Review
Domestic violence crimes

§273.5(a) PC
• $ willfully inflicts corporal injury & traumatic condition, upon:
  • Spouse/former
  • Cohabitant/former
  • Engaged or dating relationship/former
  • Child in-common

CALCRIM 840
• $ willfully caused physical injury/traumatic condition
• To V with relationship status
• $ did not act in self-defense in defense of someone else
Review
Domestic violence crimes

§243(e)(1) PC
- S commits battery upon:
  - Spouse/former spouse
  - Current cohabitant
  - Child in-common
  - Current/former engaged or dating relationship

CALCRIM 841
- S willfully touched V in harmful/offensive manner
- V had relationship status
- S did not act in self-defense in defense of someone else
Dynamics of Domestic Violence

Help explain common victim behaviors

**TENSION BUILDING**
- Minor incidents of physical/emotional abuse
- Victim feels growing tension.
- Victim tries to control situation to avoid violence.
  - "Walking on eggshells." Victim cannot control abuser.
  - Longest phase.

**DENIAL**
- Minimizing the abuse or acting as if it did not happen.
- Denial keeps the cycle going.
- Perpetrators, victims, and society at large minimize violence in relationships.

**HONEYMOON PHASE**
- Abuser sorry and apologetic.
- Abuser makes promises.
  - "Hearts and Flowers:"
    - Idealized and romantic.
  - This phase often disappears with time.

**EXPLOSION**
- The actual abuse: physical, sexual, emotional, verbal, financial, etc.

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**POWER AND CONTROL**

**PHYSICAL VIOLENCE**
- Abusers make threats.
- "You're worth nothing!"
- Physical abuse.

**SEXUAL VIOLENCE**
- "You're a slut."
- "You're dirty."
- Sexual abuse.

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**USING COERCION AND THREATS**
- Making and/or carrying out threats to do things to harm her.
  - "You won't get away with this!"
  - Threatening to leave her, to commit suicide, to report her to authorities.
- "Making her welfare" - making her do illegal things.
- Abuser makes threats.

**USING ECONOMIC ABUSE**
- "Making her walk by using locks, shops, groceries.
- "Smearing them with money" - destroying her property, abusing pets, displaying temper.

**USING EMOTIONAL ABUSE**
- "Putting her down" - making her feel bad about herself.
  - "Calling her names" - making her feel inferior.
  - "Playing mind games" - humiliating her.
  - "Making her feel guilty."

**USING MALE PRIVILEGE**
- "Making her feel guilty for bringing the children into the world.
  - "Making her feel guilty for bringing the children into the world.
  - "Deterring the men and women's roles.

**USING CHILDREN**
- "Making her feel guilty about the children.
  - "Using the children to bully the mother.
  - "Using threats to troops her.
  - "Threatening to take the children away.

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**MINIMIZING, DENYING, AND BLAMING**
- "Making light of the abuse and then blaming her co-conspirators.
  - "Remembering to say the abuse didn't happen.""
TENSION BUILDING
Minor Incidents of physical/emotional abuse.
Victim feels growing tension.
Victim tries to control situation to avoid violence.
“Walking on eggshells.” Victim cannot control abuser.
Longest phase.

DENIAL
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EXPLOSION
The actual abuse:
physical, sexual, emotional,
verbal, financial, etc.
Fill in relevant CA Penal Code sections for potential crimes that might be committed while engaging in each tactic.

5 minutes
USING EMOTIONS:
- Insults/Put-Down
- Playing mind games
- Making you feel guilty/humiliated

USING INTIMIDATION:
- Smashing things
- Abusing pets
- Displaying weapons

USING PRIVILEGE:
- Treating you like a servant
- Being the only one who can define and enforce rules

USING COERCION AND THREATS:
- Making or carrying out threats
- Threatening to leave
- Threatening to harm themselves/others if you leave

USING THE CHILDREN:
- Threatening to take/harm the children

USING ISOLATION:
- Controlling who you see/talk to
- Limiting your involvement
Common victim responses to Power and Control tactics (aka Coercive Control)

- What are they?
- Why might they occur?
- Identify strategies to support victims and proceed with case
For a child, domestic violence lasts a lifetime.
THE CYCLE OF ABUSE...
“In America, we raise our criminals at home. The vast majority of all adults we incarcerate for all crimes grew up in homes with some mix of domestic violence, child abuse, and/or drug and alcohol abuse” (Gwinn, 2015, p. 4).

