

# Connecting Community Resources with Local Law Enforcement

Roll Call Training Manual



**Georgia  
Commission on  
Family  
Violence**



## **ACKNOWLEDGEMENTS**

The Georgia Commission on Family Violence (GCFV) and the Georgia Coalition Against Domestic Violence (GCADV) are grateful to the many individuals who continue to make Georgia's Domestic Violence Fatality Review Project possible. To learn more about GCFV, please visit [www.gcfv.org](http://www.gcfv.org) and to learn more about GCADV, please visit [www.gcadv.org](http://www.gcadv.org)

## **DEDICATION**

This manual is dedicated to all those who have lost their lives to domestic violence and to their family members, friends, and surviving children who must go on without them. It is our goal to learn from their untimely deaths and implement changes in communities across Georgia to prevent future domestic violence-related fatalities.

## **CONTRIBUTORS**

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## **FAMILY VIOLENCE TASK FORCES**

We acknowledge the commitment of the family violence task forces from around the state who devote their time, energy, and expertise towards creating safer communities in Georgia. We hope this Roll Call training manual will assist task forces in continuing their invaluable work by providing the information and tools necessary to successfully conduct Roll Call trainings in their communities. We are thankful to the communities in Cornelia, Gwinnett, and Macon, Georgia for their support of and commitment to Roll Call trainings over the past several years.

## **FINANCIAL SUPPORT**

The Georgia Fatality Review Project is funded by the Criminal Justice Coordinating Council through Violence Against Women Act funds. We are grateful for the grant which allows our state to join many others around the country in conducting fatality reviews. This Project was supported by subgrant no. W82-8-079, awarded by the state administering office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.



## **DOMESTIC VIOLENCE IN GEORGIA**

Domestic Violence in Georgia is a devastating reality. Consistently, over 100 Georgia citizens lose their lives to domestic violence every year. Most of these are individuals killed by an intimate partner but the number also includes children, family members, perpetrators and others who lose their lives during the course of domestic violence-related incidents.

Since 2004, Georgia has consistently ranked in the top 20 states for the rate at which men kill women. Most disturbingly, Georgia has risen to one of the top 10 states for this rate in the most recent years. Please visit the Violence Policy Center at [www.vpc.org](http://www.vpc.org) for up-to-date information on Georgia's domestic violence homicide rates and other current trends in domestic violence in the United States.

## **HISTORY OF THE FATALITY REVIEW PROJECT**

The Georgia Domestic Violence Fatality Review Project is a collaborative partnership between GCADV and GCFV. Initiated in 2004, the Project operates under grants awarded by Georgia's Criminal Justice Coordinating Council with funding from the U.S. Department of Justice, Office on Violence Against Women.

Through Georgia's Fatality Review Teams, themes and gaps in service delivery have been identified in the lives of victims of domestic violence and the systems that are in place to help them. The information that has been collected, coupled with the implementation of recommendations by Fatality Review Teams, has led to an increase in intentional and effective partnerships, system collaboration, and sincere effort to reduce the amount of complicated barriers that victims face when seeking to escape violence at the hands of their abusers in Georgia. Please visit [www.fatalityreview.com](http://www.fatalityreview.com) to download the most recent Georgia Domestic Violence Fatality Review Annual Report.

## **HOW TO USE THIS MANUAL**

This manual is an overview of how to implement successful Roll Call trainings in your community in an effort to empower law enforcement officers with knowledge on domestic violence resources and statutes to keep victims safer and hold abusers accountable. The manual provides Roll Call training implementation and presentation materials to guide task forces through the entire training process.

While every effort has been made to include all the information family violence task forces will need, this manual is not intended to replace the technical assistance provided to local family violence task forces through the project coordinators. Please contact Jenny Aszman or Taylor Tabb if you have any questions or need assistance.

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## **PURPOSE OF ROLL CALL TRAININGS**

*The Roll Call trainings address key moments of opportunity when law enforcement can intervene and assist victims achieve safety and hold abusers responsible for their actions.*

Roll Call trainings provide local task force members with an opportunity to build or enhance relationships and trust with local law enforcement officers. The trainings are meant to encourage a professional, consistent response to domestic violence from all community agencies. Roll Call trainings provide a cohesive message to law enforcement agencies across the state that the task force and other community agencies and representatives want to support law enforcement in their efforts to help the victims of domestic violence they encounter in the field.

The trainings also give task forces an opportunity to bring the findings from fatality reviews and other research to the attention of law enforcement, to enhance the knowledge of officers and empower them with the information they need to link survivors with life-saving services and information, and most importantly, to help keep victims of domestic violence safer. Further, the trainings are a chance for local task force members to better understand the statutes that direct law enforcement job responsibilities.

### ***Through Roll Call Trainings, your Task Force will***

- ❖ Connect Law Enforcement with Community Agencies
- ❖ Inform Law Enforcement of Fatality Review Findings
- ❖ Empower Law Enforcement with Information and Resources
- ❖ Encourage Professional, Consistent Responses by All Community Agencies
- ❖ Support Local Law Enforcement

## **ROLL CALL TRAINING VIDEO**

Included with this training manual is a Roll Call training video featuring Mike Mertz and Judge Peggy Walker. The video is designed to be shown at task force or subcommittee meetings to provide an overview of the importance of conducting Roll Call trainings, the format of the trainings, and how to best implement the trainings. The video is meant to garner support for Roll Call trainings from task force members and is not meant to be shown to law enforcement participants.

## **FORMAT OF ROLL CALL TRAININGS**

The Roll Call training lessons are stringent and are designed to be conducted at law enforcement briefings. The trainings include important and necessary information that officers can begin to incorporate into their responsibilities and duties immediately. The trainings do not allow time for questions, but encourage law enforcement officers to contact task force members if they have any follow-up questions or to request for task force members to present in a longer training format. In order to stay within the strict time parameter of 10 minutes, the trainings are formatted into three concise sections: the introduction, the body (topic information), and the conclusion.

## ROLL CALL TRAINING CONTENT

Training Topics	Findings	Deliverables for Participants	Presenters
<b>Mandated Family Violence Response</b>	The professional and consistent response of law enforcement to DV incidents is a critical first step towards survival for many victims. Adherence to State Statutory requirements and department policy with regard to DV response is an effective deterrent to further violence.	<ul style="list-style-type: none"> <li>❖ Knowledge on the Family Violence Act in Georgia</li> <li>❖ Understanding what the state requires of officers when responding to family violence incidents</li> <li>❖ Clarity on the definition of family violence in Georgia</li> </ul>	<p>Law Enforcement</p> <p>Prosecutors</p> <p>DV Advocates</p>
<b>Primary Aggressor Identification</b>	Jurisdictions with primary aggressor department policies or state laws reported ¼ the number of dual arrests as jurisdictions without such policies or laws. These primary aggressor laws and policies state that officers should identify and arrest only the main offender in an incident. <sup>1</sup>	<ul style="list-style-type: none"> <li>❖ Knowledge about primary aggressor identification when responding to family violence incidents</li> <li>❖ Training in assessing evidence on family violence incidents as outlined in the O.C.G.A.</li> <li>❖ Training which addresses the ways in which women use force and elements of defense and defensive injuries</li> </ul>	<p>Law Enforcement</p> <p>Prosecutors</p>
<b>Victim Services and Law Enforcement</b>	78% of DV fatality victims reviewed had contact with law enforcement in the 5 years prior to the homicide. 17% of these same victims had contact with non-governmental community agencies, such as DV programs, emergency shelter, or safety planning. <sup>2</sup>	<ul style="list-style-type: none"> <li>❖ Information on local community services available to DV survivors, enabling officers to empower survivors</li> <li>❖ Agency-tailored, updated, community-specific information on all services for both residents and non-residents</li> </ul>	<p>Law Enforcement</p> <p>Prosecutors</p> <p>DV Advocates</p>
<b>Family Violence Incident Reporting</b>	Aggressive investigation and arrest coupled with concise and comprehensive documentation helps the criminal justice system provide for the safety of victims and the accountability of offenders.	<ul style="list-style-type: none"> <li>❖ Knowledge regarding family violence incident reporting in compliance with Georgia law to better assist victims of DV</li> <li>❖ Explicit training on the content of the incident report, evidence to include in the report</li> <li>❖ Directives on gathering crucial evidence beyond testimony</li> </ul>	<p>DV Advocates</p> <p>DV Directors</p> <p>Legal Advocates</p>
<b>Family Violence Protection Orders</b>	In one study, half (50%) of victims experienced no violations of the TPO in the 6 months following the order. For victims who did experience violations, every type of violence was significantly reduced. <sup>3</sup>	<ul style="list-style-type: none"> <li>❖ Knowledge about Family Violence Protective Order protocol to better assist victims of DV</li> <li>❖ Exposure to appropriate statutes to enforce in the event of a TPO violation</li> </ul>	<p>Law Enforcement</p> <p>Prosecutors</p> <p>Judges</p>
<b>Stalking</b>	76% of female homicide victims were stalked prior to their death. <sup>4</sup> In reviewed fatalities in Georgia, stalking was a factor in 44% of cases; 56% of cases had monitoring and controlling behaviors exhibited by the perpetrator. <sup>2</sup>	<ul style="list-style-type: none"> <li>❖ Knowledge about state stalking statutes, responding to victims of stalking, and the difference between stalking and aggravated stalking</li> <li>❖ Covers the appropriate investigation and arrest decisions regarding stalking perpetrators</li> </ul>	<p>Law Enforcement</p> <p>Legal Advocates</p>

<sup>1</sup> Hirshel, D. 2008. *Domestic Violence Cases: What Research Shows About Arrest and Dual Arrest Rates*. National Study by NIJ. Retrieved from <http://www.nij.gov/publications/dv-dual-arrest-222679/ch3/welcome.htm>

<sup>2</sup> Georgia Fatality Review Project findings

<sup>3</sup> Logan et al. 2009, September. *The Kentucky Civil Protective Order Study: A Rural and Urban Multiple Perspective Study of Protective Order Violation Consequences, Responses, and Cost*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/228350.pdf>

<sup>4</sup> MacFarlane et al. 1998. Stalking and Intimate Partner Femicide. *Homicide Studies*, 3(4). 300-16

## **IMPLEMENTATION OF ROLL CALL TRAININGS**

### ***Roll Call Training Subcommittee***

Creating a subcommittee of your task force committed to Roll Call trainings may help to ensure successful implementation. Roll Call training subcommittee roles may include a Chair, Co-Chairs, and Secretary. Tasks to consider distributing among these positions include reaching out to law enforcement and scheduling the trainings on a regular basis, recruiting the suggested presenters, making sure materials are copied and ready for the trainings, keeping track of attendance at trainings, and distributing, collecting, and reporting the evaluation materials to GCFV at the completion of your trainings. This process will vary depending on your community and the composition of your task force.

### ***Suggested Presenters***

If your task force is not already connected with the suggested presenters, it is highly encouraged that you focus on developing these relationships before proceeding with Roll Call training implementation. The influence and expertise that the suggested presenters bring to the Roll Call trainings enriches the training program and encourages participant engagement. Developing your task force's relationships with the suggested presenters is valuable beyond the Roll Call training program as it engages more systems in the conversation on reducing domestic violence-related deaths in Georgia. The care and effort that goes into the process of recruiting the presenters is as important and essential as arranging the trainings and presenting the material to officers.

### ***Training Arrangements***

Training arrangements should be led by task force or subcommittee members reaching out to the suggested presenters and local law enforcement personnel. Task force members should be strategic but flexible when scheduling trainings and should arrange for multiple trainings on one topic area based on what will reach the largest number of law enforcement officers. Consider implementing these trainings often as turnover for some law enforcement agencies is higher than others and new officers may be joining the agency regularly. When you have scheduled Roll Call trainings in your community, please inform GCFV of your trainings.

### ***Time Considerations***

Take the time to practice your Roll Call trainings to ensure that your presentation aligns with the allotted timeframe you have established with the local law enforcement agency. The 10 minute timeframe of these trainings is to impact the most officers in the most convenient manner. However, the manual includes a lot of detailed information that may be challenging to cover within a 10 minute training program. After reviewing the information in the manual, your task force can decide what is most relevant to your community and focus on those topics. If you find that the material you want to cover goes beyond 10 minutes, explore the possibility of expanding the length of the training sessions with your local law enforcement agency.

### ***Further Trainings***

We encourage you to offer further trainings beyond the 10 minute Roll Call format that will allow for more in-depth discussions and presentations on other family violence topics, such as the dynamics of domestic violence, domestic violence and immigrant communities, domestic violence within the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning and Intersex (LGBTQQI) community, and human trafficking. GCADV and GCFV can assist your task force should you pursue other trainings with law enforcement.

## ROLL CALL TRAINING COMPONENTS

**Lesson Topic:** A summary of what the lesson will cover.

**Learning Objective:** Learning deliverables for participants from the trainings.

**Presenters:** Community agency representatives to recruit for the training. If your task force is not already connected with these presenters, please develop that relationship first before proceeding with training implementation.

**Before the Training:** Preparations family violence task force members and presenters should make before the training, such as reviewing the training material and gathering handouts and brochures.

**Resources:** Resource materials should be incorporated into your training and be available for participants. Most resources are included in the Resource section of this manual. Task forces should incorporate their own resources, if appropriate.

**Introduction:** (1 minute) The introduction section is similar for all training topics. During this time, presenters will cover the purpose and members of the family violence task force. Presenters should highlight the multidisciplinary composition of the Task Force (both governmental and non-governmental representatives). Law enforcement officers who are interested in being a part of the task force should be encouraged to approach their chain of command. Presenters should also establish the format of the training in the introduction and let the officers know that it will be fast-paced and that there won't be any time to take questions from them.

**Body:** (8 minutes) The body of the presentations includes an opening statement. During the opening statement, focus on why this training topic is so important for law enforcement. The presenter should remain organized and focused to ensure they cover all of the material in the allotted time.

**Closing:** (1 minute) The closing of your training should focus on key points to take from the presentation, resources available for law enforcement, and contact information should participants have any questions.

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### Key Symbols

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Important notes to the presenter



Training script

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## ***ROLL CALL 1: Mandated Family Violence Response***

### **Lesson Topic**

This lesson will cover the Mandated Family Violence response of law enforcement when investigating incidents of family violence based on O.C.G.A 17-4-20, 17-4-2.1 and 19-13-1.

### **Learning Objective**

Participants will gain knowledge of the Family Violence Act in Georgia, clarity on the definition of family violence in Georgia, and an understanding of what the state requires of officers when responding to family violence incidents.

### **Presenters**

Law Enforcement staff, Prosecutors, Domestic Violence Advocates

### **Before the Training**

Review the following training section on Mandated Family Violence Response and O.C.G.A 19-13-1, 17-4-20, and 17-4-20.1. Prepare resources and handouts and make copies of materials to leave with officers.

### **Resources**

- ❖ Mandated Family Violence Response PowerPoint Presentation (for Officers and Presenters)
- ❖ Appendix A – O.C.G.A. 19-13-1
- ❖ Appendix B – O.C.G.A. 17-4-20.1
- ❖ Appendix C – O.C.G.A. 17-4-20
- ❖ Appendix D – Simpson v. The State
- ❖ Appendix E – Family Violence Incident Interview Questions
- ❖ Appendix F – Family Violence Call Questions for Dispatchers
- ❖ List of Community Resources (Please assemble for your community)

### **Introduction (1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task force.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

 ***Opening Statement: "MANDATED FAMILY VIOLENCE RESPONSE" (Slide 1)***

Family Violence in Georgia is defined primarily in three Statutes: O.C.G.A. 19-13-1 (The Family Violence Act), O.C.G.A. 17-4-20, and O.C.G.A. 17-4-20.1. These statutes define family violence crimes by crime type and relationship of disputants.

O.C.G.A. 17-4-20 gives criteria for warrantless arrest and defines agency responsibility to provide training for officers with regard to family violence and elder abuse. A qualifying family violence crime may result in the officer making an arrest with or without warrant when the officer is able to establish probable cause. Aggressive arrest policy has proven to be the most effective law enforcement intervention in family violence cases.

O.C.G.A. 17-4-20.1 contains requirements for officers when responding to a reported incident of family violence. Georgia family violence law provides a number of chargeable misdemeanor crimes which may help to prevent further incidents. When arrest is not possible, written documentation of the incident and victim services referral by the officer is still required.

 This block of instruction is designed to provide officers with a general overview of what defines an incident as "family violence" and the officer's obligations under Georgia law when responding to incidents of family violence. Specific protocol should be addressed within department policy. There is not sufficient time to discuss the specific elements of each crime which may be charged.

 ***"FAMILY VIOLENCE DEFINED" (Slide 2)***

The Family Violence Act defines incidents of family violence by crime type and relationship of the disputants. Family violence is primarily a crime of power and control. The victim/offender relationship impacts the investigation, prosecution, and safety of the victim during the process. The investigating officer has a critical role in assessing the offender's access to the victim.

Most family violence incidents will be charged as misdemeanors. The likelihood that the offender will be out of jail on bond prior to trial is very high. Proper assessment of the relationship aids prosecutors and judges to make bond decisions. The investigating officer should never minimize the effectiveness of intervention at the misdemeanor level. Misdemeanor crimes charged under the Family Violence Act may carry enhanced penalties.

 ***"O.C.G.A. 17-4-20" (Slide 3)***

This code section allows officers to make arrest with or without warrant when sufficient probable cause exists to believe a crime of family violence has occurred. The crime is charged as a crime against the State. Georgia is not a mandate arrest state; however, most agencies have pro-arrest policies when probable cause can be determined. Aggressive investigation and arrest on family violence incidents is the most effective law enforcement intervention. In cases where there is insufficient probable cause for arrest, the officer still has the obligation to document the incident and to advise the victim of other services available.

 **“GEORGIA O.C.G.A. 17-4-20.1” (Slide 4)**

This statute clearly states what the officer **shall** do whenever they receive a reported incident of family violence. The Georgia Court has been clear that **shall** is a directive. This means every time that the investigating officer is required to respond to the incident, they must interview all participants and witnesses, document in accordance with the state Family Violence Report, and advise the victim of available services.

 **“O.C.G.A. 17-4-20.1” (Slide 5)**

“A crime is by definition a public wrong against the State, it is not normally an acceptable defense that the person wronged by a criminal has condoned the offense” (see Simpson v. State, 214 Ga. App. 587 1994). The Officer’s decision to arrest should be based on the establishment of probable cause to believe a crime was committed. The consent of the victim or willingness to prosecute by the victim should not be a consideration in arrest decisions.

When building the case for prosecution, the officer should remember that victims of family violence may recant their testimony. Documentation of physical evidence, statements of all parties, and officer observations of the scene and disputants are necessary elements of the investigation. The officer should never fail to arrest because the victim refuses to cooperate on scene or the officer believes the victim will refuse to cooperate with prosecution. The investigating officer must remember that the victim is always at risk of further injury when cooperating with the prosecution. Understanding the victim’s fear of retaliation may help the officer work past the frustration of uncooperative victims.

 **“OFFICER RESPONSIBILITY” (Slide 6)**

O.C.G.A. 17-4-20.1 details the steps for the responding officer’s investigation of reported incidents of family violence. The statute provides a strategy for interviewing disputants safely and effectively, making assessments about who should be charged as primary physical aggressor, and the detailed reporting requirements. Officers should familiarize themselves with this statute as well as specific department policies regarding response to family violence incidents and departmental reports.

 **“RESPONSE” (Slide 7)**

Officers should treat family violence calls as priority calls. The safety of all parties involved may depend on a timely response by the officer. Department policy on response and supervisory instruction should determine the method of response. Officers must defer to supervisors and department policy with regard to entering a residence when the parties resist. First responding officers will have the best opportunity to observe the victim, offender, and witnesses while they are still under the influence of the event. Evidence on family violence scenes change as the emotional disturbance subsides. The statements made at first contact will often be the most truthful from all parties. Remember, victims’ stories may change. Documentation by the first responding officers on the scene is critical; There is a small window of opportunity to capture the incident in the most truthful light. It is important for responding officers to observe and document the condition of the scene and all parties involved.

 ***“INVESTIGATION” (Slide 8)***

Creating a safe scene is the officer’s first responsibility. Once the disputants are separated, the officer can begin to interview and assess the statements against the physical evidence. The officer may have to continue to point uncooperative or untruthful subjects back to what the evidence is showing. All involved parties and any other witnesses, including children, should be interviewed. The responding officer should never leave the scene until ensuring the welfare of everyone in the residence.

 ***“QUESTIONS?” (Slide 9)***

The victim statement may change once they have time to come down from the immediate fear or anger of the incident. It is important for the responding officer to get an accurate and complete statement at the time of the incident. It is a good strategy to use the evidence on scene to help clarify any contradictory or unclear points in the victim testimony.

 ***“CLOSING THE INTERVIEW” (Slide 10)***

Asking questions about the first time the victim can remember any violence in the relationship can help to establish a pattern or history of abuse. The officer is building a case on the evidence of the current or most recent event. Prior incidents of family violence between the defendant and the same victim may be used at trial to establish prior history of violence in the relationship. These previous incidents may be useful in prosecution as well as helping the victim to assess future risk. The officer should also ask about the offender’s history of violence in previous relationships; the victim is often a good source for this information. These prior abusive behaviors may also be used at trial, if substantiated.

The professional response by the first officer to have contact with the victim has been shown to influence the cooperation of the victim throughout the criminal justice process. It is helpful for the officer to reassure the victim that the abuse is unacceptable and that the victim is not responsible for the behavior of the abuser.

 ***“THE PACKAGE” (Slide 11)***

The first responding officer should document all excited utterance statements by all parties. Observation of the demeanor and physical condition of the person making the statement should be documented in the officer’s report. The physical and mental condition of the person making the statement may help to validate the statement later. The officer should attempt to video or audio record any statements. Written statements are valuable tools for prosecutors at trial.

 ***“COMPLETING THE PACKAGE” (Slide 12)***

When completing the victim interview, the officer should ask specific questions about injuries and other physical evidence. This is the best time to get the victim to commit to an accurate statement. If the victim has injuries, the officer may want to have them sign a medical release form in the event that medical treatment is sought. The victim should be given written contact

information for both governmental and nongovernmental services. The officer should also encourage the victim to utilize local services available to them.

 ***“THE ELEMENTS” (Slide 13)***

The elements of a good report and case file include interviews of all parties with knowledge of the incident. This includes all witnesses and any children. Once again, any documentation of prior history, whether reported to law enforcement or not, is crucial.

 ***“PHYSICAL EVIDENCE” (Slide 14)***

Victim and witness testimony may change prior to trial. Physical evidence is the only infallible piece of evidence. Failure to properly obtain and document physical evidence may result in no evidence at trial. Photographs are an excellent way to document injuries, property destruction, physical appearance, and the presence of children on scene. Injuries will heal; sometimes the photograph may be the only evidence of injury.

