause to believe that a crime was committed, or if arrest is authorized but not made (for reasons to be included in the incident report):

- 1 Explain to the victim** the reasons that an arrest is not being made.
- 2 Advise the victim of the applicability of criminal laws**, procedures for filing a criminal complaint, the availability of a petition for a protective order, the procedures for filing a petition, and the remedies an order may contain.
- 3 Encourage the victim to contact the nearest available domestic violence program** for information regarding services available to victims of domestic violence.
- 4 Advise the victim that you will provide transportation** for or facilitate transportation of the victim to a shelter or the appropriate court when reasonable cause exists to believe that the victim suffered or is likely to suffer physical injury.
- 5 Provide for the safety of the parties** when ordered to accompany one or both of the parties to obtain personal property or other items from a location, including temporary possession of motor vehicles owned by either or both of the parties.

Other On-Scene Assistance to Victims & Dependents

- **Do not leave the scene** of the incident **until the situation is under control** & the likelihood of immediate violence has been eliminated.
- **Stand by** for a reasonable amount of time while victims or other persons desiring to leave gather necessities for short-term absences from home, such as clothing, medication, and necessary documents.
- **Notify the victim** orally or in writing of the availability of a shelter, including its telephone number, or other services in the community, and of civil and criminal remedies.
- If an arrest is made or an arrest warrant obtained:
 - a) 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; and
 - 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 (i.e., places where the accused should be specifically prohibited from appearing).
- Inform the parties to the incident of the availability of the **possible remedies** provided by the Prevention of Domestic Violence Act (W. Va. Code §48-27-101 et. seq.) and the possible applicability of criminal laws.

Elderly or Physically Dependent Victims

When a victim of domestic violence is elderly or physically dependent, the accused is the sole caretaker and an arrest is indicated, or when the victim of domestic violence is the sole caretaker of an elder or of a physically dependent person, and the victim can no longer provide care (as, for example, when the victim is hospitalized):

- a) Determine whether the elder or physically dependent person is **physically endangered**, either as a result of the abuse, a preexisting medical condition, or the absence of a caretaker.
- b) Ask the elder or physically dependent person for the **name of a relative or friend** who can be contacted immediately to assist the elder or physically dependent person.
- c) Facilitate **transportation** of the elder or physically dependent person to a relative or friend, if one can be found.
- d) Advise the elder or physically dependent person of the **availability of protective services** through Adult Protective Services.

If there is no one available to assist the elder or physically dependent person, or if the elder or physically dependent person appears not to be mentally alert:

- a) Make an **emergency referral** to Adult Protective Services.
- b) **Remain at the residence** until the Adult Protective Services worker arrives, or
- c) **Transport** the elder or physically dependent person to a medical facility, or other appropriate place where the elder or physically dependent person can wait for the worker.

WV 61-2-10(a) states that, when a person commits a violent offense against a person who is sixty-five years of age or older, then the sentence shall be mandatory and shall not be subject to suspension or probation.

Child Victims and Dependents

When the victim of abuse is a minor child:

- a) Arrest the accused if the law enforcement officer observes the commission of a crime.
- b) Report to Child Protective Services, as required by W. Va. Code §49-6A-2 et seq.

If the **child is physically injured**:

- a) Facilitate the transportation of the child to the nearest hospital for treatment.
- b) Provide the victim notification to an adult caretaker of the child who is not the perpetrator of the abuse.

If the accused is arrested and was the **sole caretaker** of a child, and/or if the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), or in cases where both caretakers are arrested:

- a) Determine whether there is a responsible relative who can care for the child.
- b) Contact that relative and await the relative's arrival or contact Child Protective Services and wait at the residence until a protective services worker arrives.

If no responsible relative is available:

- a) **Contact Child Protective Services.**
- b) **Remain at the residence** until a protective services worker arrives; or
- c) **Take the child into custody** pursuant to the Child Welfare Law (W. Va. Code §49-5-8 and 49-6-9).

Facts Regarding Domestic Violence and Children

- Domestic violence is the most frequently occurring violence children experience. Police encounter as many as a half a million children during domestic violence arrests in the U. S. each year.
- Exposure to domestic violence increases a child's risk of maltreatment.
- Children may be injured because they are in close proximity to the adult victim, or they may try to physically intervene during a violent episode. Children exposed to domestic violence may experience many of the same symptoms and lasting effects as children who are direct victims of violence.
- Perpetrators may use the children in their tactics for controlling the adult victims by :
 - 1) blaming the children's behavior for the assaults;
 - 2) engaging the children in the violent episode;
 - 3) threatening abuse on the children or their pets;
 - 4) holding the children hostage or abducting them to punish the adult victim; or,
 - 5) talk negatively about the adult victim to the children.