Assessing Lethality
CA POST curriculum

Domestic Violence is Dangerous

• Occurs every 15 seconds
• About 2.8 million incidents annually in the United States
• 40-60% of law enforcement calls are Domestic Violence related
• Escalates over time in frequency and severity
• Most dangerous time is when and after the victim leaves
Medical Costs of Domestic Violence

- 500,000 women seek medical care each year for Domestic Violence
- 25-40% of all Domestic Violence victims are pregnant
- Medical personnel fail to identify Domestic Violence 95% of the time
- PC § 11160 - Medical mandated reporting of Domestic Violence
Workplace Violence Statistics

- Homicide is the leading cause of death for women at work.
- 94% of corporate security directors rated DV as a “high security problem”.
- 71% of human resources personnel reported they had experienced an incident of DV on company property.
- Abusive partners harassed 74% of women at work, causing 56% to be late at least 5 times per month.
CA POST curriculum

Danger Signs

Escalation

- Increase in frequency of incidents
- Increase in severity of injuries
- History of violence
- Extreme jealousy or possessiveness (Victim is central to abuser’s identity and worth)
CA POST curriculum

Other Warning Signs

• Threats to kill
• Threats of suicide
• Access to and use of weapons
• Arson
CA POST curriculum

Other Warning Signs

- Pet abuse
- Stalking
- Abuse moves from indoors to public places
- Use of drugs and alcohol
CA POST curriculum

Other Warning Signs

- Forced sex
- Potential Triggering Events
  - Birthdays
  - Anniversary dates
  - Special dates in relationship
CA POST curriculum

Other Warning Signs

- Change in Responses
- Finally appears to accept end of relationship
- Resignation
Lethality Assessment Factors

What does the research say?


[Note. *k = number of effect sizes; OR = unadjusted odds ratio of the effect size; CI = confidence interval. Boldface identifies statistical significance: *p < .05. **p < .01. ***p < .001.]
<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>k</th>
<th>OR</th>
<th>95% CI</th>
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<tbody>
<tr>
<td><strong>Male perpetration</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Direct access to guns</td>
<td>5</td>
<td>11.17***</td>
<td>[4.31, 28.94]</td>
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<tr>
<td>Threatened victim with a weapon</td>
<td>5</td>
<td>7.36***</td>
<td>[2.99, 18.11]</td>
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<td>Perpetrated nonfatal strangulation</td>
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<td>7.23***</td>
<td>[4.61, 11.34]</td>
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<td>Raped victim/perpetrated forced</td>
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<td>5.44***</td>
<td>[2.79, 10.61]</td>
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<td><strong>Sex</strong></td>
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<tr>
<td>Controlling behaviors</td>
<td>4</td>
<td>5.60***</td>
<td>[4.41, 7.13]</td>
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<td>Threatened to harm victim</td>
<td>8</td>
<td>4.83***</td>
<td>[2.61, 8.97]</td>
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<tr>
<td>Abused victim while pregnant</td>
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<td>3.93***</td>
<td>[2.99, 5.18]</td>
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<td>Perpetrated stalking</td>
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<td>3.13***</td>
<td>[2.58, 3.81]</td>
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<td>Jealousy</td>
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<td>2.58***</td>
<td>[1.81, 3.70]</td>
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<td>Substance abuse</td>
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<td>1.85***</td>
<td>[1.19, 2.86]</td>
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<tr>
<td>Less than high school education</td>
<td>6</td>
<td>1.70*</td>
<td>[1.11, 2.62]</td>
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<td>Young age</td>
<td>5</td>
<td>1.68***</td>
<td>[1.25, 2.25]</td>
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<td>Violent toward nonfamily members</td>
<td>3</td>
<td>1.53</td>
<td>[0.94, 2.48]</td>
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<tr>
<td>Prior criminal charges</td>
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<td>1.32</td>
<td>[0.84, 2.05]</td>
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<td>Mental health issues</td>
<td>5</td>
<td>1.30*</td>
<td>[1.06, 1.61]</td>
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<td>Employed</td>
<td>8</td>
<td>0.50***</td>
<td>[0.36, 0.70]</td>
</tr>
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</table>
CA POST curriculum
Research and Indicators, Work of Dr. Donna Cohen on Elder Homicides – Suicides