 ***“PHYSICAL EVIDENCE” (Slide 15)***

In keeping with department policy, recordings of 911 calls should be requested in all cases resulting in arrest. When victims or witnesses become unavailable for cross examination at trial, much of the testimonial evidence may be lost. As a general rule, calls for emergency assistance can still be used at trial even when the caller is not available. 911 calls have tremendous value when played in court. Typically the caller is in an excited state and additionally, background noises from the ongoing incident may be heard. Recordings of calls to 911 by victims or witnesses may often be admitted even when the victim recants testimony.

 The local District Attorney is best suited to advise on the admissibility of 911 calls in their jurisdiction.

 ***“VICTIM NOTIFICATION” (Slide 16)***

Every family violence incident will not result in arrest. In these cases, the officer should provide the victim with as much information on local victim services as possible. There is clear evidence that victim’s who utilize services beyond law enforcement have a greater chance of surviving the abusive relationship.

 Provide Officers with a list of available services in your community.

 ***Closing Statement (Slide 17) (1 minute)***

The professional, consistent response of law enforcement to family violence incidents is a critical first step towards survival for many victims. Aggressive investigation and arrest coupled with concise documentation aids the criminal justice system in providing for the safety of victims and the accountability of offenders. First responding officers have the greatest opportunity to create positive change for the victim of abuse and the abuser. Adherence to State Statutory requirements and department policy with regard to family violence response is an effective deterrent to further violence.



# Mandated Family Violence Response

## Roll Call Training



Family Violence in Georgia is defined primarily in three Statutes: O.C.G.A. 19-13-1 (The Family Violence Act), O.C.G.A. 17-4-20, and O.C.G.A. 17-4-20.1. These statutes define family violence crimes by crime type and relationship of disputants.

O.C.G.A. 17-4-20 gives criteria for warrantless arrest and defines agency responsibility to provide training for officers with regard to family violence and elder abuse. A qualifying family violence crime may result in the officer making an arrest with or without warrant when the officer is able to establish probable cause. Aggressive arrest policy has proven to be the most effective law enforcement intervention in family violence cases.

O.C.G.A. 17-4-20.1 contains requirements for officers when responding to a reported incident of family violence. Georgia family violence law provides a number of chargeable misdemeanor crimes which may help to prevent further incidents. When arrest is not possible, written documentation of the incident and victim services referral by the officer is still required.

## Family Violence Defined O.C.G.A. 19-13-1

### Relationship Test

- Past or present spouse
- Parents of the same child
- Parents and children
- Stepparents/children
- Foster parents
- Persons living or formerly living in the same household

### Violence Test

- Simple Battery
- Battery
- Simple Assault
- Assault
- Criminal Trespass
- Criminal Damage
- Unlawful restraint
- Stalking
- Any Felony

The Family Violence Act defines incidents of family violence by crime type and relationship of the disputants. Family violence is primarily a crime of power and control. The victim/offender relationship impacts the investigation, prosecution, and safety of the victim during the process. The investigating officer has a critical role in assessing the offender's access to the victim.

Most family violence incidents will be charged as misdemeanors. The likelihood that the offender will be out of jail on bond prior to trial is very high. Proper assessment of the relationship aids prosecutors and judges to make bond decisions. The investigating officer should never minimize the effectiveness of intervention at the misdemeanor level. Misdemeanor crimes charged under the Family Violence Act may carry enhanced penalties.

## O.C.G.A. 17-4-20

- An Officer may make an arrest with or without a warrant when:
  - Crime is committed in Officer's immediate knowledge
  - If the offender is endeavoring escape
  - If Officer has probably cause to believe an act of Family Violence has occurred

This code section allows officers to make arrest with or without warrant when sufficient probable cause exists to believe a crime of family violence has occurred. The crime is charged as a crime against the State. Georgia is not a mandate arrest state; however, most agencies have pro-arrest policies when probable cause can be determined. Aggressive investigation and arrest on Family Violence incidents is the most effective law enforcement intervention. In cases where there is insufficient probable cause for arrest, the officer still has the obligation to document the incident and to advise the victim of other services available.

## O.C.G.A. 17-4-20.1

- This Code Section
  - Defines Agency and Officer Responsibilities
    - Mandate to Respond
    - Mandate to Investigate
    - Mandate to Report
    - Mandate to Inform Victims of Services and Remedies

This statute clearly states what the officer **shall** do whenever they receive a reported incident of family violence. The Georgia Court has been clear that **shall** is a directive. This means every time that the investigating officer is required to respond to the incident, they must interview all participants and witnesses, document in accordance with the State Family Violence Incident Report, and advise the victim of available services.

## O.C.G.A. 17-4-20.1

- The Officer shall not base the decision to arrest on the specific consent of the victim or on consideration of the relationship of the parties
- No Officer shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention

“A crime is by definition a public wrong against the State, it is not normally an acceptable defense that the person wronged by a criminal has condoned the offense” (see *Simpson v. State*, 214 Ga. App. 587 1994). The Officer’s decision to arrest should be based on the establishment of probable cause to believe a crime was committed. The consent of the victim or willingness to prosecute by the victim should not be a consideration in arrest decisions.

When building the case for prosecution, the officer should remember that victims of family violence may recant their testimony. Documentation of physical evidence, statements of all parties, and officer observations of the scene and disputants are necessary elements of the investigation. The officer should never fail to arrest because the victim refuses to cooperate on scene or the officer believes the victim will refuse to cooperate with prosecution. The investigating officer must remember that the victim is always at risk of further injury when cooperating with the prosecution. Understanding the victim’s fear of retaliation may help the officer work past the frustration of uncooperative victims.

## Officer Responsibility

- Respond
- Investigate
- Evaluate each complaint separately
- Determine the primary physical aggressor
- Make appropriate arrest
- Advise victim of rights
- Complete appropriate report

O.C.G.A. 17-4-20.1 details the steps for the responding officer's investigation of reported incidents of family violence. The statute provides a strategy for interviewing disputants safely and effectively, making assessments about who should be charged as primary physical aggressor, and the detailed reporting requirements. Officers should familiarize themselves with this statute as well as specific department policies regarding response to family violence incidents and departmental reports.

## Officer Responsibility

- You must not only respond, but respond in a timely manner
- Dispatch should prioritize domestic violence calls
- Supervisors should monitor traffic and prioritize response of officers
- Appropriate time should be allotted for on-scene investigation

Officers should treat family violence calls as priority calls. The safety of all parties involved may depend on a timely response by the officer. Department policy on response and supervisory instruction should determine the method of response. Officers must defer to supervisors and department policy with regard to entering a residence when the parties resist. First responding officers will have the best opportunity to observe the victim, offender, and witnesses while they are still under the influence of the event. Evidence on family violence scenes change as the emotional disturbance subsides. The statements made at first contact will often be the most truthful from all parties. Remember, victims' stories may change. Documentation by the first responding officers on the scene is critical; There is a small window of opportunity to capture the incident in the most truthful light. It is important for responding officers to observe and document the condition of the scene and all parties involved.

## Investigation

- Outlined in O.C.G.A. 17-4-20.1
  - Identify disputants
  - Separate disputants
  - Interview complainant
  - Interview suspect
  - Interview children
  - Interview other witnesses

Creating a safe scene is the officer's first responsibility. Once the disputants are separated, the officer can begin to interview and assess the statements against the physical evidence. The officer may have to continue to point uncooperative or untruthful subjects back to what the evidence is showing. All involved parties and any other witnesses, including children, should be interviewed. The responding officer should never leave the scene until ensuring the welfare of everyone in the residence.

## Questions?

- Review the victim statement and clarify points which are unclear or contradictory to evidence
- Ask questions to help establish the lethality of the situation
- First/Worst/Most recent incidents of violence

The victim statement may change once they have time to come down from the immediate fear or anger of the incident. It is important for the responding officer to get an accurate and complete statement at the time of the incident. It is a good strategy to use the evidence on scene to help clarify any contradictory or unclear points in the victim testimony.

## Closing the Interview

- Gather information about any prior incidents of abuse
- Ask the victim if she is aware of any other abusive relationships that the perpetrator may have been involved in
- Reassure the victim that she is not responsible for the abuse

Asking questions about the first time the victim can remember any violence in the relationship can help to establish a pattern or history of abuse. The officer is building a case on the evidence of the current or most recent event. Prior incidents of family violence between the defendant and the same victim may be used at trial to establish prior history of violence in the relationship. These previous incidents may be useful in prosecution as well as helping the victim to assess future risk. The officer should also ask about the offender's history of violence in previous relationships; the victim is often a good source for this information. These prior abusive behaviors may also be used at trial, if substantiated.

The professional response by the first officer to have contact with the victim has been shown to influence the cooperation of the victim throughout the criminal justice process. It is helpful for the officer to reassure the victim that the abuse is unacceptable and that the victim is not responsible for the behavior of the abuser.

## The Package

- Record spontaneous statements
- Document the victim's demeanor
- Tape record the completed statement
- Always get a written statement
- Have the victim ID the suspect

The first responding officer should document all excited utterance statements by all parties. Observation of the demeanor and physical condition of the person making the statement should be documented in the officer's report. The physical and mental condition of the person making the statement may help to validate the statement later. The officer should attempt to video or audio record any statements. Written statements are valuable tools for prosecutors at trial.

## Completing The Package

- Ask the victim how each injury was received
- Record prior acts of violence
- Have the victim sign a medical release
- Supply the victim with written referral information
- Discuss safety measures with the victim

When completing the victim interview, the officer should ask specific questions about injuries and other physical evidence. This is the best time to get the victim to commit to an accurate statement. If the victim has injuries, the officer may want to have them sign a medical release form in the event that medical treatment is sought. The victim should be given written contact information for both governmental and nongovernmental services. The officer should also encourage the victim to utilize local services available to them.

## The Elements

- Interview the victim
- Interview the suspect
- Interview the children
- Interview other witnesses
- Be sure to include any testimonial evidence of prior incidents whether they were reported or not

The elements of a good report and case file include interviews of all parties with knowledge of the incident. This includes all witnesses and any children. Once again, any documentation of prior history, whether reported to law enforcement or not, is crucial.

## Physical Evidence

- Photograph and document the condition of the scene
- Photograph the victim and the suspect
- Photograph the children
- Photograph all injuries of all parties
- Photograph all weapons in place before impounding
- Photograph and collect any torn clothing

Victim and witness testimony may change prior to trial. Physical evidence is the only infallible piece of evidence. Failure to properly obtain and document physical evidence may result in no evidence at trial. Photographs are an excellent way to document injuries, property destruction, physical appearance, and the presence of children on scene. Injuries will heal; sometimes the photograph may be the only evidence of injury.

## Physical Evidence

- Request the 911 tape
- If possible, arrange for follow-up photographs
- Request or acquire previous reports and criminal history, if applicable
- Get a copy of any court orders or protection orders
- Collect and document physical evidence

In keeping with department policy, recordings of 911 calls should be requested in all cases resulting in arrest. When victims or witnesses become unavailable for cross examination at trial, much of the testimonial evidence may be lost. As a general rule, calls for emergency assistance can still be used at trial even when the caller is not available. 911 calls have tremendous value when played in court. Typically the caller is in an excited state and additionally, background noises from the ongoing incident may be heard. Recordings of calls to 911 by victims or witnesses may often be admitted even when the victim recants testimony.

## Victim Notification

- Explain to the victim that the offender may be eligible for pre-trial release
- Complete a victim notification form
- Be sure to get good contact information for the victim
- Provide the victim with local Family Violence Center contact information
- Discuss the process for obtaining a Temporary Protection Order

Every family violence incident will not result in arrest. In these cases, the officer should provide the victim with as much information on local victim services as possible. There is clear evidence that victim's who utilize services beyond law enforcement have a greater chance of surviving the abusive relationship.

## Closing

- The professional, consistent response of law enforcement to family violence incidents is a critical first step towards survival for many victims.
- Adherence to State Statutory requirements and department policy with regard to family violence response is an effective deterrent to further violence.

The professional, consistent response of law enforcement to family violence incidents is a critical first step towards survival for many victims. Aggressive investigation and arrest coupled with concise documentation aids the criminal justice system in providing for the safety of victims and the accountability of offenders. First responding officers have the greatest opportunity to create positive change for the victim of abuse and the abuser. Adherence to State Statutory requirements and department policy with regard to family violence response is an effective deterrent to further violence.



Mandated Family Violence Response

Roll Call Training



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Family Violence Defined  
O.C.G.A. 19-13-1

**Relationship Test**

- Past or present spouse
- Parents of the same child
- Parents and children
- Stepparents/children
- Foster parents
- Persons living or formerly living in the same household

**Violence Test**

- Simple Battery
- Battery
- Simple Assault
- Assault
- Criminal Trespass
- Criminal Damage
- Unlawful restraint
- Stalking
- Any Felony

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O.C.G.A. 17-4-20

- An Officer may make an arrest with or without a warrant when:
  - Crime is committed in Officer’s immediate knowledge
  - If the offender is endeavoring escape
  - If Officer has probably cause to believe an act of Family Violence has occurred

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O.C.G.A. 17-4-20.1

- This Code Section
  - Defines Agency and Officer Responsibilities
    - Mandate to Respond
    - Mandate to Investigate
    - Mandate to Report
    - Mandate to Inform Victims of Services and Remedies

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O.C.G.A. 17-4-20.1

- The Officer shall not base the decision to arrest on the specific consent of the victim or on consideration of the relationship of the parties
- No Officer shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention

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Officer Responsibility

- Respond
- Investigate
- Evaluate each complaint separately
- Determine the primary physical aggressor
- Make appropriate arrest
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### Officer Responsibility

- You must not only respond, but respond in a timely manner
- Dispatch should prioritize domestic violence calls
- Supervisors should monitor traffic and prioritize response of officers
- Appropriate time should be allotted for on-scene investigation

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### Investigation

- Outlined in O.C.G.A. 17-4-20.1
  - Identify disputants
  - Separate disputants
  - Interview complainant
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### Questions?

- Review the victim statement and clarify points which are unclear or contradictory to evidence
- Ask questions to help establish the lethality of the situation
- First/Worst/Most recent incidents of violence

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### Closing the Interview

- Gather information about any prior incidents of abuse
- Ask the victim if she is aware of any other abusive relationships that the perpetrator may have been involved in
- Reassure the victim that she is not responsible for the abuse

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### The Package

- Record spontaneous statements
- Document the victim's demeanor
- Tape record the completed statement
- Always get a written statement
- Have the victim ID the suspect

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### Completing The Package

- Ask the victim how each injury was received
- Record prior acts of violence
- Have the victim sign a medical release
- Supply the victim with written referral information
- Discuss safety measures with the victim

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The Elements

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- Be sure to include any testimonial evidence of prior incidents whether they were reported or not

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Physical Evidence

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Physical Evidence

- Request the 911 tape
- If possible, arrange for follow-up photographs
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## Victim Notification

- Explain to the victim that the offender may be eligible for pre-trial release
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- Discuss the process for obtaining a Temporary Protection Order

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## Closing

- The professional, consistent response of law enforcement to family violence incidents is a critical first step towards survival for many victims.
- Adherence to State Statutory requirements and department policy with regard to family violence response is an effective deterrent to further violence.

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## ***ROLL CALL 2: Primary Physical Aggressor Identification***

### **Lesson Topic**

This training will help law enforcement determine the primary physical aggressor when investigating incidents of family violence and will cover O.C.G.A 17-4-20.1.

### **Learning Objective**

Participants will use the information provided in class to assess evidence when responding to incidents of family violence to more accurately identify the primary physical aggressor.

### **Presenters**

Law Enforcement Staff, Prosecutors

### **Before the Training**

Review the following training section on Primary Physical Aggressor Identification and review O.C.G.A. 17-4-20.1, which outlines the statutes that guide this training. Prepare resources and handouts and make copies of materials to leave with officers.

### **Resources**

- ❖ Primary Aggressor Identification PowerPoint Presentation (for Officers and Presenters)
- ❖ Appendix C – O.C.G.A. 17-4-20.1
- ❖ Appendix G – Power and Control Wheel
- ❖ Appendix H – LGBT Power and Control Wheel
- ❖ Appendix I – Immigrant Power and Control Wheel
- ❖ Appendix J – Primary Aggressor and Defensive Injuries Questions
- ❖ Appendix K – Types of Domestic Violence Injuries

### **Introduction(1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task force.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

 ***Opening Statement: "PRIMARY PHYSICAL AGGRESSOR IDENTIFICATION" (Slide 1)***

Good investigative strategy to determine who the primary physical aggressor in a family violence situation by officers "on-scene" is critical for protecting victims of domestic violence and holding their abusers accountable. No one else in the criminal justice system is as qualified to make that decision as the first responding officer. Evidence will disappear and, even more critical on family violence calls, stories may change. The officer who is "on-scene" while emotions are high and evidence is fresh will have the most truthful assessment of what really happened and who was involved.

 ***"TWO OPPOSING STORIES" (Slide 2)***

Men and women use violence in relationships very differently and for different reasons. Officers often encounter situations where it appears that both the man and the woman have used violence equally. In many family violence situations, physical violence has been used in some way by both parties; however, this does not usually equate to "mutual combat".

 The presenter should acknowledge that domestic violence is certainly not a gender-specific crime. It is better to get this out of the way right at the beginning. Acknowledging that women may sometimes be the primary aggressor will diffuse the impending argument about "that one case I had." When women are clearly identified as the primary physical aggressor, they should be arrested and charged accordingly. It is also important to recognize that by the Family Violence Act, many behaviors may generate criminal family violence charges.

 Some men use violence as a tool in a system of behaviors. Ask the class what the use of violence in violent relationships is all about (power and control). This type of use of violence in relationships is overwhelmingly a male behavior but do not dismiss the fact that women sometimes do use violence aggressively in relationships, but as a rule, they do not. Reference the Power and Control Wheel that clearly illustrates the tactics of abusers.

 ***"HOMICIDE IN DOMESTIC CASES" (Slide 3)***

There are differences in the reasons why many men and women use violence in their relationships. Many women who kill their abusive partner are victims of long-term abuse. Many men who kill their female partners do so in the course of the victim's attempt to separate from the relationship. Male homicide of female partners is usually about control (not self-defense or anger) while female homicide of male partners is usually in response to violence perpetrated against them.

 ***"THREE WAYS IN WHICH WOMEN MAY USE VIOLENCE IN RELATIONSHIPS" (Slide 4)***

Officers frequently respond to calls where women have used violence during the incident. Women in violent relationships must decide the most appropriate survival tactic based upon their own personal realities of their situation. Some women will never reach out to any system for intervention, but will suffer their abuse in silence. Some women are able to simply leave the

relationship and escape the abuser. Other women will stay and fight back either physically and/or through the use of outside intervention.

If both parties have used violence in some way, it certainly does not make both parties primary physical aggressors, but does make the assessment of who is the primary physical aggressor of the violence more difficult. One of the first factors is whether one party was using violence in defense of themselves or another party. Abusers often present themselves as the victim or as having used violence in defense of themselves. Careful investigation of injuries as well as other evidence on scene is essential to determining whether one of the parties may have used violence in self-defense.

Arresting both parties as primary aggressors in the incident is almost never the correct course of action. Arrest of both parties should typically account for less than 5% of family violence arrests. Retaliatory violence is one case in which investigation may reveal that both parties have indeed used violence and arrest of both parties may be warranted. The Georgia Statute clearly states that both parties need not be arrested if the officer can determine a primary physical aggressor, even if the officer believes the other party may have committed an act of family violence during the incident.

 ***“USE OF FORCE” (Slide 5)***

O.C.G.A. 16-3-21 clearly defines the right of a person to defend him or herself or others against imminent unlawful assault. In other words, they do not have to wait to be assaulted before acting. Officers may respond to an incident where the victim has actually repelled the assault by pre-emptive action. The totality of the situation must be considered before assuming that s/he acted as the primary physical aggressor.

Many times the offender may have the worst injuries. The physical injuries must be assessed by the responding officer against the testimonial evidence to determine whether or not the person acted in self-defense. Prior history of abuse in the relationship is a critical piece of this investigation. There are often drastically opposite stories on domestic incidents, especially when both parties have used violence. It is important to let the evidence speak. Assessment of injury location, type, and severity may be far more important than what the officer is being told.

 ***“ELEMENTS OF SELF-DEFENSE” (Slide 6)***

This is where the officer has to let the evidence do the talking. The key elements of a legal defense for self-defense must establish a legitimate threat coupled with an appropriate response. It is very common to encounter abusers who invoke the argument that “I was only defending myself, she attacked me!” Close examinations of the physical evidence as well as the establishment of history of violence within the relationship are critical in the investigation. One key observation by the responding officer has to be that the person may only use the level or amount of violence necessary to stop the threat or infliction of injury.

 **“PRIMARY AGGRESSOR O.C.G.A. 17-4-20.1(b)” (Slide 7)**

O.C.G.A. 17-4-20.1(b) is clear that the officer must interview each party separately to determine the primary aggressor. Georgia is not a mandate arrest state with regard to family violence incidents. Officers are required to investigate any allegation of family violence. Where there are opposing stories, and there always will be, the officer is required to attempt to identify the primary physical aggressor. The statute is clear in allowing the officer the ability to arrest one party even if both parties have used violence. For many years, dual arrest was the law enforcement response to family violence incidents where both parties used violence. It is very uncommon to respond to incidents where a man and woman have engaged in consensual mutual combat, not impossible, but rare. Appropriately identifying the primary physical aggressor and charging that person accordingly is the most effective intervention in family violence incidents.

 **“PRIMARY AGGRESSOR IDENTIFICATION” (Slide 8)**

Many officers hold to the belief that primary only means first. In this statute *primary* refers to the **main or predominant** aggressor. All evidence must be considered before making a determination. Simply striking, slapping, or pushing first does not automatically make that person the primary physical aggressor. One party may initiate the contact and then be seriously assaulted by the other. Once a person exceeds the force necessary to stop the infliction of further injury, self-defense may no longer be claimed. In cases where both parties use violence, if the officer can determine that one party is the primary physical aggressor, then the arrest of both parties is not appropriate.

 **“PRIMARY AGGRESSOR FACTORS” (Slide 9)**

Many different factors must be considered for the assessment of who is the primary physical aggressor. One important thing to note is that domestic violence is typically a pattern of behavior. Rarely will an officer respond to the first incident of violence. Investigation of the totality of the relationship is a key tool in determining the primary aggressor. Domestic abuse is a crime of progression and a crime which is repetitive in nature. In a relationship where one party has used violence and intimidation, there exists a pre-established threat level. In other words, a victim may respond physically to what they perceive as an impending assault.

The investigating officer must consider the actions with regard to the totality of the relationship. Assessment of physical size and strength must be considered. The officer should pay close attention to the demeanor of each person, not only how they respond to each other, but how they respond and react to the officers. Officers should also observe the children's demeanor, as well. If a weapon is used, the officer must determine if the weapon was used offensively or defensively. Defensive weapons tend to be weapons of convenience and should be something that is accessible at the location of the incident.