CONSIDERATIONS WHEN CHILDREN ARE PRESENT AT A DOMESTIC VIOLENCE SCENE

- ☒ Recognize the variety of ways that children are exposed - directly and indirectly
- ☒ Ask where the children were, where they are now, and if they were hurt
- ☒ Speak directly to the children, at eye level, to assure they are okay and to reassure them of their safety
- ☒ Recognize that children may be responding to both the current incident and their experiences of past incidents prior to your involvement

Approaching Child Protection Issues

- On average, the safety and well-being of children is linked to supporting the safety decisions of the adult victim and holding the perpetrator accountable for abusive behaviors through legal sanctions and batterer education classes.
- Police officers have a duty to report extreme risk due to domestic violence to child protective services.

Processing the Accused

- A person arrested for violation of a protective order should be charged with any **crimes properly charged** as a result of the incident in which the violation occurred.
- The accused shall be **taken before a magistrate** in the county in which the offense charged is alleged to have been committed.
- The arresting law enforcement officer may **inform the magistrate or court** of any circumstances surrounding the arrest of the accused which would have an effect on conditions of bail, provided that the amount and conditions of bail are a judicial decision that rests solely with the magistrate or court.

Reporting

A Domestic Violence Incident Report, as required by W. Va. Code §48-27-1102, shall be completed by the law enforcement officers responding to any domestic violence call.

Data Collection

- All written reports on the same person shall be kept together or cross-referenced so that repeat domestic violence can be monitored.
- The written report, or another document (such as an index card) or computer entry generated from the written report, shall become a domestic violence tracking report.
- To the extent possible, the domestic violence tracking report shall be accessible to dispatchers and law enforcement officers.

VIOLENCE AGAINST WOMEN FEDERAL LAW

● *“Interstate domestic violence.” (18 USC Section 2261)* prohibits traveling across a state line with the “intent to injure, harass, or intimidate a person’s spouse or intimate partner, and in the course of or as a result of such travel, intentionally, commit(ing) a crime of violence and thereby caus(ing) bodily injury to such spouse or intimate partner.”

The section also prohibits causing “a spouse or intimate partner to cross a state line by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commit(ing) a crime of violence and thereby caus(ing) bodily injury to the person’s spouse or intimate partner.”

● *“Interstate violation of a protection order.” (18 USC Section 2262)* prohibits crossing a state line with the intent to violate a valid protection order by “credible threats of violence, repeated harassment, or bodily injury, or other acts prohibited by the issuing state and then actually violating that order.”

Causing a spouse or intimate partner “to cross a state line by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commit(ing) and act that injures the spouse or intimate partner in violation of a valid protection order issued by a State is likewise prohibited by Section 2262.”

The penalties for violating these sections are imprisonment up to life if the victim dies, up to 20 years if the victim suffers permanent disfigurement or life threatening bodily injury, up to 10 years if the offender uses a dangerous weapon or the victim suffers serious bodily injury, or up to five years in other cases.

- *“Interstate enforcement of protective orders” (18 USC Section 2265)* mandates that jurisdictions give “full faith and credit to protection orders from other jurisdictions as long as the issuing court had jurisdiction over the parties and matter, and reasonable notice and an opportunity to be heard was given to the person against whom the order was issued. Cross or counter protection orders are not given full faith and credit if such an order was not sought or if the court “did not make specific findings that each party was entitled to such an order.”

- *“Full Faith and Credit Provisions” (18 USC Section 2265)* mandate that all states, territories, and tribal courts provide full faith and credit to orders of protection issued by courts of other states, territories, and tribes.

- *“Interstate Stalking” (18 USC Section 2261A)* states that whoever travels across a state line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of death or serious bodily injury to that person or a member of that person’s immediate family shall be punished as provided in section 2261 of this title.

Firearms & Domestic Violence

The Gun Control Act Of 1968, The Violence Against Women Act (1994), and The Omnibus Consolidated Appropriations Act Of 1997.

● *The Gun Control Act of 1968, (18 U.S.C. Section 221(g)*, states that it shall be unlawful for a certain class of persons to possess firearms and that any such possession shall be a felony.

Persons in this class are:

- a. Convicted felons.
- b. Users or persons addicted to controlled substances.
- c. Persons adjudicated as mental defective or have been committed to any mental institution.
- d. Illegal aliens.
- e. Persons dishonorably discharged from the Armed Forces.
- f. Persons who have renounced their citizenship.