- About 1,500 cases annually in the U.S. since 1988 -1994
- 83% involve spouses and intimate partners
- The perpetrator has always been the male partner
- Guns used more than 90% of the time
- 30% of cases had a history of Domestic Violence
- Involves an overvalued attachment of the suspect to the victim and a desire to maintain the integrity of relationship when threatened with separation or dissolution
- High incidence of untreated and undetected psychiatric problems, especially, depression
Lethality Assessment Learning Activity

• Watch for, and note, lethality indicators mentioned in the video

• After the video, you can ask questions for additional information regarding this case study.
Lethality Assessment Learning Activity

- Questions?
- What factors were present?
- Thoughts about lethality risk to victim this case?
Lethality Assessment Uses

- Education for victims
- Case triage
- Improved charging decisions for prosecutors
- Other uses?
WATCH THE HANDS

THE HAND YOU CAN'T SEE IS THE HAND THAT COULD BE HOLDING A WEAPON THAT WILL KILL YOU

OFFICER SAFETY
When does officer safety start?
Investigation

Scene safety

- When can you conduct a “protective sweep”?
- Where?
Investigation

Scene safety

• Weapons

• Seizure per PC §18250

• Environmental hazards
Investigation

Locate involved parties

- Medical aid
- Separate (both sight and hearing)
- Interview
Investigation

When did your investigation begin?
Pro-Arrest Policy
Pro Arrest Policy

• Arrests encouraged
• Felony & Misdo
• Use of citizen’s arrest
• Cite & release
DOMINANT AGGRESSOR ANALYSIS

1 Person Used Violence → NO → 2 People Used Violence → YES → Was 1 Acting in Self-Defense → NO → Single Arrest

Was 1 Person the Predominant Aggressor → NO → Both People Equally Aggressive

Was 1 Person the Predominant Aggressor → YES → Single Arrest

Both People Equally Aggressive → YES → Dual Arrest

Single Arrest → YES
Pro Arrest Policy

Offender gone prior to arrival

- Attempt to locate
- PC pick-up or arrest warrant
Pro Arrest Policy

Bail enhancement

• Purpose
• Procedure
Officer-involved Domestic Violence
Officer-involved domestic violence

Notify a supervisor

Follow policy
Tenancy Issues
Tenancy Issues

- Who has lawful possession?
- Complainant made a request that the person leaves
- Officers will stand-by until subject removes essential belongings
Tenancy Issues

What if the subject refuses to leave when requested?

PC §602.5 arrest

arrest
Tenancy Issues

What if complainant cannot demonstrate lawful possession?

Temporary Restraining Order
Tenancy Issues

Domestic Violence + Tenancy Issue?

Emergency Protective Order, if appropriate
Enforcing Orders of Protection
Basic Elements of a Protection Order

- Names of parties
- Date order was issued
- Date order expires (if any)
- Name of issuing court
- Signed by, or on behalf of, a judicial officer
- Terms and conditions specified, including proscribed acts
Enforcing Orders of Protection

What do you want to know prior to enforcing an order?

• Is the order valid?
• Tools
  • CARPOS
  • NCIC POF
• Does the order have valid service?
  • If not, law enforcement must serve and complete a proof of service
Enforcing Orders of Protection

Federal Full Faith and Credit law

• The federal Violence Against Women Act (1994) is responsible for extending the doctrine of Full Faith and Credit to protection orders

• Civil and criminal

• State, Native American tribes, and territories

• Military orders added in 2002
Enforcing Orders of Protection

- Enforce as written
  - Including items which may not be available in enforcing jurisdiction

- Priority of orders
  - Criminal over civil
  - Most recent order takes precedence
Enforcing Orders of Protection

Is the restrained subject on scene?