 ***“DEFENSIVE INJURIES” (Slide 10)***

In cases where both parties have injuries, the injuries themselves may give a much more truthful account of the incident than the testimony. Let the evidence talk. Officers should be aware of these areas such as in the hairline, on the ears, and anywhere that would not be readily seen when the victim is clothed. Investigating officers need to ask victims if they hurt anywhere else or remember being struck anywhere other than the visible injuries. A good comprehensive assessment of these hidden injuries may provide the necessary evidence to build a good case, even if the victim later recants.

Certain injuries occur only in certain ways. Defensive injuries will manifest on the victim as bruises, scrapes, swelling, and redness. When these injuries are located on the face, forearms, arms, chest, back of legs, small of back, or head, the officer should consider these as defensive. Scratch marks to the victim’s neck are often indicative of strangulation especially if accompanied by red eyes, petechia, difficulty swallowing or breathing, or difficulty speaking. It is not uncommon for victims to curl up in a fetal position during an assault. The assault may result in kicks to the legs, buttocks, arms, or head. Victims may have abrasions from the tread of a shoe or boot.

 ***“DEFENSIVE INJURIES – SUSPECT” (Slide 11)***

Injuries on the suspect may provide the investigator with the clearest picture of the incident. Victims may use their nails and teeth to defend themselves. Defensive scratches will be very location specific. The scratches will typically start as a nail dig and taper off as a scratch mark. It is important to emphasize that nail digs of this nature are virtually always close proximity defensive injuries. The scratches will most commonly be to the chest, face, shoulders, and upper arms of the suspect. A fingernail dig between the thumb and forefinger is often indicative of strangulation, especially if accompanied by scratch marks to the victim’s neck. No matter what the story is, no one can run across the room and dig their nails into their partner.

 ***“DEFENSIVE INJURIES – SUSPECT” (Slide 12)***

Victims may also bite their attacker in self-defense. Defensive bite marks tend to be very location specific and bite marks to these areas are very rare as offensive bites. If a victim uses her teeth to defend herself, the suspect may have bite marks to the chest, face, bicep area, forearm, groin area, or the inside of the hand. Bite marks to these areas are close proximity defensive injuries. Human teeth are incredibly ineffective as offensive weapons due to the inability to project beyond the plane of the face. So once again, no matter what the story is, no one runs across the room, jumps up and sinks their teeth into another person. Human teeth may be effective defensive weapons in very close quarters such as a victim being restrained by a forearm around her neck. It is important to note that some sexual offenders and some child abusers do bite offensively.

 ***“DEFENSIVE WEAPONS” (Slide 13)***

Weapons may be used offensively or defensively. If the allegation is that the weapon or object was used in self-defense, the availability of the weapon to the incident location must be considered. If the assault occurs in the kitchen, a defensive weapon of choice might be a knife or glassware. If the assault occurs in the living room, a lamp or decorative object of some sort might be used. The weapon should fit the location. The manner in which the weapon is used and the locations of the injuries are key elements in establishing the defensive nature of the response.

Questions to consider when investigating the use of a weapon include: Was the object readily accessible to the alleged victim at the incident location? What was the manner in which the weapon was used? Did the alleged victim continue to use the weapon after the threat was stopped?

 ***“INDICATORS THAT YOU MAY BE TALKING TO THE PRIMARY AGGRESSOR” (Slide 14)***

Abusers are masters of manipulation; they will often express sadness or regret for the victim’s situation. They may be concerned that the victim is a substance abuser, crazy, possibly even bipolar and off their medication. They may present themselves as the innocent victim who is only trying to help the drug or alcohol-addicted victim. At the minimum, abusers will try to minimize the incident, even apologizing to the officer for having to come out for such a “silly thing”. The abuser will try to get sympathy from the officer by pointing out all of the faults of the victim while steering the officer away from the evidence. The primary aggressor seldom takes ownership of their role in the violence. One good clue that a person is the primary aggressor is that they are always concerned about finding out what the other person had to say. Abusers may be the first to claim provocation or self-defense as a reason for their violence.

 ***“INDICATORS THAT YOU MAY BE TALKING TO THE VICTIM” (Slide 15)***

Victims may minimize or deny the incident in an effort to protect the abuser. If the victim has used violence in the incident, they may take ownership of and responsibility for it. Many times the victim apologizes for their use of violence; they may say things like: “It wasn’t his fault, I should not have.....”, or “He didn’t really mean to do it, it was my fault”, or that it was “just a little argument.”

 ***“PRIMARY AGGRESSOR IDENTIFICATION AND THE LGBTQQI COMMUNITY”***

It may be difficult for officers to determine primary aggressor when responding to an incident of domestic violence involving individual members from the Lesbian, Gay, Bisexual, Trans, Queer, Questioning, and Intersex (LGBTQQI) community. Research shows that there are more dual arrests when the couples are of the same sex than when couples are of opposite sex. Officers should use primary aggressor identification skills to identify who is the primary aggressor of violence to reduce the number of dual arrests when responding to these types of calls.



***“CONSEQUENCES OF ARRESTING THE VICTIM”***

Primary aggressor identification is important because the consequences of arresting victims of domestic violence are many. If arrested, the victim will probably be disqualified for Crime Victim’s Compensation funds, public assistance, and emergency shelter. All of these are needed to leave a batterer permanently. An arrest of the victim further traumatizes any children involved and sends the message that the police don’t help victims. Victims may learn that it is never okay to defend yourself against an attack. The batterer may have told the victim if they call the police, they will tell them that she hit him, too. An inappropriate arrest reinforces this threat and may guarantee that the victim will not call law enforcement again.



***Closing Statement (Slide 16) (1 minute)***

Identification of the primary physical aggressor is often the most difficult task faced by officers on family violence incidents. O.C.G.A. 17-4-20 details the steps and requirements of this investigation. Dual arrests should represent a very low percentage of arrest determinations on family violence incidents. Remember, Georgia law does not require the arrest of both parties if a primary physical aggressor can be identified.



# Primary Physical Aggressor Identification

Roll Call Training



Good investigative strategy to determine who the primary physical aggressor in a family violence situation by officers “on-scene” is critical for protecting victims of domestic violence and holding their abusers accountable. No one else in the criminal justice system is as qualified to make that decision as the first responding officer. Evidence will disappear and, even more critical on family violence calls, stories may change. The officer who is “on-scene” while emotions are high and evidence is fresh will have the most truthful assessment of what really happened and who was involved.

## Two Opposing Stories

- Men and women use violence differently
- Mutual combat is rare
- The use of violence in relationships is part of a pattern of abusive and coercive behaviors designed to intimidate and manipulate
- Domestic violence is about POWER and CONTROL

Men and women use violence in relationships very differently and for different reasons. Officers often encounter situations where it appears that both the man and the woman have used violence equally. In many family violence situations, physical violence has been used in some way by both parties; however, this does not usually equate to “mutual combat”.

## Homicide in Domestic Cases

- Many women who kill their abusive partner are victims of long-term abuse.
- Many men who kill their wives do so in the course of the victim's attempt to separate from the relationship.

There are differences in the reasons why many men and women use violence in their relationships. Many women who kill their abusive partner are victims of long-term abuse. Many men who kill their female partners do so in the course of the victim's attempt to separate from the relationship. Male homicide of female partners is usually about control (not self-defense or anger) while female homicide of male partners is usually in response to violence perpetrated against them.

### 3 Ways Women Use Violence in Violent Relationships

- Self Defense
  - Legal use of force if it is within the parameters set forth in O.C.G.A. 16-3-21
- Pre-emptive Violence
  - Not legal, but should be considered in the totality of the relationship
- Retaliatory Violence
  - Not legal, although sometimes very understandable

Officers frequently respond to calls where women have used violence during the incident. Women in violent relationships must decide the most appropriate survival tactic based upon their own personal realities of their situation. Some women will never reach out to any system for intervention, but will suffer their abuse in silence. Some women are able to simply leave the relationship and escape the abuser. Other women will stay and fight back either physically and/or through the use of outside intervention.

If both parties have used violence in some way, it certainly does not make both parties primary physical aggressors, but does make the assessment of who is the primary physical aggressor of the violence more difficult. One of the first factors is whether one party was using violence in defense of themselves or another party. Abusers often present themselves as the victim or as having used violence in defense of themselves. Careful investigation of injuries as well as other evidence on scene is essential to determining whether one of the parties may have used violence in self-defense.

Arresting both parties as primary aggressors in the incident is almost never the correct course of action. Arrest of both parties should typically account for less than 5% of family violence arrests. Retaliatory violence is one case in which investigation may reveal that both parties have indeed used violence and arrest of both parties may be warranted. The Georgia Statute clearly states that both parties need not be arrested if the officer can determine a primary physical aggressor, even if the officer believes the other party may have committed an act of family violence during the incident.

## Use of Force

- O.C.G.A. 16-3-21
- A person is justified in threatening or using force when s/he believes that such threat or force is necessary to defend him/herself or a third person against another's imminent use of unlawful force

O.C.G.A. 16-3-21 clearly defines the right of a person to defend him or herself or others against imminent unlawful assault. In other words, they do not have to wait to be assaulted before acting. Officers may respond to an incident where the victim has actually repelled the assault by pre-emptive action. The totality of the situation must be considered before assuming that s/he acted as the primary physical aggressor.

Many times the offender may have the worst injuries. The physical injuries must be assessed by the responding officer against the testimonial evidence to determine whether or not the person acted in self-defense. Prior history of abuse in the relationship is a critical piece of this investigation. There are often drastically opposite stories on domestic incidents, especially when both parties have used violence. It is important to let the evidence speak. Assessment of injury location, type, and severity may be far more important than what the officer is being told.

## Elements of Self-Defense

- Person using force had a reasonable belief that s/he was at risk of bodily harm
- Risk of harm actual or imminent
- The force used was that force reasonably necessary to prevent or stop the infliction of bodily harm

This is where the officer has to let the evidence do the talking. The key elements of a legal defense for self-defense must establish a legitimate threat coupled with an appropriate response. It is very common to encounter abusers who invoke the argument that “I was only defending myself, she attacked me!”

Close examinations of the physical evidence as well as the establishment of history of violence within the relationship are critical in the investigation. One key observation by the responding officer has to be that the person may only use the level or amount of violence necessary to stop the threat or infliction of injury. If a woman slaps her husband across the face and he in return beats her repeatedly in the face with his fists, that in no way is self-defense.

## O.C.G.A. 17-4-20.1 (b)

### **Primary Aggressor**

- Where complaints of Family Violence are received from two or more opposing parties, the officer shall evaluate each complaint separately to attempt to determine who was the primary aggressor
- If the officer determines that one of the parties was the primary physical aggressor, the officer shall not be required to arrest any other person believed to have committed an act of Family Violence during the incident

O.C.G.A. 17-4-20.1(b) is clear that the officer must interview each party separately to determine the primary aggressor. Georgia is not a mandate arrest state with regard to family violence incidents. Officers are required to investigate any allegation of family violence. Where there are opposing stories, and there always will be, the officer is required to attempt to identify the primary physical aggressor. The statute is clear in allowing the officer the ability to arrest one party even if both parties have used violence. For many years, dual arrest was the law enforcement response to family violence incidents where both parties used violence. It is very uncommon to respond to incidents where a man and woman have engaged in consensual mutual combat, not impossible, but rare. Appropriately identifying the primary physical aggressor and charging that person accordingly is the most effective intervention in family violence incidents.

## Primary Aggressor Identification

- Both parties may have used violence
- Rule out use of force in self-defense
- Remember, primary means main or predominant in this context, not first
- The statute clearly allows the officer to not arrest both parties even when both may have used violence

Many officers hold to the belief that primary only means first. In this statute *primary* refers to the **main or predominant** aggressor. All evidence must be considered before making a determination. Simply striking, slapping, or pushing first does not automatically make that person the primary physical aggressor. One party may initiate the contact and then be seriously assaulted by the other. Once a person exceeds the force necessary to stop the infliction of further injury, self-defense may no longer be claimed. In cases where both parties use violence, if the officer can determine that one party is the primary physical aggressor, then the arrest of both parties is not appropriate.

## Primary Aggressor Factors

- Prior history of violence or abuse by either party
- Size, strength, and bulk of the parties
- Relative severity and extent of injuries
- Likelihood of future injury to either party
- Demeanor of each party
- Witness testimony
- Weapon type (offensive or defensive)
- Location of incident

Many different factors must be considered for the assessment of who is the primary physical aggressor. One important thing to note is that domestic violence is typically a pattern of behavior. Rarely will an officer respond to the first incident of violence. Investigation of the totality of the relationship is a key tool in determining the primary aggressor. Domestic abuse is a crime of progression and a crime which is repetitive in nature. In a relationship where one party has used violence and intimidation, there exists a pre-established threat level. In other words, a victim may respond physically to what they perceive as an impending assault.

The investigating officer must consider the actions with regard to the totality of the relationship. Assessment of physical size and strength must be considered. The officer should pay close attention to the demeanor of each person, not only how they respond to each other, but how they respond and react to the officers. Officers should also observe the children's demeanor, as well. If a weapon is used, the officer must determine if the weapon was used offensively or defensively. Defensive weapons tend to be weapons of convenience and should be something that is accessible at the location of the incident.

## Injuries - Victim

- Redness, swelling, bruising, especially to forearms and along the back of the legs or on the lower back
- Scuff marks, lacerations, restraint marks
- Bite marks (location specific)
- Patches of hair missing
- Stab wounds to the palms or forearms
- Scratch marks and redness on neck
- Petechia
- Burns
- Abrasions representative of footwear treads

In cases where both parties have injuries, the injuries themselves may give a much more truthful account of the incident than the testimony. Let the evidence talk. Officers should be aware of these areas such as in the hairline, on the ears, and anywhere that would not be readily seen when the victim is clothed. Investigating officers need to ask victims if they hurt anywhere else or remember being struck anywhere other than the visible injuries. A good comprehensive assessment of these hidden injuries may provide the necessary evidence to build a good case, even if the victim later recants.

Certain injuries occur only in certain ways. Defensive injuries will manifest on the victim as bruises, scrapes, swelling, and redness. When these injuries are located on the face, forearms, arms, chest, back of legs, small of back, or head, the officer should consider these as defensive. Scratch marks to the victim's neck are often indicative of strangulation especially if accompanied by red eyes, petechia, difficulty swallowing or breathing, or difficulty speaking. It is not uncommon for victims to curl up in a fetal position during an assault. The assault may result in kicks to the legs, buttocks, arms, or head. Victims may have abrasions from the tread of a shoe or boot.

## Injuries - Suspect

- Nail digs which start to taper off
- Scratches to the face, upper body, shoulders starting lower on the back and coming up to the groin and upper arms
- Fingernail dig between the thumb and first finger (indicative of strangulation)

Injuries on the suspect may provide the investigator with the clearest picture of the incident. Victims may use their nails and teeth to defend themselves. Defensive scratches will be very location specific. The scratches will typically start as a nail dig and taper off as a scratch mark. It is important to emphasize that nail digs of this nature are virtually always close proximity defensive injuries. The scratches will most commonly be to the chest, face, shoulders, and upper arms of the suspect. A fingernail dig between the thumb and forefinger is often indicative of strangulation, especially if accompanied by scratch marks to the victim's neck. No matter what the story is, no one can run across the room and dig their nails into their partner.

## Injuries - Suspect

- Teeth are not effective as offensive weapons
- Bite marks to chest, face, shoulder, lower back, groin, forearm, on the hand between the thumb and forefinger, fingers, inside of the hand
- These bite marks will typically be close-proximity defensive injuries

Victims may also bite their attacker in self-defense. Defensive bite marks tend to be very location specific and bite marks to these areas are very rare as offensive bites. If a victim uses her teeth to defend herself, the suspect may have bite marks to the chest, face, bicep area, forearm, groin area, or the inside of the hand. Bite marks to these areas are close proximity defensive injuries. Human teeth are incredibly ineffective as offensive weapons due to the inability to project beyond the plane of the face. So once again, no matter what the story is, no one runs across the room, jumps up and sinks their teeth into another person. Human teeth may be effective defensive weapons in very close quarters such as a victim being restrained by a forearm around her neck. It is important to note that some sexual offenders and some child abusers do bite offensively.

## Defensive Weapons

- Women tend to use weapons of convenience
- Kitchen utensils, pocketbooks, lamps, fingernail files, brooms, vacuum cleaners, irons, cleaning sprays, knives, shoes, books, hot liquids, coffee cups, glassware, keys, and other items
- Location of incident needs to be assessed

Weapons may be used offensively or defensively. If the allegation is that the weapon or object was used in self-defense, the availability of the weapon to the incident location must be considered. If the assault occurs in the kitchen, a defensive weapon of choice might be a knife or glassware. If the assault occurs in the living room, a lamp or decorative object of some sort might be used. The weapon should fit the location. The manner in which the weapon is used and the locations of the injuries are key elements in establishing the defensive nature of the response.

Questions to consider when investigating the use of a weapon include: Was the object readily accessible to the alleged victim at the incident location? What was the manner in which the weapon was used? Did the alleged victim continue to use the weapon after the threat was stopped?

## Indicators That You May Be Talking With The Primary Aggressor

- Subject will deny role in violence
- Subject will minimize the incident
- Subject will focus attention on the victim's faults and away from the incident ("She's an alcoholic/drug addict/crazy/bi-polar")
- Subject will blame the other party for the incident

Abusers are masters of manipulation; they will often express sadness or regret for the victim's situation. They may be concerned that the victim is a substance abuser, crazy, possibly even bi-polar and off their medication. They may present themselves as the innocent victim who is only trying to help the drug or alcohol-addicted victim. At the minimum, abusers will try to minimize the incident, even apologizing to the officer for having to come out for such a "silly thing". The abuser will try to get sympathy from the officer by pointing out all of the faults of the victim while steering the officer away from the evidence. The primary aggressor seldom takes ownership of their role in the violence. One good clue that the person is the primary aggressor is that they are always concerned about finding out what the other person had to say. Abusers may be the first to claim provocation or self-defense as a reason for their violence.

## Indicators That You May Be Talking With The Victim

- Subject will apologize for their violence
- Subject will accept responsibility for the incident
- Subject will acknowledge their role in the violence
- Subject will make excuses for the abuser's use of violence

Victims may minimize or deny the incident in an effort to protect the abuser. If the victim has used violence in the incident, they may take ownership of and responsibility for it. Many times the victim apologizes for their use of violence; they may say things like: "It wasn't his fault, I should not have.....", or "He didn't really mean to do it, it was my fault", or that it was "just a little argument."

## Closing

- Identification of the primary physical aggressor is often the most difficult task faced by officers on family violence incidents.
- Dual arrests should represent a very low percentage of arrest determinations on family violence incidents.
- Georgia law does not require the arrest of both parties if a primary physical aggressor can be identified.

Identification of the primary physical aggressor is often the most difficult task faced by officers on family violence incidents. O.C.G.A. 17-4-20 details the steps and requirements of this investigation. Dual arrests should represent a very low percentage of arrest determinations on family violence incidents. Remember, Georgia law does not require the arrest of both parties if a primary physical aggressor can be identified.

## Primary Physical Aggressor Identification

Roll Call Training



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## Two Opposing Stories

- Men and women use violence differently
- Mutual combat is rare
- The use of violence in relationships is part of a pattern of abusive and coercive behaviors designed to intimidate and manipulate
- Domestic violence is about POWER and CONTROL

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## Homicide in Domestic Cases

- Many women who kill their abusive partner are victims of long-term abuse.
- Many men who kill their wives do so in the course of the victim's attempt to separate from the relationship.

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### 3 Ways Women Use Violence in Violent Relationships

- Self Defense
  - Legal use of force if it is within the parameters set forth in O.C.G.A. 16-3-21
- Pre-emptive Violence
  - Not legal, but should be considered in the totality of the relationship
- Retaliatory Violence
  - Not legal, although sometimes very understandable

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### Use of Force

- O.C.G.A. 16-3-21
- A person is justified in threatening or using force when s/he believes that such threat or force is necessary to defend him/herself or a third person against another's imminent use of unlawful force

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**O.C.G.A. 17-4-20.1 (b)**

**Primary Aggressor**

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- Weapon type (offensive or defensive)
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**Defensive Weapons**

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- Kitchen utensils, pocketbooks, lamps, fingernail files, brooms, vacuum cleaners, irons, cleaning sprays, knives, shoes, books, hot liquids, coffee cups, glassware, keys, and other items
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Closing

- Identification of the primary physical aggressor is often the most difficult task faced by officers on family violence incidents.
- Dual arrests should represent a very low percentage of arrest determinations on family violence incidents.
- Georgia law does not require the arrest of both parties if a primary physical aggressor can be identified.

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## ***ROLL CALL 3: Victim Services and Law Enforcement***

### **Lesson Topic**

The lesson is designed to help facilitate the distribution of information regarding available services to victims of family violence by law enforcement upon contact with victims. This lesson allows local nongovernmental service providers access to law enforcement personnel to share what services they provide.

### **Learning Objective**

Participants will be empowered with the knowledge to better assist victims of family violence with information on local services available to them in their respective communities.

### **Presenters**

Domestic Violence Center Directors, Domestic Violence Advocates, Legal Advocates.

*Putting names with faces is helpful for developing relationships with law enforcement. Consider inviting as many of the respective players as possible to the training, including the legal advocate and the children's program director, and any other key persons.*

### **Before the Training**

Review the following training section on Victim Services and Law Enforcement. Prepare or gather brochures and handouts that include your local domestic violence agency's contact information and list of services as well as other community resources available to victims in the area.

### **Resources**

- ❖ Victim Services PowerPoint Presentation (for Officers and Presenters)
- ❖ Local Domestic Violence Agency Brochure (Please provide for your community)
- ❖ List of Community Resources (Please assemble for your community)
- ❖ Appendix L- List of Statewide Resources

### **Introduction (1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

***Opening Statement: "VICTIM SERVICES AND LAW ENFORCEMENT" (Slide 1)***

Victims of domestic violence remain in their relationships for many reasons. Fear is the number one reason. Fear of retribution, fear of losing their children, fear of having nowhere to live, and fear of being alone are just a few. In the current economic times, finances are a major reason victims feel they cannot leave. As frustrating as this may be for those responding to emergency calls involving family violence, these reasons are very real and valid for those trying to survive family violence.

The purpose of this training is to provide law enforcement with as much information on services available to victims to help them survive abusive relationships. This is not the time to conduct a full training on the dynamics of family violence. This training is designed to help law enforcement understand services available to victims so the information can be relayed to the victims they serve. One real benefit is to allow law enforcement to put a name and face with a service. Handing out a card with phone numbers is necessary, but being able to say to that victim on scene, "here is the number for the legal advocate at \_\_\_\_\_, she can help you with \_\_\_\_\_" is empowering for everyone involved.