Exempted from the possession clause of the Gun Control Act of 1968 were agencies of the United States or any department or agency thereof or State or any department, agency, or political subdivision thereof.

● *The Omnibus Crime Bill of 1994*, a subsection of which is the Violence Against Women Act, amended the Gun Control Act (*18 USC 922(g)*) by adding two more classes of persons to the list of persons prohibited from possessing firearms. They are:

1. A person who is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate violence.
2. A person who has been convicted in any court of a misdemeanor crime of domestic

Note: The exemption for government agencies still applied in 1994 with the passage of the Violence Against Women Act.

● *The Omnibus Consolidated Appropriations Act of 1997* (The Lautenberg Bill).

Effective **September 30, 1996**, the **exception** granted under (*18 U.S.C. Section 922(g)*) **does not apply to persons subject to a family protection order or convicted of a misdemeanor crime of domestic violence.**

A person working for a government agency, in law enforcement or the military, who is subject to a family protection order or has been convicted of a misdemeanor crime of domestic violence, **may not possess a firearm.**

DOMESTIC VIOLENCE ON-SCENE INVESTIGATION CHECKLIST

Investigation on the Scene & Immediate Follow-up on Arrival

- 1. Determine location & condition of victim.
- 2. Determine if suspect is at the scene.
- 3. Determine location of and secure weapons used or available.
- 4. Determine if protective order is in effect.
- 5. Distinguish aggressor from victim, especially if both are injured.
- 6. Administer first aid or summon ambulance as needed.
- 7. Determine the location of potential witnesses: complainant, neighbors, children.

The Victim

- 1. Record any spontaneous statements by the victim.
- 2. Observe for signs of injury to the victim.
- 3. Record physical condition of victim; pulled hair, torn clothing, smeared makeup, other injuries.
- 4. Record emotional condition of the victim.
- 5. Determine relationship of victim to suspect.
- 6. Interview victim, separately from suspect, regarding the incident.
- 7. Interview victim regarding prior history of abuse.
- 8. Offer to transport victim to shelter or to obtain medical care.
- 9. Offer to transport victim to local court to obtain protective order.
- 10. If declined, obtain a waiver from victim.

The Suspect

- 1. Record any spontaneous statements by suspect.
- 2. Record any suspect statements regarding justification for the assault.
- 3. Observe any signs of suspect injury.
- 4. Record physical condition of suspect: abraded hands, clothing, etc.
- 5. Record emotional condition of suspect.
- 6. Record any signs of substance/chemical use.
- 7. Interview suspect regarding incident & factors leading to the assault.

Witness

- 1. Interview reporting party.
- 2. Identify names & ages of children present.
- 3. Identify & interview all witnesses separately.
- 4. Record names & addresses of all emergency medical personnel & doctors or nurses as applicable.

Evidence

- 1. Photograph victim injuries & clothing.
- 2. Photograph crime scene; disconnected phone, overturned furniture, holes in walls, etc.
- 3. Photograph suspect & any injuries.
- 4. Impound all weapons used & other weapons present.
- 5. Size all clothing with evidentiary value.
- 6. Obtain medical reports & any medical photographs as applicable.

DOMESTIC VIOLENCE FOLLOW-UP INVESTIGATION CHECKLIST

Written Report

- 1. Include all information from checklist.
- 2. Note names of all officers at scene & roles they played. Attach all photos, medical reports, other written reports & documents.
- 3. Note need for follow-up investigation.

Patrol Officer(s) Report

- 1. Verify inclusion of checklist contents.
- 2. Review reports for patrol officer's requested follow-up investigation.


Evidence

- 1. Secure and copy 911 tapes and dispatch radio traffic.
- 2. Photograph victim's injuries 24-72 hours after assault regardless if taken by the reporting officer or not.
- 3. Determine whether processing was completed for all physical evidence seized at the scene.
- 4. Obtain medical records, x-rays, medical photos, statements from medical staff.

Witnesses

- 1. (Re)interview witnesses.
- 2. (Re)interview medical personnel.
- 3. Contact victim and witnesses about criminal court process and victim rights notification and reparation.