**YES**
- Enforce the order/make the arrest

**NO**
- Arrest warrant
  - OR
  - Case to D.A.
Enforcing Orders of Protection

Safety planning

- Discuss with victim
- Refer to advocacy

**Always** prepare a report if a violation of the order occurred.
Emergency Protective Orders

1. PROTECTED PERSONS (insert names of all persons protected)

2. RESTRAINED PERSON (name):
   Sex: □ M □ F Ht.: _____ Wt.: _____ Hair color: ___ E

3. TO THE RESTRAINED PERSON:
   a. □ YOU MUST NOT harass, attack, strike, threaten, assault, or harm the protected person.
   b. □ YOU MUST NOT violate restraining order
   c. □ YOU MUST stay away at least: ___
Emergency Protective Orders (EPO)

EPO procedure found in PP 2-14-A: Section II, J, 6.

- Victim in immediate danger of domestic violence.
- Child in immediate danger of abuse by family/household member.
- Child in immediate danger of being abducted by parent/relative.
- Elder/dependent adult in immediate danger of abuse.
- Victim in immediate danger of stalking.
Emergency Protective Orders (EPO)

Does law enforcement have any duty related to EPOs in domestic violence cases?

Yes!

• Duty to advise
• Duty to request an EPO
Emergency Protective Orders (EPO)

- PP 2.14-A,II,J,6,c: When an officer responds to an incident of domestic violence and reasonable grounds exist to believe the person is in immediate and present danger, the officer shall advise the person of the availability of an emergency protective order. **AN OFFICER SHALL REQUEST AN EMERGENCY PROTECTIVE ORDER IF THE OFFICER BELIEVES THAT A PERSON WHO IS ELIGIBLE TO RECEIVE AN ORDER IS IN IMMEDIATE AND PRESENT DANGER (FC §6275(B)).**
Emergency Protective Orders (EPO)

Fill out Form EPO-001, contact the judge

Copies to: protected, restrained, Dispatch for CLETS entry, issuing Court

Document in report
REPORT WRITING
Report Writing

What goes in a domestic violence report?

• Identify the report as a DV incident on the face page (PC § 13730(c))
  • List §13700 PC as a charge.
• Prior response(s) to the same address DV domestic violence involving either party (PC § 13730(c)(2))
• Signs/symptoms the S is under the influence of alcohol or a controlled substance (PC § 13730(c)(1))
Report Writing

What goes in a domestic violence report?

- The presence of a firearm or other deadly weapon during the incident and whether any weapons were confiscated
- Document any injuries either party sustained
- Document statements of involved parties, & all witnesses, including children
Report Writing

What goes in a domestic violence report?

• If a restraining order violation occurred, describe the terms that were violated
  • Make it easy for the DA - Attach a copy of the order or a CLETS printout showing the terms
• Document physical evidence obtained
• Prior history of violence
• Probation/parole/PCRS status of S
Report Writing

What goes in a domestic violence report?

- Names & ages of children present during the incident
- Documentation of co-occurring crimes
- Document receipt of a DV Victim Resource brochure. (PC § 13701(c)(H)(i))
Report Writing

What goes in a domestic violence report?

• Complete a controlled document form, as appropriate (PC § 293 and GC § 6254(f)(2))
  • Do not include information regarding the victim’s whereabouts in the body of the report
• Medical records release form signed by the V with the crime report, if possible
Report Writing

Non-criminal incidents

Are we required to take a report for this type of incident?