***"PARALLEL PURPOSES" (Slide 2)***

Law enforcement and advocates have seemingly different agendas. Law enforcement is mandated to respond to and investigate reported incidents of family violence. Their objectives are immediately to stop the violence, make the scene safe, investigate to determine if a crime was committed, and attempt to determine the primary physical aggressor, make the appropriate arrest if applicable, and then complete the arrest and investigative reports.

***"VICTIM NOTIFICATION" (Slide 3)***

Additionally, officers are mandated to discuss available services and remedies to victims of family violence. These include criminal justice system and other governmental services as well as domestic violence center programs and other nongovernmental services. The primary focus of advocates is to help the survivor to be as safe as possible and ensure that the survivor is given all of the resources she needs to empower her to make her own decisions. The end purpose for everyone involved is to provide safety for the victim and children and to hold the abuser accountable for their actions.

***"THE FATALITY REVIEW PROJECT" (Slide 4)***

Case studies reveal there is a population of family violence victims who never access any service other than law enforcement. Survival strategy for many victims does not include leaving the abuser. In many of these cases, law enforcement has the opportunity to provide information on available resources to survivors if they are able to leave or even if they feel they must stay. Fatality Review findings in Georgia show that domestic violence fatality victims had reached out to law enforcement at a rate close to 80% within the five years prior to the

homicide while those same victims reached out to community resources such as domestic violence agencies at a rate just under 20%.

 **“BRIDGING THE GAP” (Slide 5)**

Law enforcement has a unique opportunity to empower victims of domestic violence with the knowledge of resources that they need to keep themselves and their children safe.

 **“DOMESTIC VIOLENCE CENTERS” (Slide 6)**

Most people, including law enforcement, view domestic violence centers only as “battered women shelters” and have an “emergency response” mentality associated with family violence intervention. Domestic violence centers offer many services beyond emergency shelter.

 **“WHAT DOES THE CENTER PROVIDE?” (Slides 7 and 8)**

 Every domestic violence center has different levels of service, but the primary areas to cover are below. Law enforcement officers will be confronted with a number of questions on scene when discussing services with victims. There is also a long list of questions from officers about services.

<i>Services available to residents</i>	<i>Emergency services</i>
<i>Services available to non-residents</i>	<i>Legal advocacy</i>
<i>Crisis line services</i>	<i>Length of stay</i>
<i>Children’s services</i>	

**Frequently Asked Questions**

 The following is a list of frequently asked questions that might facilitate a question and answer session at the training. If the presenter is not comfortable with this, the answers can simply be presented as a list of services and facts about the center program. The question and answer format allows vicarious participation from the audience and may be more engaging for the presenter and the officers.

The presenter should acknowledge that there may be other questions than the ones included here, but should mention that time constraints do not allow for an open question forum. The presenter should be clear that questions can be addressed either immediately after the session if possible or by calling the center or presenter at a later time. If feasible, the presenter may want to allow the participants to write down questions during the session, including a contact number for follow up after the session. In communities where there is little communication between law enforcement and service providers, this may be a great ice breaker.

**Q: "WHERE IS THE SHELTER LOCATED?"**

The answer to this question depends on each agency's policy regarding law enforcement. Many shelters utilize law enforcement to bring victims to the shelter. Others meet law enforcement at another location. Discuss your policy and why the location of the shelter is not published and mention that it is a violation of O.C.G.A. 19-13-23 to publish or disclose the location of a family violence shelter. Many presenters will have short stories of abusers showing up at the shelter. We all are aware that batterers come from every walk of life, even law enforcement. It is best to avoid that topic if possible.

**Q: "IF I HAVE A VICTIM WHO NEEDS TO COME TO THE SHELTER IN THE MIDDLE OF THE NIGHT, WHAT IS THE PROCESS FOR HER AND LAW ENFORCEMENT?"**

Discuss the procedure for reaching the crisis line or shelter manager from "on-scene". Explain your procedure for victims accessing emergency shelter. This is a good time to explain that victims may come with their dependent children with only the clothes on their back if that is all they have access to. Discuss your policies for providing clothes and toiletries if necessary. Transport to the shelter may have been addressed in the previous question; if not, transportation arrangements should be explained now.

**Q: "WHAT IS THE COST FOR A VICTIM TO STAY IN SHELTER?"**

Explain that staying at the shelter and utilizing all of the services is free. Many victims have this question for law enforcement. This is an excellent time to discuss exactly what your center provides with regard to sleeping arrangements, meals, counseling, and other free services to survivors who choose to stay at the shelter.

**Q: "HOW LONG IS A VICTIM ALLOWED TO STAY IN SHELTER?"**

Explain your center policy for length of stay. Many centers have flexible time limits depending on the client's progress. This allows a good segue into discussion of transitional facilities if you are fortunate enough to have access to those resources.

**Q: "DOES THE CENTER HAVE PROGRAMS FOR MALES?"**

More and more you will encounter this question. Explain what options there are for males in need of emergency shelter and services. This is also a good time to cover your policy on assisting male victims with Temporary Protection Orders. Law enforcement is responding to more same-sex family violence incidents, so these questions will be relevant.



**"AVAILABLE SERVICES FOR MEMBERS OF THE LGBTQQI COMMUNITY"**

It is important to address what services are available for members of the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex (LGBTQQI) community in your area. Assisting individuals who are LGBTQQI access safety resources within your community is important because of the discrimination and fear that may add to their experience as a victim of domestic violence. Officers can offer resources to individuals who are LGBTQQI and let them know what services are available to them. A great resource to offer is United-4-Safety, a non-

profit organization based in Atlanta that works specifically to assist victims of interpersonal violence from the LGBTQI community in Georgia. Their hotline number is 404-200-5957. This is not an emergency line, but a United-4-Safety advocate will call the victim back within 24 hours.



***“AVAILABLE SERVICES FOR IMMIGRANT VICTIMS”***

When the victim is an immigrant, they are often facing additional barriers to leaving their abusive relationship. This is especially true if they are undocumented. Threats by the abuser to call Immigration and Naturalization Services (INS) and have the victim deported, combined with language, cultural, religious and economic barriers makes it unlikely that victims who are immigrants will approach law enforcement. Immigrant women may also fear and distrust law enforcement because the police in their country of origin were abusive and corrupt. These combined factors usually mean that if a victim who is an immigrant reaches out to law enforcement, the situation is most likely severe and requires an expedited and informed response. Immigration status is legally irrelevant to obtaining protective orders, shelter services, child custody/support, law enforcement assistance, and emergency medical care. This is the time to review U-Visas and services available to victims who are immigrants (*To Protect and Serve: Law Enforcement’s Response to Family Violence, Texas Council on Family Violence, 2001*).

**Q: “DOES THE CENTER TAKE CHILDREN?”**

Explain the center policy on taking children into the shelter. If the center is not equipped to take male children over a certain age, explain your policy and any provisions the center makes for these children. This is a good place in the session to discuss center services for children staying in the shelter as well what out-of-shelter services may be available. Officers often express frustration about not being able to better help the children in violent homes. It is important that officers understand all of the services that the center offers to help keep children safe and to help break the generational cycle of abuse. Many survivors will want to know about their children’s school attendance while in shelter. The presenter should explain that children may remain in their own school district or register temporarily in the school district of the shelter. Arrangements for transportation to and from school should be addressed.

**Q: “DOES THE CENTER HELP VICTIMS WITH SECURING A TEMPORARY PROTECTION ORDER?”**

First and foremost, officers need to know where to send a victim to get a Temporary Protection Order (TPO). If the center has a legal advocate to assist survivors with TPOs, this is a great opportunity to have that person explain the process. This cannot turn into a training session on TPOs. If participants seem confused about TPOs, a follow-up training should be scheduled to address this (see Roll Call Training 4). The legal advocate should provide cards for the officers to give to victims on-scene. This point in the training is a good time for the legal advocate to discuss all of the services they may provide to the survivors. The legal advocate is a key link to

law enforcement to ensure timely service of TPOs and appropriate enforcement of these orders.

**Q: "WHAT ABOUT WORK AND CHILDCARE WHILE IN THE SHELTER?"**

The presenter should explain the center policy and provisions for working mothers. Questions concerning care for children not yet eligible for school as well as children in school will need to be addressed. The presenter needs to discuss transportation options for working women and their school age children. Many survivors of abusive relationships may feel trapped because they have not worked in many years or may never have worked in the past. Two of the major obstacles officers hear from victims are lack of employment or job skills and lack of childcare options if they do try to work or leave their abusive relationship. Discuss the center programs to assist women with job searches and resume development.

**Q: "WHAT IF A SURVIVOR ONLY STAYS A SHORT TIME AND LEAVES, CAN SHE COME BACK AGAIN? IS THERE A LIMIT ON THE NUMBER OF TIMES THAT SHE CAN COME AND RETURN HOME BEFORE SHE IS NOT ALLOWED BACK?"**

Many officers hear from victims on scene that they can't go back to the shelter because they went before and left without "permission". The presenter should explain the center policies on survivors leaving and returning. This is an excellent time to address rules of conduct while in shelter. Many victims are confused about how much personal freedom they may have in shelter. Rules are certainly not bad, but officers need to hear the truth from the center staff.

**Q: "WHAT IF THE ABUSER FINDS OUT WHERE SHE IS OR COMES TO THE SHELTER?"**

Many victims express concerns about their safety if they leave and seek shelter. The presenter should discuss safety procedures at the shelter i.e.: cameras, deadbolts on doors, gated entrances, and law enforcement intervention when needed.

**Q: "WHAT IF I NEED TO KNOW IF SOMEONE IS AT THE SHELTER?"**

Many times abusers will try to utilize law enforcement to confirm the location of the victim. Abusers commonly file "missing persons" reports or report the kidnapping or taking of their children in violation of a custody agreement or order. Well intentioned law enforcement may contact centers in an attempt to rule out the missing persons or missing children allegations. The presenter should explain to participants that the identity of those in shelter may not be reported under Federal mandate prohibiting the disclosure of the identity of persons seeking shelter from abuse. Explain the center screening process to the participants. A survivor seeking shelter may actually have a misdemeanor warrant for her arrest. If the abuser knows this, he will make sure that law enforcement is aware. Explain the center policies dealing with victims who may need to contact law enforcement once they are safe.

 ***Closing Statement (Slide 12) (1 minute)***

Survivors of abusive relationships face many obstacles to successfully and safely leaving the relationship. Law enforcement has a key role in not only emergency response to incidents, but also in empowering victims with the information that allows them access to resources to help them and their families achieve safety. It is well documented in communities where the criminal justice system and other service providers work collaboratively, violent domestic crime is reduced, domestic homicides are reduced, and victims are more likely to safely separate from abusive relationships.



# Victim Services and Law Enforcement

Roll Call Training



Victims of domestic violence remain in their relationships for many reasons. Fear is the number one reason. Fear of retribution, fear of losing their children, fear of having nowhere to live, and fear of being alone are just a few. In the current economic times, finances are a major reason victims feel they cannot leave. As frustrating as this may be for those responding to emergency calls involving family violence, these reasons are very real and valid for those trying to survive family violence.

## Parallel Purposes

### **Law Enforcement**

- Immediate incident safety
- Investigation of criminal incident
- Arrest of offender
- Evidence gathering and documentation
- Offender accountability

### **DV Advocate**

- Emergency safety of survivors and children
- Short-term safety options
- Safety Planning
- Empowering the survivor with resources

Law enforcement and advocates have seemingly different agendas. Law enforcement is mandated to respond to and investigate reported incidents of family violence. Their objectives are immediately to stop the violence, make the scene safe, investigate to determine if a crime was committed, and attempt to determine the primary physical aggressor, make the appropriate arrest if applicable, and then complete the arrest and investigative reports.

## Victim Notification

### **O.C.G.A. 17-17-5**

- Requires law enforcement to notify victim of their rights under the Victim's Bill of Rights
- Includes: notifications or release, escape, or pretrial hearings for the defendant
- Primarily deals with governmental services

### **O.C.G.A. 17-4-20.1**

- Requires law enforcement to notify family violence victims of available services and remedies
- Included governmental and non-governmental services
- TPOs, legal advocacy, DFCS, emergency shelter, crisis lines and counseling services

Additionally, officers are mandated to discuss available services and remedies to victims of family violence. These include criminal justice system and other governmental services as well as domestic violence center programs and other nongovernmental services. The primary focus of advocates is to help the survivor to be as safe as possible and ensure that the survivor is given all of the resources she needs to empower her to make her own decisions. The end purpose for everyone involved is to provide safety for the victim and children and to hold the abuser accountable for their actions.

## The Fatality Review Project

- Victims nor perpetrators exist entirely in one system
- Some victims of family violence never access services of any type
- Many victims of family violence utilize law enforcement as an emergency crisis intervention tool
- Findings from Fatality Review Teams indicate that although a majority of victims of family violence homicide had contacted law enforcement, on average less than 20% of these victims had utilized other services such as domestic violence and shelter programs

Case studies reveal there is a population of family violence victims who never access any service other than law enforcement. Survival strategy for many victims does not include leaving the abuser. In many of these cases, law enforcement has the opportunity to provide information on available resources to survivors if they are able to leave or even if they feel they must stay. Fatality Review findings in Georgia show that domestic violence fatality victims had reached out to law enforcement at a rate close to 80% within the five years prior to the homicide while those same victims reached out to community resources such as domestic violence agencies at a rate just under 20%.

## Bridging the Gap

- Based on the statistics, law enforcement has the most contact with victims and survivors of violence relationships while the victim is still in the relationship.
- Law enforcement officers may have the best opportunity to empower victims with the knowledge of resources that they need to keep themselves and their children safe.
- Success is greatly increased when survivors use resources available to them other than just the criminal justice system

Law enforcement has a unique opportunity to empower victims of domestic violence with the knowledge of resources that they need to keep themselves and their children safe.

## Domestic Violence Centers

- What we have in the past referred to as “battered women’s shelters”
- It is important for law enforcement to relay to victims that domestic violence centers offer far more than emergency housing
- Remember that the words we use to refer to domestic violence centers makes a difference.

Most people, including law enforcement, view domestic violence centers only as “battered women shelters” and have an “emergency response” mentality associated with family violence intervention. Domestic violence centers offer many services beyond emergency shelter.

## What Does the Center Provide?

### **Crisis Line**

- 24-hour access
- Someone to talk with who is uninvolved and not viewed as a threat
- Establishes a connection to other center services
- This service may be utilized by the survivor when she feels most safe to do so
- Free

### **Emergency Shelter**

- Emergency housing for victim and dependant children
- Emergency clothing, toiletries, meals and other essentials
- In-house counseling for victims and children
- Help with transportation
- Free

## Services for All Survivors

- Group and individual counseling for victims and children
- Safety planning
- Help with financial planning/budgeting
- Job search assistance
- Help with childcare
- Parenting training
- Written referral information
- Nutrition training
- Legal advocacy for help with TPOs
- TANF referrals and assistance
- Assistance for school enrollment for children in shelter outside of their school district
- Free

## FAQs

- “Where is the shelter located?”
- “If I have a victim who needs to come to the shelter in the middle of the night, what is the process for her and law enforcement?”
- “What is the cost for a victim to stay in the shelter?”
- “How long is a victim allowed to stay in shelter?”

## FAQs

- “Does the center have programs for males?”
- “Does the center take children?”
- “Does the center help victims with securing a Temporary Protection Order?”
- “What about work and childcare while staying in the shelter?”

## FAQs

- “What if a survivor only stays a short time and leaves, can you come back again? Is there a limit on the number of times she can come back and return home before she is not allowed back?”
- “What if they abuser finds out where she is or comes to the center?”
- “What if I need to know if someone is at the center?”

## Closing

- Survivors of abusive relationships face many obstacles to successfully and safely leaving the relationship.
- Law enforcement can empower victims with the information that allows them access to resources to help them and their families achieve safety.

Survivors of abusive relationships face many obstacles to successfully and safely leaving the relationship. Law enforcement has a key role in not only emergency response to incidents, but also in empowering victims with the information that allows them access to resources to help them and their families achieve safety. It is well documented in communities where the criminal justice system and other service providers work collaboratively, violent domestic crime is reduced, domestic homicides are reduced, and victims are more likely to safely separate from abusive relationships.

## Victim Services and Law Enforcement

Roll Call Training



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## Parallel Purposes

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- Investigation of criminal incident
- Arrest of offender
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### DV Advocate

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Closing

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## ***ROLL CALL 4: Family Violence Incident Reporting***

### **Lesson Topic**

The lesson is designed to help law enforcement understand their statutory requirements when investigating and documenting all complaints of family violence. The lesson highlights significant elements of an investigation that are particular to family violence and recommendations for completing a Family Violence Report.

### **Learning Objective**

Participants will use the information provided to better assist victims of family violence related crimes through documenting the relevant information necessary to complete a Family Violence Report in compliance with O.C.G.A. 17-4-20.1(c).

### **Presenters**

Law enforcement staff, Prosecutors, Judges and Judicial staff

### **Before the Training**

Review the following training information on Family Violence Incident Reporting and read over O.C.G.A. 17-4-20.1(c), which outlines what documentation is required for incident reports. Prepare handouts and resources and make copies of materials to leave with officers.

### **Resources**

- ❖ Family Violence Incident Reporting PowerPoint Presentation (for Officers and Presenters)
- ❖ Appendix E – Family Violence Incident Interview Questions
- ❖ Appendix C – O.C.G.A. 17-4-20.1(c)

### **Introduction (1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task force.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

 ***Opening Statement: “DOCUMENTING FAMILY VIOLENCE COMPLAINTS” (Slide 1)***

The response to, investigation, and prosecution of a family violence complaint becomes a matter of official record when the investigating officer drafts the incident report. From that initial document, decisions are made regarding the disposition of the case all the way through the criminal justice process. Decisions about manpower, resource allocation, prosecutorial decisions on how to move the case through the system, and sentencing by the courts all rely on an accurate and complete report of the family violence incident.

There are certain aspects of a Family Violence Report that are unique to reporting practices than with other incidents of violence and property damage. There are specific mandates that must be performed and information on appropriate services and remedies provided to the victim to comply with the Family Violence Act. The Family Violence Report becomes the primary instrument that triggers a whole range of enforcement policies, protocol reviews, community based support, and judicial interdiction.

 This lesson is not designed to instruct officers on how to write a report or how to conduct an investigation. It is intended to inform the officers of the State’s minimum requirement for reporting and to offer specific highlights of evidence they should consider when identifying probable cause for a criminal arrest. The presenter may want to consult with administrative personnel before presenting the material to assure the recommendations do not conflict with the policies and procedures of the resident agency.

 ***“THE GOAL OF REPORTING” (Slide 2)***

First and foremost, the response to a family violence complaint is to secure the safety of all parties involved and render aid to the injured. Once the scene is safe, the responsibility of the responding officer shifts to an investigative role to determine if a crime has been committed. The investigation usually begins by asking the parties *what* has happened and *who* is involved.

From the interview, officers begin to orient themselves to the nature of specific criminal acts that may have occurred. This process leads to supporting evidence, both testimonial and physical, that would support a conclusion that there is a probability that a crime has occurred. Evidence can be circumstantial or direct and would either incriminate a person’s involvement in a criminal act or disprove the alleged complaint. For example, the statement by a victim of assault that a particular weapon in possession of the aggressor is corroborated by the presence of the weapon and the proximity of the weapon to the accused would tend to incriminate the person.

Evidence can be accumulated from the totality of circumstances surrounding the incident. It is important to realize that probable cause can be established from a wide variety of sources. Documentation of prior incidents, the officer’s observations based on experience and training

as well as the physical evidence at the scene all contribute to the foundation of a criminal prosecution. The officer's goal is to document all relevant facts to be accurately disseminated to all interest parties.

Investigating officers should appreciate the relationship between the role of law enforcement and the courts to address the issue of family violence. Whereas law enforcement has very limited authority to order criminal or civil remedies in family violence incidences, the courts can impose corrective remedies only if arrests are made when probable cause exists.

 The key point is to have the officers take the information from the statements at the scene then to connect those statements with their own observations and physical evidence to develop probable cause.

 ***“DOCUMENTING FAMILY VIOLENCE COMPLAINTS” (Slide 3)***

Specific legislation has been imposed related to the documentation of family violence complaints. O.C.G.A. 17-4-20.1(c) mandates that all domestic violence calls be documented under a heading, “Family Violence Report”. The “Incident Type” may be classified in accordance with local coding. It may be titled informational in nature, where no action was taken, or titled by the criminal charge but, in all cases when officers respond to a family violence complaint, a report shall be filed. Specifically, when no arrest has been made, the report should document suspicions that justified the complaint and the reason why no action was taken. If no arrest was made, an explanation should be written in the narrative and may come under one of the headings (1) juvenile, (2) Primary Aggressor left scene, (3) insufficient probable cause or (4) other reasons.

 ***“STANDARDIZED REPORTING FORMS” (Slide 4)***

To be in compliance with the legislative mandate, all Family Violence Reports must have certain prescribed fields of information. The information is collected by GCIC (Georgia Crime Information Center) and tabulated for statistical purposes. The information from these cumulative totals is then used by various service agencies for programming and training objectives defined and legislative action to modify relevant statutes. Because the data is tabulated in separate reporting fields, each department can record the incident on the state standard form or can reformat the report on a form that conforms to their own system. It is the accumulation of these statistics from throughout the state that creates an accurate profile of the issues related to domestic violence and becomes the basis of every form of civil and criminal remedy.

 ***“CONTENT OF FAMILY VIOLENCE REPORT” (Slide 5)***

As officers begin to investigate a complaint of family violence and write the subsequent incident report, they should consider who will be using the report information and for what purposes. The scope of any investigation, but particularly in a domestic violence case, goes far

beyond just the investigation of a criminal violation. Procedures are reviewed and protocols adopted within the agencies to respond safely, investigate thoroughly, and prosecute effectively.

For example, supervisors may review the report for the purposes of editing, compliance with department procedures, or determination of further investigation. Investigators that follow-up on the initial response rely on the documentation of contact information, locating witnesses and understanding the significance of physical evidence pending analysis. Prosecutors may review the report to assure that elements of each crime have been adequately documented and to troubleshoot the report for potential constitutional challenges. Other agencies and personnel may have an interest in the report, as well.

 When the responding officer has a full appreciation for all the related agencies that use the incident report they will then begin to investigate all aspects of a domestic violence complaint. The concept of investigating from the perspective of the people who will use the report is frequently referred to as “writing with the reader in mind.”

 **“EVIDENCE PARTICULAR TO FAMILY VIOLENCE” (Slide 6)**

In addition to the normal types of evidence in a criminal case, family violence evidence can be supported by probable cause generated from facts particular to this type of investigation. Many of these elements have been established through judicial review in case law or have been documented in the historical record that may establish motive and intent.