Criminal & Domestic Abuse History

- 1. Make copies of all complaints and incident reports regarding prior police calls to this location or involving same parties.
 - 2. Obtain records from police department regarding prior arrests and convictions for domestic assault/battery and related criminal activity.
- 

LICENSED DOMESTIC VIOLENCE PROGRAM CONTACT NUMBERS

Barbour

Women's Aid in Crisis (304) 457-5020

Berkeley

Shenandoah Women's Center 263-8292
or 263-8522

Boone

Resolve Family Abuse Program 369-4189

Braxton

Women's Aid in Crisis 765-2848

Brooke

Lighthouse, Inc. 797-1489

Cabell

Branches Inc. 529-2382
or 1-888-538-9838

Calhoun

Family Crisis Intervention Center 354-9254

Clay

Resolve Family Abuse Program 587-7243

Doddridge

HOPE, Inc. 873-1416

Fayette

Women's Resource Center 574-0500

Gilmer

HOPE, Inc. 462-5352

Grant	
Family Crisis Center	257-4606
Greenbrier	
Family Refuge Center	645-6334 or 1-866-645-6334
Hampshire	
Family Crisis Center	788-6061 or 1-800-698-1240
Hancock	
Lighthouse, Inc.	797-1489
Hardy	
Family Crisis Center	788-6061 or 1-800-698-1240
Harrison	
HOPE, Inc.	624-9835
Jackson	
Family Crisis Intervention Center	372-7515
Jefferson	
Shenandoah Women's Center	725-7080
Kanawha	
Resolve Family Abuse Program	340-3549 or 1-800-681-8663
Lewis	
HOPE, Inc.	269-8233
Lincoln	
Branches Domestic Violence Shelter	824-2600
Logan	
Tug Valley Recovery Shelter	752-7174
Marion	
HOPE, Inc.	367-1100

Marshall

Family Violence Prevention Program 845-9150

Mason

Branches Inc. 675-4968

Mercer

Stop Abusive Family Environments 324-7820

Mineral

Family Crisis Center 788-6061
or 1-800-698-1240

Mingo

Tug Valley Recovery Shelter 235-6121
or 1-800-478-2211

Monongalia

Rape & Domestic Violence Information Center
292-5100

Monroe

Family Refuge Center 722-5005

Morgan

Shenandoah Women's Center 258-1078

McDowell

Stop Abusive Family Environments 436-8117

Nicholas

Women's Resource Center 872-7875

Ohio

Family Violence Prevention Program 232-2748
or 1-800-698-1247

Pendleton

Family Crisis Center 788-6061
or 1-800-698-1240

Pleasants

Family Crisis Intervention Center 684-3961

Pocahontas

Family Refuge Center 799-4400

Preston

Rape & Domestic Violence Information Center
329-1687

Putnam

Branches Inc. 586-3865

Raleigh

Women's Resource Center 255-4066
or 255-2559
or 1-888-825-7836

Randolph

Women's Aid in Crisis 636-8433

Ritchie

Family Crisis Intervention Center 643-2407

Roane

Family Crisis Intervention Center 927-3707

Summers

Women's Resource Center 466-4659

Taylor

Rape & Domestic Violence Information Center
265-6534

Tucker

Women's Aid in Crisis 478-4552

Tyler

Family Crisis Intervention Center 428-2333
or 1-800-794-2335

Upshur

Women's Aid in Crisis 473-0106

Wayne

Branches Inc. 272-9035

Webster

Women's Aid in Crisis 847-2211

Wetzel

Family Violence Prevention Program 455-6400

Wirt

Family Crisis Intervention Center 428-2333
or 1-800-794-2335

Wood

Family Crisis Intervention Center 428-2333
or 1-800-794-2335

Wyoming

Stop Abusive Family Environments 732-8176



STATE RESOURCES

WV Coalition Against Domestic Violence
(304) 965-3552

WV Foundation for Rape Information and
Services (304) 366-9500

WV Prosecuting Attorney's Institute
(304) 558-3348

US Attorney's Office - Victim/Witness
Assistance Units:
Northern District (304) 234-0100
Southern District (304) 345-2200

NATIONAL RESOURCES

National Coalition Against Domestic Violence
(303) 839-1852
www.ncadv.org

National Domestic Violence Hotline
(800) 799-SAFE
TDD (800) 787-3224
www.ojp.gov/vawo/hotline.htm

National Resource Center on Domestic Violence
(800) 537-2238

National Sexual Violence Resource Center
(877) 739-3895
(717) 909-0715
TTY (800) FYI-CALL
www.nsvrc.org

Office on Violence Against Women
www.ojp.gov/vawo/

NATIONAL RESOURCES

State Law & Legislative Information

www.washlaw.edu/

US Supreme Court Decisions

supct.law.cornell.edu/supct/

Violence Against Women Prevention Research
Center

www.violenceagainstwomen.org