- Davis PD Policy and Procedure 2.14-A: No report required
- Reporting is not prohibited & may be useful in the future
DPD LEGAL MANDATES

☐ Offer medical attention at the scene.
☐ Offer an EPO to victim.
  • Seek EPO if immediate & present danger exists.
☐ Standby & provide safe passage from scene.
☐ Offer/document victim confidentiality per §293 PC.
☐ If an arrest was made, advise victim the suspect may be released from custody at any time.
  • Facilitate VINE notification, if desired by victim.
☐ Advise victim they have the right to a domestic violence counselor at follow-up law enforcement interviews.
☐ A report must be written when the victim in a DV relationship is in fear of imminent serious bodily injury.
  • Advise victim of right to a free copy of their report.
☐ Document if reported abuser (or victim) show signs of the influence of alcohol or controlled substance.
☐ Document if there was previous response to location for DV involving either party.
☐ Ask about guns in the home. Document response.
☐ Unsecured RO’s must be served on Restrained Party, if present.
☐ DV strangulation: victim must be given a written statement advising strangulation may cause internal injuries & encouraging them to seek medical attention (read advisement on page 14 of SADV brochure).
☐ Furnish victim(s) at scene with written notice of victim resource & support information (in SADV resource brochure).
  • Information shall be reviewed verbally w/victim.

DPD POLICY REQUIREMENTS

☐ Document condition & demeanor of victim, suspect, and any children present, including if the victim is pregnant.
☐ Photograph & document condition of crime scene & the presence, or lack of, injuries to suspect & victim, including any treatment received.
☐ Document statements of victim, suspect, witnesses, including children.
☐ Seek signed medical records release from victim.
☐ Seize firearms/deadly weapons in plain view or with consent search.
  • Seek search warrant and GVRO (PP 2.62-B) as necessary.
☐ If a RO violation occurred, describe the terms violated by the suspect and attach a copy of the RO or CLETS printout to the report, listing said terms.
☐ Document physical evidence obtained.
☐ Document supervision status of suspect.
☐ Document names & ages of children present or living at the scene of the DV incident.
**DV Legal Mandates**

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☐ Document physical evidence obtained.
☐ Document supervision status of suspect.
☐ Document names & ages of children present or living at the scene of the DV incident.
Report Writing
If you did something, document it

• Thorough narrative documentation:
  • Demeanor of suspects and victims
  • Sign of physical injury of S and V
    • Take photographs of both parties

• Officers should document facts objectively and professionally, without personal opinions regarding statements of the S and V
Victim Interactions
Trauma will likely impact a survivor’s ability to recall details

**CENTRAL** vs. **PERIPHERAL**

- Spatial/location data
- Order of events
- Contextual cues
Trauma-informed interview practices can assist in obtaining information

- Start with the memories
- Sensory-based questions
- Emotions and thoughts
Trauma-informed interviewing

- Avoid interruption
- Avoid leading questions
- Avoid sequencing
- Avoid sharing personal information

Show empathy

Be patient

Use open-ended questions

Use the same words as the interviewee
Victim Advocacy

Respect Confidentiality...
All discussions must occur in private, without family members present. This is essential to building trust and ensuring her safety.

Promote Access to Community Services...
Know the resources in your community. Is there a hotline and shelter for battered women?

Believe and Validate Her Experiences...
Listen to her and believe her. Acknowledge her feelings and let her know she is not alone. Many women have similar experiences.

Help Her Plan for Future Safety...
What has she tried in the past to keep herself safe? Is it working? Does she have a place to go if she needs to escape?

Acknowledge Injustice...
The violence perpetrated against her is not her fault. No one deserves to be abused.

Respect Her Autonomy...
Respect her right to make decisions in her own life, when she is ready. She is the expert in her life.
Victim Advocacy

Survivor gets to choose involvement level of advocacy

Advocates provide assistance with many tasks

RO’s, CalVCB, other criminal and civil processes
“An advocate can be helpful now and in the future. If it is okay with you, I can introduce you to an advocate by phone. You can decide if you want their assistance after speaking with them.”
### Victim interactions

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Verbally review PC § 13701(c)(9) advisements</td>
<td>Provide a copy of the DPD SADV resource brochure</td>
</tr>
<tr>
<td>Discuss RO options</td>
<td>Refer to resources</td>
</tr>
<tr>
<td>Advise of emergency shelter options</td>
<td>Facilitate contact/transport, if desired</td>
</tr>
<tr>
<td>Be clear about CJ options</td>
<td>DA files charges Arrests are mandated by CA law</td>
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</table>
Strangulation
Anatomy of the Larynx