**Prior Difficulties** – any instance of prior violence between the parties in the current relationship; officers should seek any form of documentation, witnesses, medical reports, protective orders or even uncorroborated testimony from the victim may be used

**Similar Transactions** – these may be incidents of violence between the primary aggressor and any previous relationship; although evidence of these incidents cannot be used as probable cause in the pending investigation, they may be useful to inform the prosecutor who may file a motion to enter this evidence to show a pattern of behavior

**Court Orders** – these documents can support the *Prior Difficulties* claim and may reveal pertinent information from prior depositions

**Spontaneous Statements** – these are statements usually offered voluntarily; it is critical to document the circumstances surrounding the statement relevant to time, emotions, in response to questioning, or environment to overcome a hearsay objection if the victim recants or refuses to testify

**Primary Aggressor** – O.C.G.A. 17-4-20.1 requires the investigating officer to attempt to identify the primary aggressor (PA) in any domestic violence investigation; if the officer has identified the PA, the report should state how the officer came to that conclusion

**Officer's Observations** – officers should appreciate their ability to look at elements within a domestic violence scene and come to reasonable conclusion based on articulated observations; for example, connecting the injury to the weapon type, the demeanor of victims and aggressors, and verification of testimony by physical evidence

 ***“ADDITIONAL INDEPENDENT INVESTIGATIONS TO SUPPLEMENT THE REPORT” (Slide 7)***

Historically, officers have relied heavily on the testimony of the victim as the primary evidence to establish probable cause. Often that evidence becomes difficult to rise to the level of proof beyond a doubt at trial for conviction (arguments come down to “he said, she said”) or the victim may recant the statement. Absent the testimony of the victim, officers can support a case on other forms of direct and circumstantial evidence. Investigating from the statements made at the scene, officers should look to every other form of evidence that would either support or refute each claim by the parties.

The first objective is to identify all relevant evidence, second is to collect and process the evidence to its fullest potential. For example, statements should be paraphrased in the narrative with direct quotes, if possible. However, it is ideal that officers have written or recorded statements. Descriptions of physical injury are good, but a picture of the injury accompanied by a medical report is also ideal. Officers should make every effort to collect all evidence because it becomes fragile and lost with time.

 ***Interviewing Victims, Perpetrators, Children, & Witnesses***

Please refer to the Investigation Questions for Victim, Perpetrator, Children, & Witnesses resources for further instruction and recommendations for interviewing, Appendix E.

 ***Closing Statement (Slide 8) (1 minute)***

Law enforcement faces many challenges when responding to domestic violence. One such obstacle is the complete documentation of the incident to meet the needs of all concerned parties. A well documented account of the responding officers' on scene investigation is the first critical step in a successful family violence prosecution. Victims often recant testimony or fail to be available for cross examination at trial. Documentation in the officer's report may often be the only admissible evidence at trial.



# Family Violence Incident Reporting

Roll Call Training



The response to, investigation, and prosecution of a family violence complaint becomes a matter of official record when the investigating officer drafts the incident report. From that initial document, decisions are made regarding the disposition of the case all the way through the criminal justice process. Decisions about manpower, resource allocation, prosecutorial decisions on how to move the case through the system, and sentencing by the courts all rely on an accurate and complete report of the family violence incident.

There are certain aspects of a Family Violence Report that are unique to reporting practices than with other incidents of violence and property damage. There are specific mandates that must be performed and information on appropriate services and remedies provided to the victim to comply with the Family Violence Act. The Family Violence Report becomes the primary instrument that triggers a whole range of enforcement policies, protocol reviews, community based support, and judicial interdiction.

## The Goal of Reporting

- To create a record of **evidence** that will act as the basis for **probable cause** in a criminal prosecution or civil remedy
- **Evidence** – can be anything that tends to logically prove or disprove a fact at issue in a judicial case (can be a totality of circumstances)
- **Probable cause** – existence of circumstances that would lead a reasonable and prudent person to believe in the guilt of a person

First and foremost, the response to a family violence complaint is to secure the safety of all parties involved and render aid to the injured. Once the scene is safe, the responsibility of the responding officer shifts to an investigative role to determine if a crime has been committed. The investigation usually begins by asking the parties *what* has happened and *who* is involved.

From the interview, officers begin to orient themselves to the nature of specific criminal acts that may have occurred. This process leads to supporting evidence, both testimonial and physical, that would support a conclusion that there is a probability that a crime has occurred. Evidence can be circumstantial or direct and would either incriminate a person's involvement in a criminal act or disprove the alleged complaint. For example, the statement by a victim of assault that a particular weapon in possession of the aggressor is corroborated by the presence of the weapon and the proximity of the weapon to the accused would tend to incriminate the person.

Evidence can be accumulated from the totality of circumstances surrounding the incident. It is important to realize that probable cause can be established from a wide variety of sources. Documentation of prior incidents, the officer's observations based on experience and training as well as the physical evidence at the scene all contribute to the foundation of a criminal prosecution. The officer's goal is to document all relevant facts to be accurately disseminated to all interest parties.

Investigating officers should appreciate the relationship between the role of law enforcement and the courts to address the issue of family violence. Whereas law enforcement has very limited authority to order criminal or civil remedies in family violence incidences, the courts can impose corrective remedies only if arrests are made when probable cause exists.

## Documenting Family Violence Complaints

- Officers have a duty to document any complaint of Family Violence
- In every response to an incident of Domestic Violence, the report form should be titled ***“Family Violence Report”***
- Incident type may be specific to the crime charged or classified under the local jurisdiction coding system
- Irrespective of Incident type, every response to a Domestic Violence call must be reported regardless of arrest status (O.C.G.A. 17-4-20.1(c))

Specific legislation has been imposed related to the documentation of family violence complaints. O.C.G.A. 17-4-20.1(c) mandates that all domestic violence calls be documented under a heading, “Family Violence Report”. The “Incident Type” may be classified in accordance with local coding. It may be titled informational in nature, where no action was taken, or titled by the criminal charge but, in all cases when officers respond to a family violence complaint, a report shall be filed. Specifically, when no arrest has been made, the report should document suspicions that justified the complaint and the reason why no action was taken. If no arrest was made, an explanation should be written in the narrative and may come under one of the headings (1) juvenile, (2) Primary Aggressor left scene, (3) insufficient probable cause or (4) other reasons.

## Standardized Reporting Forms vs. Departmental Incident Report Forms

- Whether a standard form generated by GCIC or a reformatted version, all Family Violence reports must have certain required fields:
  - Name, Relationship, Date of Birth and Gender for each of the parties
  - Time, Date, and Location of the incident
  - Whether Children were involved and/or were the Children present during the violence
  - Type and Extent of alleged abuse
  - Presence of Substance Abuse
  - Number and Types of Weapons involved
  - Existence of any Previous Complaint or Prior Court Orders
  - Type of Police Action Taken (including reasons for no arrest)
  - Determination of Primary Aggressor
  - Whether the Victim had been informed of available remedies and services

To be in compliance with the legislative mandate, all Family Violence Reports must have certain prescribed fields of information. The information is collected by GCIC (Georgia Crime Information Center) and tabulated for statistical purposes. The information from these cumulative totals is then used by various service agencies for programming and training objectives defined and legislative action to modify relevant statutes. Because the data is tabulated in separate reporting fields, each department can record the incident on the state standard form or can reformat the report on a form that conforms to their own system. It is the accumulation of these statistics from throughout the state that creates an accurate profile of the issues related to domestic violence and becomes the basis of every form of civil and criminal remedy.

## Content of a Family Violence Report

- To determine what should go into the narrative of a Family Violence Report, consider who will use the information and for what purpose
  - Supervisors – to review completeness and compliance with department procedures
  - Investigators – to follow-up on contact information or forward requests to process evidence
  - Prosecutors – to review the elements of alleged crime and critique evidence for constitutional issues
  - Victim Services, Probation Officers, Courts

As officers begin to investigate a complaint of family violence and write the subsequent incident report, they should consider who will be using the report information and for what purposes. The scope of any investigation, but particularly in a domestic violence case, goes far beyond just the investigation of a criminal violation. Procedures are reviewed and protocols adopted within the agencies to respond safely, investigate thoroughly, and prosecute effectively.

For example, supervisors may review the report for the purposes of editing, compliance with department procedures, or determination of further investigation. Investigators that follow-up on the initial response rely on the documentation of contact information, locating witnesses and understanding the significance of physical evidence pending analysis. Prosecutors may review the report to assure that elements of each crime have been adequately documented and to troubleshoot the report for potential constitutional challenges. Other agencies and personnel may have an interest in the report, as well.

## Evidence Particular to Family Violence

- Officers should include detailed facts to particular types of evidence in Family Violence cases
- History of abusive behaviors within the current relationship
- “Prior difficulties” or any previous relationships or “similar transactions”
- Current or pre-existing Court orders
- Spontaneous statements or exited utterances
- How the primary aggressor was identified (O.C.G.C. 17-4-20.1(b))
- Officer’s observations related to evidence, physical injury and the mental/physical condition of the parties

In addition to the normal types of evidence in a criminal case, family violence evidence can be supported by probable cause generated from facts particular to this type of investigation. Many of these elements have been established through judicial review in case law or have been documented in the historical record that may establish motive and intent.

•**Prior Difficulties** – any instance of prior violence between the parties in the current relationship; officers should seek any form of documentation, witnesses, medical reports, protective orders or even uncorroborated testimony from the victim may be used

•**Similar Transactions** – these may be incidents of violence between the primary aggressor and any previous relationship; although evidence of these incidents cannot be used as probable cause in the pending investigation, they may be useful to inform the prosecutor who may file a motion to enter this evidence to show a pattern of behavior

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•**Primary Aggressor** – O.C.G.A. 17-4-20.1 requires the investigating officer to attempt to identify the primary aggressor (PA) in any domestic violence investigation; if the officer has identified the PA, the report should state how the officer came to that conclusion

•**Officer’s Observations** – officers should appreciate their ability to look at elements within a domestic violence scene and come to reasonable conclusion based on articulated observations; for example, connecting the injury to the weapon type, the demeanor of victims and aggressors, and verification of testimony by physical evidence

## Additional Independent Investigations to Supplement the Report

- Written statements from all parties and witnesses
- Photo documentation of injuries, damage, and weapons
- Medical release to corroborate injuries
- Collect & document all relevant evidence (torn clothing, broken items, bloody rags, weapons, teeth, pulled out hair, etc.)
- 911 tape recording
- Documentation of prior Court orders
- Interview with any children in the household
- Follow up with referral agencies (DFCS, Victims Assistance, Crime Lab, etc.)

Historically, officers have relied heavily on the testimony of the victim as the primary evidence to establish probable cause. Often that evidence becomes difficult to rise to the level of proof beyond a doubt at trial for conviction (arguments come down to “he said, she said”) or the victim may recant the statement. Absent the testimony of the victim, officers can support a case on other forms of direct and circumstantial evidence. Investigating from the statements made at the scene, officers should look to every other form of evidence that would either support or refute each claim by the parties.

The first objective is to identify all relevant evidence, second is to collect and process the evidence to its fullest potential. For example, statements should be paraphrased in the narrative with direct quotes, if possible. However, it is ideal that officers have written or recorded statements. Descriptions of physical injury are good, but a picture of the injury accompanied by a medical report is also ideal. Officers should make every effort to collect all evidence because it becomes fragile and lost with time.

## Closing

- A well documented account of the responding officers' on scene investigation is the first critical step in a successful family violence prosecution.
- Victims often recant testimony or fail to be available for cross examination at trial. Documentation in the officer's report may often be the only admissible evidence at trial.

Law enforcement faces many challenges when responding to domestic violence. One such obstacle is the complete documentation of the incident to meet the needs of all concerned parties. A well documented account of the responding officers' on scene investigation is the first critical step in a successful family violence prosecution. Victims often recant testimony or fail to be available for cross examination at trial. Documentation in the officer's report may often be the only admissible evidence at trial.

## Family Violence Incident Reporting

Roll Call Training



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## The Goal of Reporting

- To create a record of **evidence** that will act as the basis for **probable cause** in a criminal prosecution or civil remedy
- **Evidence** – can be anything that tends to logically prove or disprove a fact at issue in a judicial case (can be a totality of circumstances)
- **Probable cause** – existence of circumstances that would lead a reasonable and prudent person to believe in the guilt of a person

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## Documenting Family Violence Complaints

- Officers have a duty to document any complaint of Family Violence
- In every response to an incident of Domestic Violence, the report form should be titled **“Family Violence Report”**
- Incident type may be specific to the crime charged or classified under the local jurisdiction coding system
- Irrespective of Incident type, every response to a Domestic Violence call must be reported regardless of arrest status (O.C.G.A. 17-4-20.1(c))

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## Standardized Reporting Forms vs. Departmental Incident Report Forms

- Whether a standard form generated by GCIC or a reformatted version, all Family Violence reports must have certain required fields:
  - Name, Relationship, Date of Birth and Gender for each of the parties
  - Time, Date, and Location of the incident
  - Whether Children were involved and/or were the Children present during the violence
  - Type and Extent of alleged abuse
  - Presence of Substance Abuse
  - Number and Types of Weapons involved
  - Existence of any Previous Complaint or Prior Court Orders
  - Type of Police Action Taken (including reasons for no arrest)
  - Determination of Primary Aggressor
  - Whether the Victim had been informed of available remedies and services

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## Content of a Family Violence Report

- To determine what should go into the narrative of a Family Violence Report, consider who will use the information and for what purpose
  - Supervisors – to review completeness and compliance with department procedures
  - Investigators – to follow-up on contact information or forward requests to process evidence
  - Prosecutors – to review the elements of alleged crime and critique evidence for constitutional issues
  - Victim Services, Probation Officers, Courts

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## Evidence Particular to Family Violence

- Officers should include detailed facts to particular types of evidence in Family Violence cases
- History of abusive behaviors within the current relationship
- “Prior difficulties” or any previous relationships or “similar transactions”
- Current or pre-existing Court orders
- Spontaneous statements or exited utterances
- How the primary aggressor was identified (O.C.G.C. 17-4-20.1(b))
- Officer’s observations related to evidence, physical injury and the mental/physical condition of the parties

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## Additional Independent Investigations to Supplement the Report

- Written statements from all parties and witnesses
- Photo documentation of injuries, damage, and weapons
- Medical release to corroborate injuries
- Collect & document all relevant evidence (torn clothing, broken items, bloody rags, weapons, teeth, pulled out hair, etc.)
- 911 tape recording
- Documentation of prior Court orders
- Interview with any children in the household
- Follow up with referral agencies (DFCS, Victims Assistance, Crime Lab, etc.)

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## Closing

- A well documented account of the responding officers' on scene investigation is the first critical step in a successful family violence prosecution.
- Victims often recant testimony or fail to be available for cross examination at trial. Documentation in the officer's report may often be the only admissible evidence at trial.

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## ***ROLL CALL 5: Family Violence Protection Orders***

### **Lesson Topic**

The lesson will assist law enforcement in understanding the scope and intent of Family Violence Protective Orders. Additionally, the lesson cites the appropriate statutes to enforce in the event there is a violation of a Family Violence Protective Order.

### **Learning Objective**

Participants will gain an understanding of the process to obtain a Family Violence Protective Order and be able to determine the appropriate enforcement action when there is probable cause that a violation of the Order has occurred.

### **Presenters**

Law enforcement staff, Legal Advocates

### **Before the Training**

Review the following training information on Family Violence Protection Orders and O.C.G.A. 19-13-4, which outlines the statutes that guide this training. Prepare handouts and resources and make copies of materials to leave with officers. Prior to the training, a review of your local jurisdiction's Standard Operating Procedures (SOP) and the local court's process may provide insight to enhance the training program. Some Superior Court circuits have assigned authority to order Temporary Protection Orders to their Magistrate Courts.

### **Resources**

- ❖ Family Violence Protection Orders PowerPoint Presentation (for Officers and Presenter)
- ❖ Appendix M – O.C.G.A. 19-13-4

### **Introduction (1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task force.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

 ***Opening Statement: "FAMILY VIOLENCE PROTECTION ORDERS" (Slide 1)***

Family Violence Protection Orders or Temporary Protection Orders (TPOs) serve as an instrument to force a physical separation between parties where there has been violence or the threat of violence. The Order provides a period of security as well as relief from the influences of the primary aggressor. There is a distinction between TPOs and other civil orders that may originate from the Superior Court (or Magistrate Court). TPOs are separate and unique from orders of restitution, restraint, divorce, etc. in that they are defined by the relationship in O.C.G.A. Title 19 and may cover a wide range of remedies beyond just separation. For example, TPOs may include designation of child custody, possession of property, financial support, or any other support the court deems necessary to make the petitioner whole while the order is in effect.

 ***"PEACE OFFICER'S DUTY TO ENFORCE" (Slide 2)***

Authority to enforce TPOs is given to every law enforcement entity throughout the state. The jurisdiction of the Order extends throughout the state and not just in the judicial circuit where the Order originates. Violations of terms in a current Order allow law enforcement to make an immediate arrest when probable cause exists to believe the violation was intentional. Otherwise, as in other types of restraining order from the court, a contempt warrant would first need to be issued before an arrest could be made. Obviously, the delay in obtaining a contempt order would circumvent the force and intent of the TPO to be acted on immediately.

The distinction in O.C.G.A. 16-5-95 is the violation is made in a 'nonviolent manner'. This is to say, the prohibited contact was not made under any threat of violence but perhaps an attempt to reconcile or retrieve personal property thus creating inappropriate contact or trespass under the conditions of the Order. Violations under these conditions are a misdemeanor and should result in an immediate, in-custody arrest.

 ***"PEACE OFFICER'S DUTY TO ENFORCE (CONT'D)" (Slide 3)***

The distinction between O.C.G.A. 16-5-95 and O.C.G.A. 16-5-91 is in the nature of the contact. Under the Aggravated Stalking violation, there would be some indication that the contact or trespass was made with the intent to harass or intimidate. This could be performed by placing the petitioner under surveillance or contact by any means that would be understood by the victim to be a threat. In effect, the person violates a TPO by committing any act of stalking. This intimidation could potentially be through a third party or by any means of electronic communication or otherwise. This can be from a single act and it is important for the investigating officer to document specifically the means of harassment and how it affected the petitioner.

 Officers in Georgia can enforce a violation of any valid Order originating from any other state under the Full Faith and Credit clause of the Constitution, Article IV, Section 1 and Title 18

United States Code 2265 of the Violence Against Women Act. Officers would be advised to obtain a copy of the out-of-state order as documentation of restrictive behavior.

 ***“PROCESS TO OBTAIN A FAMILY VIOLENCE PROTECTION ORDER” (Slide 4)***

TPOs may be obtained by filing a petition in the Superior Court (or possibly the Magistrate Court) where the respondent resides. Why the Superior Court? Lower courts do not have original jurisdiction over issues of eviction, child custody and property distribution reserved for the Superior Courts. These matters are frequently at issue when trying to give relief to the petitioner from threats of violence. TPOs can be obtained ex-parte, meaning without a hearing, outside the presence of the respondent, and may be enforced up to 30 days. During that period there may be a hearing when the respondent would have an opportunity to challenge the conditions in the order or the petitioner can request an extension of the order for a year or even have the Order made permanent.

 TPOs are enforced until the presiding judge vacates the Order or changes the conditions prescribed in the Order. The petitioner does not have the authority to change the order in any way outside the court, meaning they cannot arbitrarily invoke or revoke the order at will. In a case where the petitioner has intentionally invited the respondent to violate the order, the petitioner is not and cannot be in violation of the order. The respondent is still bound by the conditions in the order regardless of the consent of the petitioner.

 ***“SCOPE OF THE FAMILY VIOLENCE PROTECTION ORDER” (Slide 5)***

The scope of TPOs may encompass a wide range of civil remedies that address almost every aspect of the relationship between the parties. The court has the authority to order issues related to child custody and visitation, restrictive contact, residency, property, and monetary control. These conditions are specific in the Order, making every Order unique and relevant to the situation. Whether temporary or permanent, these are civil remedies intended to provide relief from the threat of violence while allowing the victim an opportunity to consider an appropriate path of resolution. Even though it is a civil remedy, it carries the force of a criminal violation when the respondent violates conditions in the Order. In either case, it will bring the respondent before the court where the judge will have an opportunity to prescribe corrective measures.

 ***“WHAT IS IN THE ORDER?” (Slide 6)***

A careful reading of the Order is vital when called upon to enforce a complaint that the Order has been violated. There are a number of sources that may give the responding officer access to a copy explaining the restrictions imposed on the respondent. The petitioner should have a copy on hand at all times but experience shows that is not always the case. Other sources may be the Sheriff’s Office serving the court of origin or an inquiry into the State or National data base of Protective Orders through the Georgia Crime Information Center (GCIC) or the National Crime Information Center – Protective Order File (NCIC POF).

 ***Closing Statement (Slide 7) (1 minute)***

To recap some of the key points about TPOs, the Order provides an immediate remedy to victims of domestic violence that need a period of separation to determine a path of security and relief. Petitions are filed in the clerk of court office where the primary aggressor resides and are initiated by the victim of violence. Although this is a legal filing, victims are not required to hire an attorney but may access a number of local support services to receive assistance in the process.

 Provide information of services available to assist victims in filing for TPOs.

Officers called on to enforce an Order should make every effort to actually see the restriction specified in the Order. Any violation of a valid Order is enforceable regardless of where the order originated. The petitioner does not have the authority to change or vacate the Order, only the court can change the order.

# Family Violence Protection Orders

Roll Call Training



Family Violence Protection Orders or Temporary Protection Orders (TPOs) serve as an instrument to force a physical separation between parties where there has been violence or the threat of violence. The Order provides a period of security as well as relief from the influences of the primary aggressor. There is a distinction between TPOs and other civil orders that may originate from the Superior Court (or Magistrate Court). TPOs are separate and unique from orders of restitution, restraint, divorce, etc. in that they are defined by the relationship in O.C.G.A. Title 19 and may cover a wide range of remedies beyond just separation. For example, TPOs may include designation of child custody, possession of property, financial support, or any other support the court deems necessary to make the petitioner whole while the order is in effect.

## Peace Officer's Duty to Enforce

- O.C.G.A. 16-5-95
  - When a person intentionally violates, in a nonviolent manner, the conditions prescribed in a Family Violence Protection Order, they shall be guilty of a misdemeanor.
- Specifically, when a person:
  - Has been evicted from a residence
  - Has been ordered to stay away from other specified locations
  - Has been restricted from approaching within a specified distance, or
  - Has been ordered to suspend any manner of contact, direct or indirect (this may include contact through a third party)

Authority to enforce TPOs is given to every law enforcement entity throughout the state. The jurisdiction of the Order extends throughout the state and not just in the judicial circuit where the Order originates. Violations of terms in a current Order allow law enforcement to make an immediate arrest when probable cause exists to believe the violation was intentional. Otherwise, as in other types of restraining order from the court, a contempt warrant would first need to be issued before an arrest could be made. Obviously, the delay in obtaining a contempt order would circumvent the force and intent of the TPO to be acted on immediately.

The distinction in O.C.G.A. 16-5-95 is the violation is made in a 'nonviolent manner'. This is to say, the prohibited contact was not made under any threat of violence but perhaps an attempt to reconcile or retrieve personal property thus creating inappropriate contact or trespass under the conditions of the Order. Violations under these conditions are a misdemeanor and should result in an immediate, in-custody arrest.

## Peace Officer's Duty to Enforce

- O.C.G.A. 16-5-91 – Aggravated Stalking
  - When a person under the restrictions of a Family Violence Protective Order violates the order against the petitioner in a manner which otherwise would constitute stalking, they should be charged with Aggravated Stalking, a felony
- Officers have the authority to enforce any valid Protection Order issued in the United States under the Full Faith and Credit Clause of the Constitution and Title 18 USC 2265 of the Violence Against Women Act

The distinction between OCGA 16-5-95 and OCGA 16-5-91 is in the nature of the contact. Under the Aggravated Stalking violation, there would be some indication that the contact or trespass was made with the intent to harass or intimidate. This could be performed by placing the petitioner under surveillance or contact by any means that would be understood by the victim to be a threat. In effect, the person violates a TPO by committing any act of stalking. This intimidation could potentially be through a third party or by any means of electronic communication or otherwise. This can be from a single act and it is important for the investigating officer to document specifically the means of harassment and how it affected the petitioner.

## Process to Obtain a Family Violence Protection Order

- Jurisdiction:
  - Order originates, by petition, in the Superior Court where the respondent resides (respondent may be the person identified as the primary aggressor)
  - If respondent is a non-resident, petitioner files in the county where they reside, or
  - In the jurisdiction where the violation occurred
- Duration of the Order
  - Temporary Orders last no longer than 30 days (ex parte) without a hearing
  - With a hearing and proof by a preponderance of evidence, the Order may be extended up to 1 year or be made permanent with an additional hearing
  - Petitioner does not have the authority to revoke or suspend the order

TPOs may be obtained by filing a petition in the Superior Court (or Magistrate Court) where the respondent resides. Why the Superior Court? Lower courts do not have original jurisdiction over issues of eviction, child custody and property distribution reserved for the Superior Courts. These matters are frequently at issue when trying to give relief to the petitioner from threats of violence. TPOs can be obtained ex-parte, meaning without a hearing, outside the presence of the respondent, and may be enforced up to 30 days. During that period there may be a hearing when the respondent would have an opportunity to challenge the conditions in the order or the petitioner can request an extension of the order for a year or even have the Order made permanent.

TPOs are enforced until the presiding judge vacates the Order or changes the conditions prescribed in the Order. The petitioner does not have the authority to change the order in any way outside the court, meaning they cannot arbitrarily invoke or revoke the order at will. In a case where the petitioner has intentionally invited the respondent to violate the order, the petitioner is not and cannot be in violation of the order. The respondent is still bound by the conditions in the order regardless of the consent of the petitioner.

## Scope of the Family Violence Protection Order

- Orders may direct:
  - Respondent to stop certain acts or harassment
  - To the petitioner, grants to possession of property (may include residence, vehicles, or other specified by the Court)
  - Requirements to provide alternate housing
  - Awards of temporary custody of children
  - Awards of monetary support for children, living expenses and/or attorney fees
  - Respondent to receive prescribed counseling or psychological services

The scope of TPOs may encompass a wide range of civil remedies that address almost every aspect of the relationship between the parties. The court has the authority to order issues related to child custody and visitation, restrictive contact, residency, property, and monetary control. These conditions are specific in the Order, making every Order unique and relevant to the situation. Whether temporary or permanent, these are civil remedies intended to provide relief from the threat of violence while allowing the victim an opportunity to consider an appropriate path of resolution. Even though it is a civil remedy, it carries the force of a criminal violation when the respondent violates conditions in the Order. In either case, it will bring the respondent before the court where the judge will have an opportunity to prescribe corrective measures.

## What is in the Order?

- Officers called upon to enforce a violation of an Order must know what is in it to be able to determine if a violation has occurred.
- Copies of the Order may be found:
  - Upon issue of the Order, a copy is given to the petitioner and upon service, to the respondent
  - The Sheriff's office within the Court's jurisdiction should have a copy of all active orders
  - Protective Order Registry has a copy of all issued orders from throughout the state and can be accessed through GCIC or the NCIC POF
- **READ THE ORDER FIRST!** Before an enforcement action is taken, Officers should understand that each Order is unique and will be particular to the duration, jurisdiction, and remedies awarded to each petitioner.

A careful reading of the Order is vital when called upon to enforce a complaint that the Order has been violated. There are a number of sources that may give the responding officer access to a copy explaining the restrictions imposed on the respondent. The petitioner should have a copy on hand at all times but experience shows that is not always the case. Other sources may be the Sheriff's Office serving the court of origin or an inquiry into the State or National data base of Protective Orders through the Georgia Crime Information Center (GCIC) or the National Crime Information Center – Protective Order File (NCIC POF).

## Closing

- Protection Orders provide a civil remedy to victims of Domestic Violence in need of relief from the threat of violence pending other court action
- The petition for a Protection Order is initiated by the victim, not the Officer. Officers should refrain from advising victims whether or not to seek an Order but are encouraged to inform the victim of the process and available assistance
- An Officer should know the specific remedies in any Order prior to any enforcement action
- An Officer has the authority to enforce a violation of any valid Protection Order under the Full Faith & Credit clause
- The petitioner cannot vacate or alter the Order, only the Court has original jurisdiction over conditions in the Order

To recap some of the key points about TPOs, the Order provides an immediate remedy to victims of domestic violence that need a period of separation to determine a path of security and relief. Petitions are filed in the clerk of court office where the primary aggressor resides and are initiated by the victim of violence. Although this is a legal filing, victims are not required to hire an attorney but may access a number of local support services to receive assistance in the process.

Officers called on to enforce an Order should make every effort to actually see the restriction specified in the Order. Any violation of a valid Order is enforceable regardless of where the order originated. The petitioner does not have the authority to change or vacate the Order, only the court can change the order.



## Family Violence Protection Orders

Roll Call Training



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## Peace Officer's Duty to Enforce

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- Specifically, when a person:
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## Peace Officer's Duty to Enforce

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  - When a person under the restrictions of a Family Violence Protective Order violates the order against the petitioner in a manner which otherwise would constitute stalking, they should be charged with Aggravated Stalking, a felony
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## Process to Obtain a Family Violence Protection Order

- Jurisdiction:
  - Order originates, by petition, in the Superior Court where the respondent resides (respondent may be the person identified as the primary aggressor)
  - If respondent is a non-resident, petitioner files in the county where they reside, or
  - In the jurisdiction where the violation occurred
- Duration of the Order
  - Temporary Orders last no longer than 30 days (ex parte) without a hearing
  - With a hearing and proof by a preponderance of evidence, the Order may be extended up to 1 year or be made permanent with an additional hearing
  - Petitioner does not have the authority to revoke or suspend the order

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## Scope of the Family Violence Protection Order

- Orders may direct:
  - Respondent to stop certain acts or harassment
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  - The Sheriff's office within the Court's jurisdiction should have a copy of all active orders
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## Closing

- Protection Orders provide a civil remedy to victims of Domestic Violence in need of relief from the threat of violence pending other court action
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- An Officer should know the specific remedies in any Order prior to any enforcement action
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## ***ROLL CALL 6: Stalking***

### **Lesson Topic**

This lesson covers Georgia stalking and aggravated stalking statutes as well as stalking tactics used by the perpetrator, the impact stalking has on a victim, and recommendations for officers investigating a stalking case.

### **Learning Objective**

Participants will gain knowledge about state stalking statutes, responding to victims of stalking, the differences between stalking and aggravated stalking, as well as the appropriate investigation and arrest decisions regarding stalking.

### **Presenters**

Law enforcement staff, Prosecutors, Domestic Violence Advocates

### **Before the Training**

Review the following training information on stalking and O.C.G.A. 16-5-90, which outlines the statutes guiding this training. Prepare handouts and resources and make copies of materials to leave with officers.

### **Resources**

- ❖ Stalking PowerPoint Presentation (for Officers and Presenters)
- ❖ Appendix N – O.C.G.A. 16-5-90
- ❖ Appendix O – O.C.G.A. 16-5-91
- ❖ Appendix P – O.C.G.A. 16-5-95
- ❖ Appendix Q – Stalking: Questions to Ask the Victim
- ❖ Appendix R – Stalking Incident Log

### **Introduction (1 minute)**

- Introduce yourself to the class and discuss the agency you represent.
- Give a brief explanation of the family violence task force and your role there.
- Discuss all of the partners on your respective task force, meeting times and frequency, and community activities which are sponsored by your family violence task force.
- Highlight the multi-disciplinary composition of your task force that includes both governmental and non-governmental services.
- Invite officers to approach their chain of command if they are interested in being a part of the task force.
- Establish the format of the training.
- Encourage officers to write down any questions they may have.

***Body (8 minutes)***

 ***Opening Statement: "STALKING" (Slide 1)***

Family violence is a crime of power and control. For many victims, the most dangerous time is when they try to separate from the abuser. A victim is more likely to be murdered after they have taken steps to separate from the relationship. Many abusers stalk their former partner in an effort to continue to control, manipulate, and intimidate them. Stalking is a twenty-hour a day, seven days a week crime of terror. Stalking victims often have their day-to-day lives interrupted to the point that they must change their normal activities to try to avoid the stalker's contact. The more access that the stalker has to the victim, the more successful the stalking will be.

 ***"WHAT IS STALKING?" (Slide 2)***

Stalking is an inherent behavior for family violence abusers. The majority of women who are stalked by current or former intimate partners also report having been physically assaulted these partners, and 1/3 of women report having been sexually assaulted by the same partners who stalked them (Tjaden & Thoennes, 1998). According to the U.S. Department of Justice, Bureau of Justice Statistics (BJS), "nearly 3 in 4 of all stalking victims knew their offender in some capacity" (Baum, Catalano, & Rand, 2009). Women are more likely to report being stalked by an intimate partner, whereas men are more likely to report being stalked by a stranger or acquaintance (Tjaden & Thoennes, 1998). The stalking behavior is not necessarily about getting the victim back in a relationship, but becomes more about getting back at the victim for trying to leave the relationship.

A majority of criminal stalking cases will be generated from Family Violence Orders such as pre-trial bond release orders and temporary protection orders. It is important that these violations are appropriately charged to maximize victim safety during these times.

 The presenter should emphasize the importance of civil order enforcement when criminal violations occur. If possible, department policy on Family Violence Order enforcement should be made available to the officers in attendance.

 ***"STALKING STATISTICS" (Slide 3)***

Four out of every five stalking victims are women (Tjaden & Thoennes, 1998). While statistics from reported cases of stalking show that stalking is not a gender specific crime, men are overwhelmingly the majority of stalkers while women are the majority of stalking victims. In a National Violence Against Women Study, "94 percent of the stalkers identified by female victims and 60 percent of the stalkers identified by male victims were male" (Tjaden & Thoennes, 1998). It is not uncommon for men to stalk other men and for women to stalk other women.

 ***"STALKING STATISTICS" (Slide 4)***

Victims of intimate partner stalking are more likely to experience physical and sexual violence than other stalking victims. Intimate partner stalkers are the most common and the most physical in their stalking behaviors. Many cases of intimate partner stalking are never charged as stalking but a variety of other charges such as criminal trespass, harassing communication, disorderly conduct, and even physical assault charges. Intimate partner stalkers are well equipped for their activities because they have so much information on the victim's place of

residence, place of employment, and other activities. Many times, victims view the stalking behaviors as those of someone who just can't let go of the relationship. When the partners have children in common, the risk of contact is even greater.

 ***“INTIMATE PARTNER HOMICIDE” (Slide 5)***

Intimate partner stalking, especially after the end of the relationship, is a valid threat to the safety of victims. Intimate partner stalking tends to escalate the frequency and severity of physical assault and sexual assault. Victims and investigating officers alike should be encouraged to never minimize threats to the victim or family members. Intimate partner violence and intimate partner stalking are crimes of power and control and previous behaviors in the relationship are a good predictor of future violence by the stalker.

 ***“TYPES OF STALKERS” (Slide 6)***

Reports of non-acquaintance stalking are more rare than reports of intimate partner stalking. As a general rule, intimate partner stalkers will use far more violence, threats of violence and personal contact at much higher rates than non-acquaintance stalkers. Intimate partner stalkers will leave more tangible evidence because of the nature of their stalking activities. The investigator, with the cooperation of the victim, may have access to far more evidence in these cases.

 ***“VICTIM PERCEPTION” (Slide 7)***

Many victims of intimate partner stalking fail to see the danger of the stalker's activities. It is common for a victim to believe that the stalker is just “still in love”. This minimization often increases the danger for the victim and makes the investigator's job more difficult. It is important to remember the stalking is normally an attempt to continue to intimidate and control the victim and not an attempt to get the victim back in the relationship.

 ***“GENERAL ELEMENTS” (Slide 8)***

Many stalking incidents don't seem threatening or criminal in nature. The investigating officer has the responsibility of tying the incidents together to show a pattern of conduct which has no legitimate purpose. In other words, the conduct is specifically for the purpose of intimidating and harassing the victim. The victim's perception of the incident along with documentation of prior incidents is critical to the establishment of probable cause for the stalking charge. Previous police reports, medical records, and previous Family Violence Protection Orders are great evidence of prior violence and intimidation.

 ***“TACTICS OF STALKERS” (Slide 9)***

The power and intimidation of intimate partner stalking comes from the victim's knowledge of who the stalker is. The power and fear of the stalker's actions depend on the victim knowing that it is the former partner. Intimate partner stalkers will show up at the victim's home, school, church, and place of employment. This type of stalker also leaves phone messages, letters, cards, and gifts to let the victim know that they were there. These stalkers will confront the victim whenever s/he is accessible. Property destruction crimes are very common for this group, as well. Intimate partner stalkers know how to push the victim's buttons.

It is imperative that the victim keeps as much of this evidence as possible. The victim should be encouraged to document every incident no matter how insignificant it may seem. A stalking incident log is a good way to secure this evidence in a consistent manner.

 **“IMPACT ON VICTIMS” (Slide 10)**

Stalking is a crime of terror and many victims are forced to change their normal routines to try to avoid contact with the stalker. Intimate partner stalkers have an advantage in that they know so much about the victim and have so much access to them. The victim needs to be encouraged to make everyone around them aware of the stalker’s behavior. This may limit the stalker’s ability to reach the victim.

 **“STALKING – O.C.G.A. 16-5-90” (Slide 11)**

The crime of stalking is based on five basic elements. Again, (1) the investigator must show a pattern of activity, (2) in a place somewhere other than the stalker’s home, (3) the conduct must be intimidating and harassing in nature, (4) without the victim’s consent, and (5) must place the victim in fear. Documentation of every incident and establishment of prior history are key elements in the stalking case. The victim should be encouraged to have no contact at all with the stalker. Any contact increases the danger to the victim, encourages the stalker, and may work against the prosecution of the criminal case.

 **“AGGRAVATED STALKING – O.C.G.A. 16-5-91” (Slide 12)**

Aggravated stalking occurs when stalking activities begin or continue after the issuance of any Judge’s Order prohibiting such conduct (Family Violence Protection Orders, restraining orders, stalking protection orders, or any judge’s order prohibiting contact qualify as aggravated stalking). The investigator must show a pattern of activity, the conduct must be without consent and for the purpose of intimidating or harassing the victim. As a rule, the Courts hold that there must be a pattern of activity to qualify as aggravated stalking. However, documentation of intimidating, harassing, or violent prior history can often be used to establish probable cause for the charge.

 **“AGGRAVATED STALKING” (Slides 13-17)**

 These slides are for reference for law enforcement to use when assessing charges in cases. Officers must establish a pattern of conduct that is without consent which must be intimidating and harassing in nature. These cases do show that documentation of prior history of intimidation and violence may be used to build the aggravated stalking case.

 **“STALKING – O.C.G.A. 16-5-95” (Slide 18)**

The misdemeanor charge of violation of a Family Violence Protection Order applies anytime that a respondent knowingly and in a nonviolent manner violates any condition of the order. Unlike aggravated stalking charges, this charge does not require the establishment of a pattern of conduct without the consent of the victim. All that is required is the violation of any condition of the order. Conditions of the order may only be amended by the judge. The contact does not have to qualify as non-consensual or intimidating in nature.

 **“INVESTIGATION OF STALKING CASES” (Slide 19)**

A good stalking investigation includes victim and witness testimony, documentation of any prior history of events between the stalker and victim, and documentation of any physical evidence of the stalker’s activities. The victim has a key role in documenting the activities of the stalker, previous history, and the nature of the stalker’s activities.

 **“INVESTIGATION OF STALKING CASES” (Slide 20)**

The victim has a key role in documenting the activities of the stalker, previous history, and the nature of the stalker’s activities.

 **“INVESTIGATION OF STALKING CASES” (Slide 21)**

Law enforcement should establish the relationship, timeline of events, and have the victim provide and document as much information as possible. Be sure to secure evidence that captures the stalking activities.

 **“INVESTIGATION OF STALKING CASES” (Slide 22)**

Law enforcement should advise the victim about a stalking TPO and encourage the victim to keep a stalking incident log. Instruct the victim to have no contact with the stalker and to make family, friends, and employers aware of the stalking activities. If possible, increase patrol frequency in the vicinity of the victim.

 **Closing Statement (Slide 23) (1 minute)**

In intimate partner stalking cases, law enforcement has the responsibility for building the criminal case along with the responsibility for keeping the victim as safe as possible. Investigators should encourage the victim to have as little contact with the stalker as possible. Having the victim make family, friends, employers, and coworkers aware of the stalkers activities may help to accomplish both goals. It is important to never forget that intimate partner stalking is about power and control.

**References**

Baum, Catalano, & Rand (2009, January). National Crime Victimization Study: Stalking Victimization in the United States. Bureau of Justice Statistics Special Report. NCJ 224527.

Meloy, J. R. and Gothard, S. (1995). A demographic and clinical comparison of obsessional followers and offenders with mental disorders, *American Journal of Psychiatry*, 152, 258-263.

Tjaden, P., and Theonnes, N. (1998). Stalking in America: Findings From the National Violence Against Women Survey. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

Turvey, B. (2002). *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*. Elsevier Academic Press: San Diego, California.



# Stalking

## Roll Call Training



Family violence is a crime of power and control. For many victims, the most dangerous time is when they try to separate from the abuser. A victim is more likely to be murdered after they have taken steps to separate from the relationship. Many abusers stalk their former partner in an effort to continue to control, manipulate, and intimidate them. Stalking is a twenty-hour a day, seven days a week crime of terror. Stalking victims often have their day-to-day lives interrupted to the point that they must change their normal activities to try to avoid the stalker's contact. The more access that the stalker has to the victim, the more successful the stalking will be.

## What is Stalking?

- “Stalking is a crime involving the behavioral intrusion of one person in the life of another that is maladaptive and, in many cases, physically and psychologically traumatic to the victim.” – Turvey (2002)

Stalking is an inherent behavior for family violence abusers. The majority of women who are stalked by current or former intimate partners also report having been physically assaulted these partners, and 1/3 of women report having been sexually assaulted by the same partners who stalked them (Tjaden & Thoennes, 1998). According to the U.S. Department of Justice, Bureau of Justice Statistics (BJS), "nearly 3 in 4 of all victims knew their offender in some capacity" (Baum, Catalano & Rand, 2009). Women are more likely to report being stalked by an intimate partner, whereas men are more likely to report being stalked by a stranger or acquaintance (Tjaden & Thoennes, 1998). The stalking behavior is not necessarily about getting the victim back in a relationship, but becomes more about getting back at the victim for trying to leave the relationship.

A majority of criminal stalking cases will be generated from Family Violence Orders such as pre-trial bond release orders and temporary protection orders. It is important that these violations are appropriately charged to maximize victim safety during these times.

Turvey, B. (2002). *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*. Elsevier Academic Press: San Diego, California.

## Stalking Statistics

- More than one million women and 400,000 men are stalking annually in the United States
- 78% of victims were female, 87% of stalkers were male
- Two thirds of stalkers pursue their victims at least once per week

Four out of every five stalking victims are women (Tjaden & Thoennes, 1998). While statistics from reported cases of stalking show that stalking is not a gender specific crime, men are overwhelmingly the majority of stalkers while women are the majority of stalking victims. In a National Violence Against Women Study, "94 percent of the stalkers identified by female victims and 60 percent of the stalkers identified by male victims were male" (Tjaden & Thoennes, 1998). It is not uncommon for men to stalk other men and for women to stalk other women.

Tjaden, P., and Thoennes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

## Stalking Statistics

- 81% of women who were stalked by a current or former husband or cohabitating partner were also physically assaulted
- 31% were sexually assaulted
- Intimate partner stalkers use more insults, interfering, threats, and violence including weapons than other type of stalkers

Victims of intimate partner stalking are more likely to experience physical and sexual violence than other stalking victims. Intimate partner stalkers are the most common and the most physical in their stalking behaviors. Many cases of intimate partner stalking are never charged as stalking but a variety of other charges such as criminal trespass, harassing communication, disorderly conduct, and even physical assault charges. Intimate partner stalkers are well equipped for their activities because they have so much information on the victim's place of residence, place of employment, and other activities. Many times, victims view the stalking behaviors as those of someone who just can't let go of the relationship. When the partners have children in common, the risk of contact is even greater.

Tjaden, P., and Theonnes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

## Intimate Partner Homicide

- 76% of female victims of intimate partner homicide and 85% of female victims of attempted intimate partner homicide were stalked by their intimate partner in the year prior to their murder
- Most women were stalked after the relationship with their partner had ended

Intimate partner stalking, especially after the end of the relationship, is a valid threat to the safety of victims. Intimate partner stalking tends to escalate the frequency and severity of physical assault and sexual assault. Victims and investigating officers alike should be encouraged to never minimize threats to the victim or family members. Intimate partner violence and intimate partner stalking are crimes of power and control and previous behaviors in the relationship are a good predictor of future violence by the stalker.

Tjaden, P., and Thoennes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

## Types of Stalkers

### **Non-Acquaintance Stalkers**

- Low rates of homicide (around 3%)

### **Intimate Partner Stalkers**

- Higher rates of physical assault
- Higher rates of sexual assault
- Higher rates of homicide

Reports of non-acquaintance stalking are more rare than reports of intimate partner stalking. As a general rule, intimate partner stalkers will use far more violence, threats of violence and personal contact at much higher rates than non-acquaintance stalkers. Intimate partner stalkers will leave more tangible evidence because of the nature of their stalking activities. The investigator, with the cooperation of the victim, may have access to far more evidence in these cases.