Tongue

Epiglottis
Supraglottis
Vocal cord
Glottis
Subglottis

Esophagus
Trachea

Choking

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Manual Strangulation
Ligature
Strangulation
**Signs** – what the officer is able to observe

**Symptoms** – what the victim reports they are experiencing
Content Warning
Signs of Strangulation
Strangulation injuries

- Redness
- Bruising
- Scratch marks
- Abrasions
- Swelling
- Drooping
- eyelid/face
Strangulation injuries

- Ligature patterns
- Swollen tongue/lips
- Bleeding - nose/ears
- Unexplained bumps on head
Signs: Head

- Bruising behind ear
- Bleeding in ear
- Petechiae
- Bumps on head
- Facial droop
Petechial hemorrhage

- 1 - 2 mm in diameter
- Will not blanch
- Cannot be palpated
- Occur in a “geographic” pattern
- Eyes, ears, nose, inside mouth, scalp
Subconjunctival hemorrhage

- Visible in “whites” of eyes
- Can be seen in conjunction with petechial hemorrhage
- Usually painless
Symptoms of Strangulation

I would always remember soreness and bruises on my neck. [My neck] would be sore for four or five days.  
- Survivor
Neurological

- Memory loss
- Loss of consciousness
- Weakness, dizziness
- Headaches
- Incontinence
- Vomiting
Voice & throat

- Raspy/hoarse voice
- Unable to speak
- Painful/difficult swallowing
- Sore throat
- Stridor
Unconsciousness, dizziness, nausea, breathing and swallowing problems, throat swelling and change, voice changes, facial droop, eyelid droop, left or right side weakness, depression, suicidal ideation, memory loss, amnesia, suicide attempt, deep vein thrombosis, lung complications, pneumonia, blood clots, death.
San Diego Case Study*:

- 50% of cases - No visible sign/injury
- 35% of cases - Slightly visible sign/injury
- 15% of cases - Clearly visible sign/injury

Strangulation is **LETHAL**

- Strangulation can **KILL** minutes, hours, or days after the assault
-Victims are **750%** more likely to be killed by their abuser*,**, 


Strangulation

Abusers who strangle are more likely to have deadly confrontations with their families, law enforcement, and the public.
Improved Investigations

- Strangulation investigation card
- **Trauma**-informed interviews
- 911 calls
- Photography
- Medical evaluations/records
- Follow-up photography & voice recordings
Call EMS if any sign/symptoms are present
Strangulation

What do you want to know about a strangulation assault?
What do you want to know about a strangulation assault?

- Did the victim lose consciousness?
- Does the victim have difficulty breathing or swallowing?
- Are there any marks visible on the victim’s neck?
- Does the victim complain of a hoarse or raspy voice as a result of the injuries?
- Is there petechiae? Subconjunctival hemorrhage?
- Manner of strangulation?
- Detail the force used
Stalking
§646.9(a) PC
• S willfully & maliciously harasses or repeatedly follows another person
• S makes a credible threat w/the intent to cause V fear for their safety or safety of immediate family

CALCRIM 1301
• S willfully & maliciously harassed or repeatedly following V
• S made a credible threat w/the intent to cause V fear for their safety or safety of immediate family
Review

§422(a) PC

• S willfully threatens a crime resulting in death or GBI to another w/intent it be taken as a threat
• Verbally, in writing, or via electronic communication

• Unequivocal, unconditional, specific & immediate prospect of execution
• Causes V to be in sustained fear for their safety or safety of immediate family
Definitions

• Harassment

• Repeatedly

• Credible threat

• Safety of V or immediate family
Stalking

“Stalking is when two people go on a long, romantic walk together, but only one of them knows about it.”
Stalking

Prove the conduct
- Establish a timeline
- Collect evidence of the conduct

Explain the threat
- Explicit vs. Implicit

Demonstrate the fear
- How is the survivor’s life different?
- What did they do to be safe?
Multi-Disciplinary Responses
Multi-Disciplinary Responses

- Identify local resources for DV victims
- How can advocacy involvement facilitate victim’s ability/capacity to engage with the criminal justice system?