## Victim Perception

- The top three reasons victims say they were stalked by their partner:
  - The stalker wanted to control the victim
  - The stalker wanted the victim back in the relationship
  - The stalker wanted to scare the victim

Many victims of intimate partner stalking fail to see the danger of the stalker's activities. It is common for a victim to believe that the stalker is just "still in love". This minimization often increases the danger for the victim and makes the investigator's job more difficult. It is important to remember the stalking is normally an attempt to continue to intimidate and control the victim and not an attempt to get the victim back in the relationship.

## General Elements

- “the willful, malicious, and repeated following and harassing of another person which threatens his or her safety” -Meloy and Gothard (1995)
- A pattern of conduct
- Implicit or explicit threat(s)
- Reasonable fear

Many stalking incidents don't seem threatening or criminal in nature. The investigating officer has the responsibility of tying the incidents together to show a pattern of conduct which has no legitimate purpose. In other words, the conduct is specifically for the purpose of intimidating and harassing the victim. The victim's perception of the incident along with documentation of prior incidents is critical to the establishment of probable cause for the stalking charge. Previous police reports, medical records, and previous Family Violence Protection Orders are great evidence of prior violence and intimidation.

Meloy, J. R. and Gothard, S. (1995). A demographic and clinical comparison of obsessional followers and offenders with mental disorders, *American Journal of Psychiatry*, 152, 258-263.

## Tactics of Stalkers

- 82% of stalkers followed, spied on, and stood outside the home, school, or place of employment of the victim
- 61% made unwanted phone calls
- 30% sent unwanted letters or items
- 30% vandalized property
- 9% killed or threatened to kill a pet

The power and intimidation of intimate partner stalking comes from the victim's knowledge of who the stalker is. The power and fear of the stalker's actions depend on the victim knowing that it is the former partner. Intimate partner stalkers will show up at the victim's home, school, church, and place of employment. This type of stalker also leaves phone messages, letters, cards, and gifts to let the victim know that they were there. These stalkers will confront the victim whenever s/he is accessible. Property destruction crimes are very common for this group, as well. Intimate partner stalkers know how to push the victim's buttons.

It is imperative that the victim keeps as much of this evidence as possible. The victim should be encouraged to document every incident no matter how insignificant it may seem. A stalking incident log is a good way to secure this evidence in a consistent manner.

Tjaden, P., and Theonnes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

## Impact on Victims

- Sleeplessness
- Depression
- Anxiety
- Problems at work or school
- Forced to change jobs or school
- Forced to move
- Forced to rearrange or cancel activities such as church, athletics, and social events

Stalking is a crime of terror and many victims are forced to change their normal routines to try to avoid contact with the stalker. Intimate partner stalkers have an advantage in that they know so much about the victim and have so much access to them. The victim needs to be encouraged to make everyone around them aware of the stalker's behavior. This may limit the stalker's ability to reach the victim.

Tjaden, P., and Theonnes, N. (1998). *Stalking in America: Findings From the National Violence Against Women Survey*. Washington, D.C.: National Institute of Justice and Centers for Disease Control and Prevention.

## Stalking – O.C.G.A.16-5-90

- Stalking occurs when an individual:
  - Follows, places under surveillance, or contacts the victim
  - At a place or place other than the stalker's home
  - Without the consent of the victim
  - For the purpose of intimidating and harassing the victim
  - The victim fears for his/her safety or the safety of an immediate family member

The crime of stalking is based on five basic elements. Again, (1) the investigator must show a pattern of activity, (2) in a place somewhere other than the stalker's home, (3) the conduct must be intimidating and harassing in nature, (4) without the victim's consent, and (5) must place the victim in fear. Documentation of every incident and establishment of prior history are key elements in the stalking case. The victim should be encouraged to have no contact at all with the stalker. Any contact increases the danger to the victim, encourages the stalker, and may work against the prosecution of the criminal case.

## Aggravated Stalking – O.C.G.A. 16-5-91

- In violation of a standing judge's order, an individual follows, places under surveillance, or contacts another person at or about a place or places other than the stalker's home, without the consent of the other person, for the purpose of harassing and intimidating the other person

Aggravated stalking occurs when stalking activities begin or continue after the issuance of any Judge's Order prohibiting such conduct (Family Violence Protection Orders, restraining orders, stalking protection orders, or any judge's order prohibiting contact qualify as aggravated stalking). The investigator must show a pattern of activity, the conduct must be without consent and for the purpose of intimidating or harassing the victim. As a rule, the Courts hold that there must be a pattern of activity to qualify as aggravated stalking. However, documentation of intimidating, harassing, or violent prior history can often be used to establish probable cause for the charge.

## Aggravated Stalking

- The State v. Burke – 297 Ga. App. 38 (678 SE2d 766) 2009
- Based on the plain terms of the stalking statutes, a single violation of a protective order, by itself, does not amount to aggravated stalking
- Conduct must be without consent
- Conduct must be for the purpose of harassing and intimidating

These slides are for reference for law enforcement to use when assessing charges in cases. Officers must establish a pattern of conduct that is without consent which must be intimidating and harassing in nature. These cases do show that documentation of prior history of intimidation and violence may be used to build the aggravated stalking case.

In the Burke case, the Court again defines the contact as having to be without consent and clearly with no other purpose than to intimidate or harass the victim. Documentation of prior incidents before or after the order is issued can be used to establish the intimidating nature of the contact.

## Aggravated Stalking

- Louisyr v. The State, (307 Ga. App. 724) 2011
- Herbert v. The State, (A11A1240, Ga Ct. of App.) Decided August 15, 2011

## Louisyr

- The was a prelude to the Herbert case
- In this case, the defendant argued that based on the Burke case that the State must prove the defendant violated a protective order multiple times in order to prove Aggravated Stalking
- The Court disagreed and said that, although Burke required showing a pattern of harassing and intimidating behavior, nothing in that opinion suggests that multiple violations of a protective order are required

In the Louisyr case, the Court reaffirms that multiple violations are not required as long as the contact is without consent and intimidating and harassing in nature.

## Aggravated Stalking

- In determining whether a defendant has exhibited such a pattern of behavior, the jury can consider a number of factors:
  - Prior history between the parties
  - The defendant's surreptitious contact
  - Overtly confrontational acts
  - Any attempts by the defendant to contact or communicate with or control the victim directly or through third parties

## Herbert

- The Herbert case took the Louisyr decision one step further and said that although the Burke case required the State to show a pattern of harassing and intimidating behavior, PLUS a violation of a protective order to get Aggravated Stalking, the State did NOT have to prove multiple violations of a protective order AND that prior difficulties between the parties are sufficient evidence to show a pattern.

It is the responsibility of the investigating officer to document the pattern of violent and/or intimidating behaviors throughout the relationship.

## Stalking – O.C.G.A.16-5-95

- A person commits the offense of violating a family violence order when the person knowingly and *in a nonviolent manner* violates the terms of a family violence temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order issued against that person pursuant to Article 1 of Chapter 13 of Title 19

The misdemeanor charge of violation of a Family Violence Protection Order applies anytime that a respondent knowingly and in a nonviolent manner violates any condition of the order. Unlike aggravated stalking charges, this charge does not require the establishment of a pattern of conduct without the consent of the victim. All that is required is the violation of any condition of the order. Conditions of the order may only be amended by the judge. The contact does not have to qualify as non-consensual or intimidating in nature.

## Investigation of Stalking Cases

- The pattern of behavior must be considered
- Normally must be two or more occurrences
- Not all individual acts may qualify as criminal
- The perception (fear) of the victim is a key element

A good stalking investigation includes victim and witness testimony, documentation of any prior history of events between the stalker and victim, and documentation of any physical evidence of the stalker's activities.

## Investigation of Stalking Cases

- The victim has a major role in documentation of evidence as well as establishing the nature of the stalker's threats or acts
- Establishment of the relationship between the stalker and the victim is a key investigative tool

The victim has a key role in documenting the activities of the stalker, previous history, and the nature of the stalker's activities.

## Investigation of Stalking Cases

- Establish relationship
- Establish timeline
- Have victim provide as much information on the stalker as possible
- Have victim provide a self-profile
- Secure any physical evidence, such as:
  - Phone messages
  - Text messages
  - E-mail messages
  - Cards or letters
  - Gifts

Law enforcement should establish the relationship, timeline of events, and have the victim provide and document as much information as possible. Be sure to secure evidence that captures the stalking activities.

## Investigation of Stalking Cases

- Advise the victim about stalking TPOs
- Have victim keep and complete an incident log, *documentation is crucial*
- Have the victim make employer, co-workers, friends, and neighbors aware of the stalker
- Instruct the victim to have no contact with the stalker
- If possible, set up surveillance – this may be a matter of increasing patrol frequency in the vicinity

Law enforcement should advise the victim about a stalking TPO and encourage the victim to keep a stalking incident log. Instruct the victim to have no contact with the stalking and to make family, friends, and employers aware of the stalking activities. If possible, increase patrol frequency in the vicinity of the victim.

## Closing

- Law enforcement has the responsibility for building the criminal case along with the responsibility for keeping the victim as safe as possible.
- It is important to never forget that intimate partner stalking is about power and control.

In intimate partner stalking cases, law enforcement has the responsibility for building the criminal case along with the responsibility for keeping the victim as safe as possible. Investigators should encourage the victim to have as little contact with the stalker as possible. Having the victim make family, friends, employers, and coworkers aware of the stalkers activities may help to accomplish both goals. It is important to never forget that intimate partner stalking is about power and control.



## Stalking

Roll Call Training



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**Aggravated Stalking – O.C.G.A. 16-5-91**

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### Closing

- Law enforcement has the responsibility for building the criminal case along with the responsibility for keeping the victim as safe as possible.
- It is important to never forget that intimate partner stalking is about power and control.

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## **EVALUATION OF ROLL CALL TRAININGS**

Evaluating Roll Call trainings is a useful way to gauge the effectiveness of your trainings with local law enforcement. Evaluations can also assist task forces in altering or tailoring their trainings for future opportunities. Assigning a specific member in your task force or subcommittee to facilitate the evaluations may be helpful.

### ***Roll Call Training Evaluation for Participants***

Because of the format of the trainings, it can be challenging to find enough time for law enforcement participants to complete the Roll Call training evaluations. However, we encourage you to try to gather feedback to incorporate into your future trainings. We have included an evaluation form for your task force, subcommittee, and/or presenter to distribute to participants at the conclusion of your Roll Call training series. Participants are asked to gauge their knowledge on the 6 Roll Call training topics before and after the training sessions and to provide feedback on what information from the training was most and least valuable to them. The last question asks what other training topic areas the officers may be interested in which may help your task force identify other areas of training your local law enforcement is interested in beyond the Roll Call topics.

### ***Roll Call Training Evaluation for Task Force and Presenters***

Task forces should also evaluate themselves. Take time after each Roll Call training to examine what worked and what didn't work in the previous training, and what you can alter for future trainings. Pay attention to how participants react to your trainings, their engagement level, and the questions they ask. Be constructively critical of your Roll Call trainings and always look for ways to make improvements to your trainings. To assist in the evaluation process, included in this section is a Roll Call training evaluation form for your task force and/or subcommittee to complete at the conclusion of each Roll Call training section. Remember to track how many law enforcement participants attended each training.

### ***Reporting Evaluation Information***

For your convenience, we have created an online form where your task force can enter the evaluation data through our website, [www.gcfv.org](http://www.gcfv.org). When you arrive on the Roll Call Trainings webpage, there will be a link to enter the evaluation data for both the evaluations by participants and task forces.

You may also return the evaluation forms completed by law enforcement participants and your task force to the Georgia Commission on Family Violence by mailing them to:

Georgia Commission on Family Violence  
Attn: Jenny Aszman  
244 Washington Street SW Suite 300  
Atlanta, Georgia 30334

You can also scan and email them to [Jenny.Aszman@gaaoc.us](mailto:Jenny.Aszman@gaaoc.us).

## ROLL CALL TRAINING EVALUATION FOR PARTICIPANTS

**Instructions:** Using the knowledge that you have gained from participating in the Roll Call Trainings, please rate the items below:

How would you rate your...	Low	Medium	High	Does Not Apply			
1. Knowledge on Mandated Family Violence Response	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
2. Knowledge on Primary Physical Aggressor Identification	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
3. Knowledge on Available Community Services for Domestic Violence Victims	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
4. Knowledge on Family Violence Incident Reporting	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
5. Knowledge on Family Violence Protection Orders	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
6. Knowledge on Stalking and Civil Order Enforcement	Before this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>
	After this training	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5	<input type="radio"/>

1. What aspect of this training was **most valuable** to you?
2. What aspect of this training was **least valuable** to you?
3. What other topics would you like to see offered for future trainings?

## ROLL CALL TRAINING EVALUATION FOR TASK FORCE AND PRESENTERS

ROLL CALL TRAINING TOPIC: \_\_\_\_\_ DATE: \_\_\_\_\_

TASK FORCE: \_\_\_\_\_

LAW ENFORCEMENT ENTITY: \_\_\_\_\_ NUMBER IN ATTENDANCE: \_\_\_\_\_

Please complete the following by checking the column of your choice.

PLEASE RATE THE QUALITY OF THE FOLLOWING:	POOR	FAIR	GOOD	VERY GOOD	EXCELLENT
Overall Content of Course					
PowerPoint Slides					
Training Manual					
Presentation Materials					
Facilitation of Training					
Training Format					
Engagement of Participants					

1. What worked well? What didn't work well?
2. What components/concepts did participants seem to understand well?
3. Were there any concepts that participants appeared to not understand?
4. Please share any other comments you have that would help us strengthen or improve this training program.
5. If you were given the task of redesigning this program, what would you change?



## **Appendix A**

### **O.C.G.A. 19-13-1 (2010) "FAMILY VIOLENCE" DEFINED**

**TITLE 19 - DOMESTIC RELATIONS,  
CHAPTER 13 - FAMILY VIOLENCE,  
ARTICLE 1 - GRANTING OF RELIEF BY SUPERIOR COURTS**

As used in this article, the term "family violence" means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

(1) Any felony; or

(2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term "family violence" shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

*Disclaimer:* These codes may not be the most recent version. Georgia may have more current or accurate information. Please check official sources.

## Appendix B

### **O.C.G.A. 17-4-20.1 (2010)**

#### **TITLE 17 - CRIMINAL PROCEDURE**

#### **CHAPTER 4 - ARREST OF PERSONS**

#### **ARTICLE 2 - ARREST BY LAW ENFORCEMENT OFFICERS GENERALLY**

- (a) Whenever a law enforcement officer responds to an incident in which an act of family violence, as defined in Code Section 19-13-1, has been committed, the officer shall not base the decision of whether to arrest and charge a person on the specific consent of the victim or on a request by the victim solely or on consideration of the relationship of the parties. No officer investigating an incident of family violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention.
- (b) Where complaints of family violence are received from two or more opposing parties, the officer shall evaluate each complaint separately to attempt to determine who was the primary aggressor. If the officer determines that one of the parties was the primary physical aggressor, the officer shall not be required to arrest any other person believed to have committed an act of family violence during the incident. In determining whether a person is a primary physical aggressor, an officer shall consider:
- 1) Prior family violence involving either party;
  - 2) The relative severity of the injuries inflicted on each person;
  - 3) The potential for future injury; and
  - 4) Whether one of the parties acted in self-defense.
- (c) Whenever a law enforcement officer investigates an incident of family violence, whether or not an arrest is made, the officer shall prepare and submit to the supervisor or other designated person a written report of the incident entitled "Family Violence Report." Forms for such reports shall be designed and provided by the Georgia Bureau of Investigation. The report shall include the following:
- 1) Name of the parties;
  - 2) Relationship of the parties;
  - 3) Sex of the parties;
  - 4) Date of birth of the parties;
  - 5) Time, place, and date of the incident;
  - 6) Whether children were involved or whether the act of family violence was committed in the presence of children;
  - 7) Type and extent of the alleged abuse;
  - 8) Existence of substance abuse;
  - 9) Number and types of weapons involved;
  - 10) Existence of any prior court orders;

- 11) Type of police action taken in disposition of case, the reasons for the officer's determination that one party was the primary physical aggressor, and mitigating circumstances for why an arrest was not made;
  - 12) Whether the victim was apprised of available remedies and services; and
  - 13) Any other information that may be pertinent.
- (d) The report provided for in subsection (c) of this Code section shall be considered as being made for statistical purposes only and where no arrests are made shall not be subject to the provisions of Article 4 of Chapter 18 of Title 50. However, upon request, a defendant who has been arrested for an act of family violence or the victim shall be entitled to review and copy any report prepared in accordance with this Code section relating to the defendant.
- (e) Each police department, including local precincts and county sheriff departments, shall report, according to rules and regulations of the Georgia Crime Information Center, all family violence incidents, both arrests and nonarrests, to the Georgia Bureau of Investigation, which shall compile and analyze statistics of family violence crimes and cause them to be published annually in the Georgia Uniform Crime Reports. An offense shall be counted for each incident reported to the police. A zero shall be reported if no incidents have occurred during the reporting period.

*Disclaimer:* These codes may not be the most recent version. Georgia may have more current or accurate information. Please check official sources.

## Appendix C

### **O.C.G.A. 17-4-20 (2010)**

#### **TITLE 17 - CRIMINAL PROCEDURE,**

#### **CHAPTER 4 - ARREST OF PERSONS,**

#### **ARTICLE 2 - ARREST BY LAW ENFORCEMENT OFFICERS GENERALLY**

- (a) Authorization of arrests with and without warrants generally; use of deadly force; adoption or promulgation of conflicting regulations, policies, ordinances, and resolutions; authority of nuclear power facility security officer.
- (b) An arrest for a crime may be made by a law enforcement officer either under a warrant or without a warrant if the offense is committed in such officer's presence or within such officer's immediate knowledge; if the offender is endeavoring to escape; if the officer has probable cause to believe that an act of family violence, as defined in Code Section 19-13-1, has been committed; if the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult, who shall be for the purposes of this subsection a person 18 years old or older who is unable to protect himself or herself from physical or mental abuse because of a physical or mental impairment; or for other cause if there is likely to be failure of justice for want of a judicial officer to issue a warrant.
- (c) Sheriffs and peace officers who are appointed or employed in conformity with Chapter 8 of Title 35 may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm. Nothing in this Code section shall be construed so as to restrict such sheriffs or peace officers from the use of such reasonable nondeadly force as may be necessary to apprehend and arrest a suspected felon or misdemeanor.
- (d) Nothing in this Code section shall be construed so as to restrict the use of deadly force by employees of state and county correctional institutions, jails, and other places of lawful confinement or by peace officers of any agency in the State of Georgia when reasonably necessary to prevent escapes or apprehend escapees from such institutions.
- (e) No law enforcement agency of this state or of any political subdivision of this state shall adopt or promulgate any rule, regulation, or policy which prohibits a peace officer from using that degree of force to apprehend a suspected felon which is allowed by the statutory and case law of this state.
- (f) Each peace officer shall be provided with a copy of this Code section. Training regarding elder abuse, abuse of vulnerable adults, and the requirements of this Code section should be offered

as part of at least one in-service training program each year conducted by or on behalf of each law enforcement department and agency in this state.

- (g) A nuclear power facility security officer, including a contract security officer, employed by a federally licensed nuclear power facility or licensee thereof for the purpose of securing that facility shall have the authority to:
- 1) Threaten or use force against another in defense of a federally licensed nuclear power facility and the persons therein as provided for under Code Sections 16-3-21 and 16-3-23;
  - 2) Search any person on the premises of the nuclear power facility or the properties adjacent to the facility if the facility is under imminent threat or danger pursuant to a written agreement entered into with the local enforcement agency having jurisdiction over the facility for the purpose of determining if such person possesses unauthorized weapons, explosives, or other similarly prohibited material; provided, however, that if such person objects to any search, he or she shall be detained as provided in paragraph (3) of this subsection or shall be required to immediately vacate the premises. Any person refusing to submit to a search and refusing to vacate the premises of a facility upon the request of a security officer as provided for in this Code section shall be guilty of a misdemeanor; and
  - 3) In accordance with a nuclear security plan approved by the United States Nuclear Regulatory Commission or other federal agency authorized to regulate nuclear facility security, detain any person located on the premises of a nuclear power facility or on the properties adjacent thereto if the facility is under imminent threat or danger pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility, where there is reasonable suspicion to believe that such person poses a threat to the security of the nuclear power facility, regardless of whether such prohibited act occurred in the officer's presence. In the event of such detention, the law enforcement agency having jurisdiction over the facility shall be immediately contacted. The detention shall not exceed the amount of time reasonably necessary to allow for law enforcement officers to arrive at the facility.

*Disclaimer:* These codes may not be the most recent version. Georgia may have more current or accurate information. Please check official sources.

## Appendix D

### SIMPSON v. THE STATE

A94A1576.  
(214 Ga. App. 587)  
(448 SE2d 370)  
(1994)

BLACKBURN, Judge.

Judgment affirmed. Birdsong, P. J., and Senior Appellate Judge Harold R. Banke concur. Aggravated assault, etc. Richmond Superior Court. Before Judge Pickett.

Appellant, Darren Martin Simpson, was convicted of aggravated assault, possession of a firearm during the commission of certain crimes, and possession of a firearm by a first offender probationer.

1. On appeal, Simpson first enumerates as error that the trial court erred in allowing the State to lead its own witness. As Simpson presents no argument or citation of authority on this enumeration of error, it is deemed abandoned pursuant to Court of Appeals Rule 15 (c). See *Brown v. City of Chamblee*, 211 Ga. App. 145 (3) (438 SE2d 396) (1993).

In his brief, Simpson argues it was not the leading questions which caused the harm, but rather the comments of the State's attorney in response to the objection made by Simpson's attorney to the leading questions. This contention was not enumerated as error, and "[o]n appeal an enumeration of error cannot be enlarged by brief to give appellant viability to an issue not contained in the original enumeration." (Citations and punctuation omitted.) *Bridges v. State*, 205 Ga. App. 664, 665 (1) (423 SE2d 293) (1992). Additionally, such an argument was not presented to and ruled upon by the trial court, and therefore, we will not consider it on appeal. See *Dietz v. Becker*, 209 Ga. App. 678, 679 (3) (434 SE2d 103) (1993); *Jones v. State*, 207 Ga. App. 46 (1), (4) (427 SE2d 40) (1993).

2. Simpson next contends the trial court erred in allowing the State's attorney to make the following statement during closing argument: "Domestic violence is a very serious problem. Very often victims of domestic violence do not want to prosecute, for whatever reason. They want their husbands back; they love them; they miss them; they need them; they need their money; they want help with raising their children. For whatever reason, it's very, very typical for a victim of a domestic violence case not to want to prosecute. That's why the decision is left to the State of Georgia and the District Attorney's office. Because if we left the decision of prosecuting domestic violence cases to the victim all the time we wouldn't see any domestic violence cases being prosecuted. What you would see is people being hurt over and over again without anything being done about it. . . . It is our job through the District Attorney's office to protect both society and the individual when we can. But in this particular case, the interests of society have to come before the interests of the victim."

Simpson was accused of assaulting his long-time live-in girl friend and the mother of his children with a firearm. At trial, two eyewitnesses specifically testified that during an argument, Simpson pulled the gun from the back of his pants and shot the victim from close range (two to three feet away), while the victim was facing him. The victim admitted she was arguing with

Simpson at the time she was shot, but testified that because she was intoxicated, she did not know who shot her. Additionally, the victim testified she wished Simpson could return home with her that day and that they could get back together.

"Because a crime is by definition a public wrong against the State, it is not usually an acceptable defense that the person wronged by a criminal has condoned the offense. [Cit.]" Pratt v. State, 167 Ga. App. 819, 820 (307 SE2d 714) (1983). Therefore, it was not error for the prosecutor to inform the jury that the victim's desire that Simpson not be convicted of the crimes charged should have no effect on their duty to decide the case on the evidence presented. Chambers v. State, 134 Ga. App. 53, 54 (213 SE2d 158) (1975); see also Cooper v. State, 260 Ga. 549, 550 (3) (397 SE2d 705).

Stanley C. House, for appellant.

DECIDED AUGUST 4, 1994 -- RECONSIDERATION DENIED SEPTEMBER 7, 1994.

Citing Cases:

BRADLEY v. THE STATE. (252 Ga. App. 293) (556 SE2d 201) (2001)  
MORELAND AUTO STOP, INC. et al. v. TSC LEASING CORPORATION. (216 Ga. App. 438) (454 SE2d 626) (1995)

## **Appendix E**

### **FAMILY VIOLENCE INCIDENT INTERVIEW QUESTIONS**

#### ***Victim***

1. Interview the victim separately in a different room than where the officer is interviewing the suspect.
2. Let the victim know that you are concerned through tone of voice, eye contact, and the words you choose.
3. Use distracting techniques if the victim is highly agitated and wants to attack the suspect physically and/or verbally.
4. Listen to the victim's story before you start asking clarifying questions to draw out more detail.
5. Be nonjudgmental in your questioning and acknowledge the victim's fear, anxiety, anger, or ambivalence about what occurred. Reassure the victim that help is available and that intervention is important in order to get the suspect to stop further acts of violence.
6. Talk to the victim about the services that are available to her/him in the community.
7. Reassure the victim that s/he is not to blame for the violence.
  - Can you tell me what happened?
  - Were you assaulted? If yes, who assaulted you?
  - When were you assaulted?
  - Where were you assaulted? Were you hit on the head?
  - Did you feel any pain? Are you in pain now? Where does it hurt?
  - Do you have a protective order?
  - Was anyone else present who might have witnessed the assault?
  - Would you like me to call an ambulance, friend, etc to take you to the hospital?
  - Were there any weapons involved?
  - Are there any weapons in the house? Where are they?
  - Has the suspect been abusive in the past? Can you tell me about it?
  - Do you have a safe place to stay?
  - Would you like to go to a domestic violence agency?
  - Would you like to speak to our Crime Victims Assistance Coordinator?
  - Can I get several names and phone numbers of people who will always know where you are in case we need additional information or need to contact you if the suspect bonds out?

#### ***Suspect***

1. Interview the suspect in a different room than where the other officer is interviewing the apparent victim.
2. Ask the suspect to be seated. Try to calm the suspect if s/he is in an agitated state.
3. Do not make accusatory statements that will put the suspect on the defensive.
4. Acknowledge the suspect's frustrations, concerns, and anger.

5. Document spontaneous admissions like “I hardly pushed her,” or “She bruises easily,” or “I was trying to get her to listen, so I just grabbed her.”
6. If asked, do not tell the suspect that the victim called the police.
  - Can you tell me what happened?
  - Did \_\_\_\_\_(victim’s name) make you mad?
  - Did you hit \_\_\_\_\_? (victim’s name)
  - Is there anything else you want to add?

### ***Children***

1. Interview the child(ren) away from both parents.
2. Interview the child in a place comfortable for children.
3. Get on the child’s level.
4. Using a pleasant tone of voice, explain your role.
5. Begin with several non-threatening “warm up” questions like, “how old are you?”, “what grade are you in?”
6. Reflect the child’s feelings with statements like, “it must have been scary.”
7. Note any indication that the child is fearful of one or both parents.
8. Listen and record everything the child(ren) say to you.
9. With children under 8 years of age, use the basics: seeing, hearing, smelling, fearing
10. Ask very simple questions.
11. Always take a picture of the child.
12. Always tell the child the violence is not his/her fault.
13. Always reassure the child that you are there to help.

### ***Other Witnesses***

- Did you see or hear anything?
- How long have you known the family?
- Do you know anything else that might be helpful in the investigation?
- Crime Victims Compensation

## Appendix F

### FAMILY VIOLENCE CALL QUESTIONS FOR DISPATCHERS

1. Dispatcher should give family violence calls the highest priority and the same priority as any other life threatening call.
2. When possible and consistent with dept. policy, the dispatcher should assign a back-up unit.
3. The dispatcher receiving a family violence call should attempt to keep the caller on the telephone to elicit as much of the following information as possible and to relay the appropriate information to responding officers:

*During the initial call for assistance, the dispatcher should use these questions as a guide:*

- Where is the emergency?
  - What address? What apartment number?
  - Who am I speaking to?
  - What is your phone number in case we get cut off?
  - What has happened?
  - Is anyone hurt? Is an ambulance or EMS needed?
  - Are you the victim? If no, are you a witness?
  - Is the suspect present?
  - What is his/her name?
  - What type of vehicle is the suspect driving?
  - Describe the suspect including the exact location in the building if known, and if not present, his/her expected whereabouts.
  - Are weapons involved? What kind? Where are the weapons located?
  - Is the suspect under the influence of drugs or alcohol? What kind?
  - Are children present?
  - Are there previous incidents of domestic violence involved the suspect and victim?
  - Have the police been to this address before for domestic violence? How many times?
  - Is there a protective order in place?
  - Is the suspect on probation or parole?
  - Is there anything else you can tell me?
4. When the officers indicate that they are in a position to meet with the caller, the dispatcher should instruct the caller to meet with the officers at the entrance. If the caller has hung up, the dispatcher should call back and ask the caller to allow entry by the officers.
  5. The dispatcher should continue to update the responding officers as the information changes, until such time as the officers have contact with the victim.
  6. No dispatchers or 911 operators, in speaking with a victim of family violence, should inquire as to the victim's desire to "prosecute" or "press charges". Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate.

*To Protect and Serve: Law Enforcement's Response to Family Violence, Texas Council on Family Violence, 2001*

# POWER AND CONTROL WHEEL

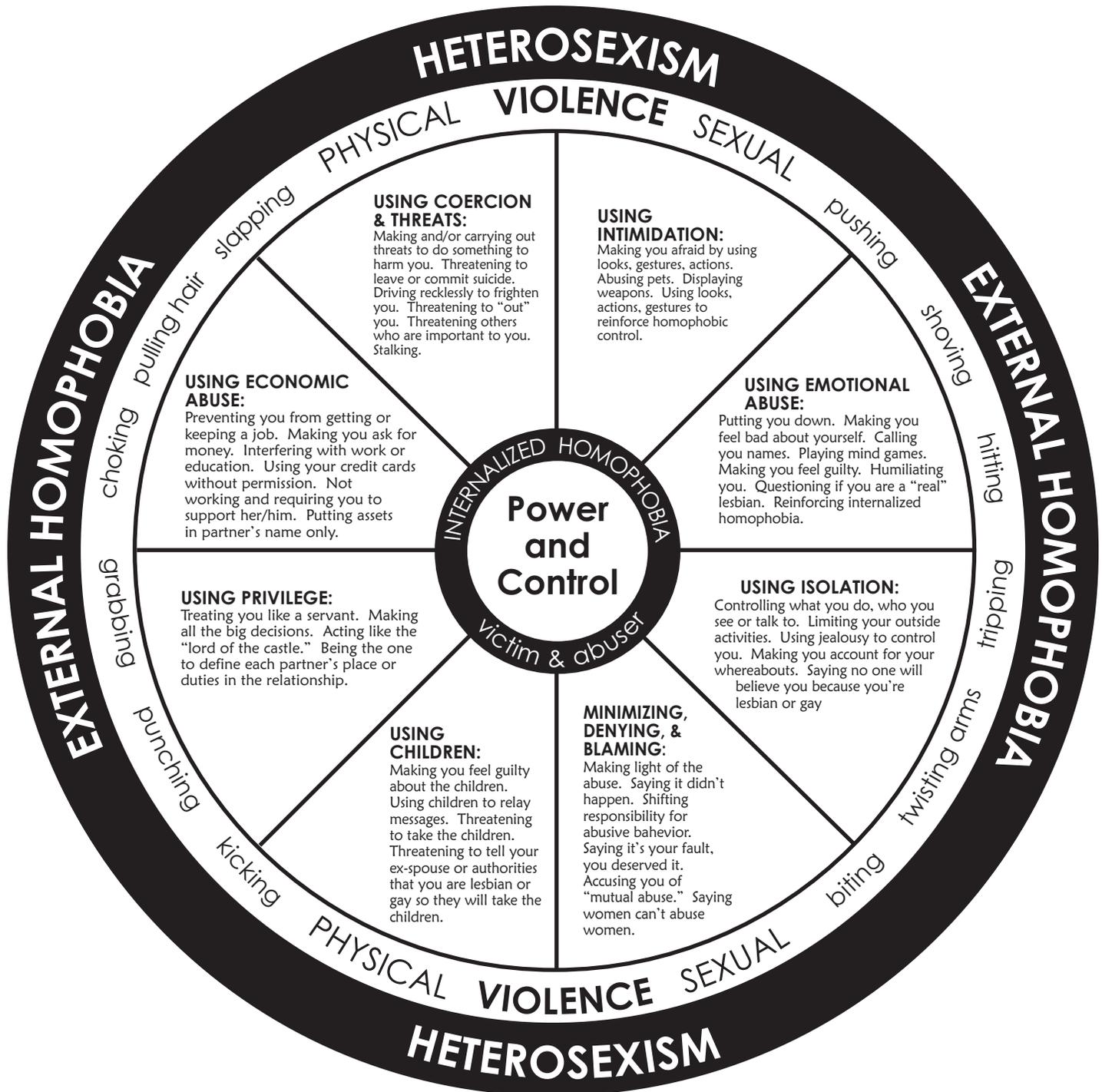
Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.





# LESBIAN/GAY POWER AND CONTROL WHEEL



Produced and distributed by:

Developed by Roe & Jagodinsky;  
inspired and adapted from:  
Domestic Abuse Intervention Project  
202 East Superior Street  
Duluth, MN 55802



**NATIONAL CENTER**  
on Domestic and Sexual Violence  
training • consulting • advocacy

4612 Shoal Creek Blvd. • Austin, Texas 78756  
512.407.9020 (phone and fax) • www.ncdsv.org

## Appendix J

### PRIMARY AGGRESSOR AND DEFENSIVE INJURIES QUESTIONS

*The following are issues to investigate when determining the primary aggressor:*

- Who poses the most danger to the other?
- Was one party in actual fear of the other?
- Was the amount of force used appropriate and reasonable? For example, did one party react to a slap by beating the other party?
- The relative severity of the injuries inflicted on each person.
- Was one party physically larger and stronger than the other?
- Was there a history of violence by one of the parties against the other? Against other people?
- Was one party usually the aggressor?
- Who is at most risk for future harm or injury?
- Did any injuries appear to be the result of self-defense?
- Is the party with less serious injuries demanding that the other party be arrested, too?
- Do the stories make sense?
- Can anyone else (children, witnesses, 911 tapes) corroborate their story?

*Georgia Law does not require the arrest of both parties simply because they both have injuries from each other. If a dual arrest is made, the officer should document in the report why the dominant aggressor could not be identified*

*To Protect and Serve: Law Enforcement's Response to Family Violence, Texas Council on Family Violence, 2001*

## **Appendix K**

### **TYPES OF DOMESTIC VIOLENCE INJURIES**

#### ***Offensive Injuries to the Victim***

- Lacerations, fractures, welts, abrasions or contusions from being punched, pushed, kicked, slapped and/or hit with an object
- Injuries and symptoms associated with strangulation. (note: not all victims who are strangled will have visible external injuries)
- Fingernail scratches, bite marks and cigarette, rope and carpet burns
- Pattern injury to the neck from jewelry being pulled
- Pattern injury to the face from rings during a backhand slap or from a fist
- Wrinkle injuries to the back of the ear from pulling, pinching or punching
- Clumps of hair or other indications of hair being pulled
- Injury on top or back of head
- Eye injuries (gouging)

#### ***Offensive Injuries to the Offender***

A person being assaulted or in fear of being assaulted may realize they are no match for the violence that is to be used against them and may use a weapon or object as an “equalizer”.

- Injuries to the hand and/or wrist cause by trauma of striking victim
- Abrasions and cuts on the knuckles
- Injuries caused by a hard object or weapon used to equalize a threat of force

#### ***Defensive Injuries to the Victim***

A person using self-defense will often admit to using violence, but may not know what to call it.

- Injuries to the back of the arms or palms of hands from blocking blows
- Injuries to the bottoms of the feet from kicking away the assailant
- Injuries to the back, leg, buttocks or back of head from being struck while in the fetal or other protective position

#### ***Defensive Injuries to the Offender***

- Scratch marks to the face, hands and/or arms caused when a victim is defending from attempted frontal strangulation
- Bite marks and/or scratches on chest and arms caused by a victim trying to escape from being straddled or held down
- Bite marks to the hand caused when a victim is trying to avoid having his/her mouth covered, bite marks on arms caused when victim is defending an attempted “chokehold”

*Wisconsin Office of Justice Assistance, <http://oja.state.wi.us/docview.asp?docid=13335&locid=97>*

## Appendix L

### GEORGIA STATEWIDE RESOURCES

**Ahimsa House:** [www.ahimsahouse.org](http://www.ahimsahouse.org); 404-452-6248

A nonprofit organization dedicated to helping human and animal victims of domestic violence across Georgia reach safety together

**Baitul Salaam Network, Inc.;** [www.baitulsalaam.net](http://www.baitulsalaam.net)

Nonprofit agency working to end domestic violence in the Muslim community

**Caminar Latino:** [www.caminarlatino.org](http://www.caminarlatino.org); 404-413-6348

Nonprofit organization that provides domestic violence services to Latino families

**Center for Pan Asian Community Services:** [www.icpacs.org](http://www.icpacs.org); 770-936-0969

Nonprofit organization that provides services to immigrants, refugees, and minorities

**Department of Human Services Safe Site:** [www.gadfcs.org/familyviolence](http://www.gadfcs.org/familyviolence)

Help and information about family violence resources in Georgia

**Georgia Coalition Against Domestic Violence:** [www.gcadv.org](http://www.gcadv.org); 404-209-0280

Brings together member agencies, allied organizations and supportive individuals who are committed to ending domestic violence. They coordinate Georgia's 24-Hour Domestic Violence Hotline, provide domestic violence advocate training, legislative and economic justice advocacy, brochures and publications, and regular technical assistance.

**Georgia Commission on Family Violence:** [www.gcfv.org](http://www.gcfv.org); 404-657-3412

State agency committed to ending family violence in Georgia. Coordinates Domestic Violence Task Forces around the state. Also maintains a list of certified batterer intervention programs at [www.fvipdata.com](http://www.fvipdata.com)

**Men Stopping Violence:** [www.menstoppingviolence.org](http://www.menstoppingviolence.org); 404-270-9894

A social change organization dedicated to ending men's violence against women

**Raksha:** [www.raksha.org](http://www.raksha.org); 404-876-0670

Nonprofit organization that serves the South Asian Community

**Refugee Family Services:** [www.refugeefamilyservices.org](http://www.refugeefamilyservices.org); 404-299-6217

Serves refugee and immigrant families to help them achieve self-sufficiency

**Tapestri:** [www.tapestri.org](http://www.tapestri.org); 404-299-2185 or 1-866-56-ABUSE

Coalition of organizations providing services to refugee and immigrant battered women. Also provides a batterer intervention class for refugee and immigrant men.

**United 4 Safety:** [www.united4safety.org](http://www.united4safety.org); Helpline: 404-200-5957

Task force working to end intimate partner violence in the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, and Intersex (LGBTQQI) communities

## **Appendix M**

### **O.C.G.A. 19-13-4 (2010)**

#### **TITLE 19 - DOMESTIC RELATIONS**

#### **CHAPTER 13 - FAMILY VIOLENCE**

#### **ARTICLE 1 - GRANTING OF RELIEF BY SUPERIOR COURTS**

(a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. The court shall not have the authority to issue or approve mutual protective orders concerning paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless the respondent has filed a verified petition as a counter petition pursuant to Code Section 19-13-3 no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing and the provisions of Code Section 19-13-3 have been satisfied. The orders or agreements may:

- 1) Direct the respondent to refrain from such acts;
- 2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household;
- 3) Require a party to provide suitable alternate housing for a spouse, former spouse, or parent and the parties' child or children;
- 4) Award temporary custody of minor children and establish temporary visitation rights;
- 5) Order the eviction of a party from the residence or household and order assistance to the victim in returning to it, or order assistance in retrieving personal property of the victim if the respondent's eviction has not been ordered;
- 6) Order either party to make payments for the support of a minor child as required by law;
- 7) Order either party to make payments for the support of a spouse as required by law;
- 8) Provide for possession of personal property of the parties;
- 9) Order the respondent to refrain from harassing or interfering with the victim;
- 10) Award costs and attorney's fees to either party; and
- 11) Order the respondent to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

- (b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect.
- (c) Any order granted under this Code section shall remain in effect for up to one year; provided, however, that upon the motion of a petitioner and notice to the respondent and after a hearing, the court in its discretion may convert a temporary order granted under this Code section to an order effective for not more than three years or to a permanent order.
- (d) A protective order issued pursuant to this Code section shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court under the provisions of this Code section.

*Disclaimer:* These codes may not be the most recent version. Georgia may have more current or accurate information. Please check official sources.

## Appendix N

### **O.C.G.A. 16-5-90 (2010)**

#### **TITLE 16 - CRIMES AND OFFENSES**

#### **CHAPTER 5 - CRIMES AGAINST THE PERSON**

#### **ARTICLE 7 - STALKING**

(a)(1) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. For the purpose of this article, the terms "computer" and "computer network" shall have the same meanings as set out in Code Section 16-9-92; the term "contact" shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term "place or places" shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term "harassing and intimidating" means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose. This Code section shall not be construed to require that an overt threat of death or bodily injury has been made.

(2) A person commits the offense of stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, standing order issued under Code Section 19-1-1, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the harassment or intimidation of another person, broadcasts or publishes, including electronic publication, the picture, name, address, or phone number of a person for whose benefit the bond, order, or condition was made and without such person's consent in such a manner that causes other persons to harass or intimidate such person and the person making the broadcast or publication knew or had reason to believe that such broadcast or publication would cause such person to be harassed or intimidated by others.

(b) Except as provided in subsection (c) of this Code section, a person who commits the offense of stalking is guilty of a misdemeanor.

(c) Upon the second conviction, and all subsequent convictions, for stalking, the defendant shall

be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than ten years.

(d) Before sentencing a defendant for any conviction of stalking under this Code section or aggravated stalking under Code Section 16-5-91, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender. At the time of sentencing, the judge is authorized to issue a permanent restraining order against the offender to protect the person stalked and the members of such person's immediate family, and the judge is authorized to require psychological treatment of the offender as a part of the sentence, or as a condition for suspension or stay of sentence, or for probation.

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## **Appendix O**

### **O.C.G.A. 16-5-91 (2010)**

#### **TITLE 16 - CRIMES AND OFFENSES**

#### **CHAPTER 5 - CRIMES AGAINST THE PERSON**

#### **ARTICLE 7 - STALKING**

(a) A person commits the offense of aggravated stalking when such person, in violation of a bond to keep the peace posted pursuant to Code Section 17-6-110, temporary restraining order, temporary protective order, permanent restraining order, permanent protective order, preliminary injunction, good behavior bond, or permanent injunction or condition of pretrial release, condition of probation, or condition of parole in effect prohibiting the behavior described in this subsection, follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person.

(b) Any person convicted of a violation of subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years and by a fine of not more than \$10,000.00. The provisions of subsection (d) of Code Section 16-5-90 apply to sentencing for conviction of aggravated stalking.

*Disclaimer:* These codes may not be the most recent version. Georgia may have more current or accurate information. Please check official sources.

## **Appendix P**

### **O.C.G.A.16-5-95 (2010)**

#### **TITLE 16 - CRIMES AND OFFENSES**

#### **CHAPTER 5 - CRIMES AGAINST THE PERSON**

#### **ARTICLE 7 - STALKING**

(a) A person commits the offense of violating a family violence order when the person knowingly and in a nonviolent manner violates the terms of a family violence temporary restraining order, temporary protective order, permanent restraining order, or permanent protective order issued against that person pursuant to Article 1 of Chapter 13 of Title 19, which:

- (1) Excludes, evicts, or excludes and evicts the person from a residence or household;
- (2) Directs the person to stay away from a residence, workplace, or school;
- (3) Restrains the person from approaching within a specified distance of another person; or
- (4) Restricts the person from having any contact, direct or indirect, by telephone, pager, facsimile, e-mail, or any other means of communication with another person, except as specified in the order.

(b) Any person convicted of a violation of subsection (a) of this Code section shall be guilty of a misdemeanor.

(c) Nothing contained in this Code section shall prohibit a prosecution for the offense of stalking or aggravated stalking that arose out of the same course of conduct; provided, however, that, for purposes of sentencing, a violation of this Code section shall be merged with a violation of any provision of Code Section 16-5-90 or 16-5-91 that arose out of the same course of conduct.

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## Appendix Q

### STALKING

#### *Questions to Ask the Victim*

The most difficult indicator of stalking is determining the fear of the victim or the feeling of being terrorized, frightened, intimidated, or threatened. Law enforcement officers must ask the right questions of a possible victim to develop probable cause.

1. Was the victim so frightened that they...
  - *Changed their phone number?*
  - *Avoided social events that they went to regularly?*
  - *Changed their residence? Moved to a shelter or with relatives?*
  - *Asked for a job transfer?*
  - *Added extra locks on the doors?*
  - *Added a security system to their home or car?*
  - *Now carry a weapon?*
2. Have you suffered physical illness from the stress?
3. Have you considered seeking psychiatric or psychological treatment because of the stalking?  
Sought a counselor or pastor?
4. Has the suspect ever battered or attempted to batter you?
5. Has the suspect ever followed you in a repetitive manner?
6. Has the suspect ever threatened you?
7. Has the suspect sent you threatening mail?
8. Does the suspect follow you to and from work?
9. Has the suspect been violent with anyone other than you?
10. Do you ever initiate contact with the suspect? For what reason?
11. Does the suspect have a criminal record?
12. Does the suspect have any history of mental illness?
13. Has the suspect ever filed a police report against you?

