

Event 8 – Family Violence
Session 12 – Impacts of Domestic Violence
LD 25- Domestic Violence

Date Revised: 12/4/2019

Course Goal: To provide the students with the basic skills necessary to complete a thorough domestic violence investigation, utilizing current law and department policy.

Learning Objectives:

- Recognize the crime elements required to arrest a suspect for crimes as applied to domestic violence incidents **[25.I.B]**: , Willful infliction of corporal injury, **[25.I.B.1]** Battery **[25.I.B.2]** Stalking **[25.I.B.3]**, malicious destruction of telephone, telegraph, cable television, or electrical lines, **[25.I.B.4]**, Preventing or dissuading a witness or a victim from testifying **[25.I.B.5]**, Criminal threats **[25.I.B.6]**, Spousal rape **[25.I.B.7]**
- Recognize the crime classification for each crime that may result from a domestic violence incident as a misdemeanor or felony **[25.I.C]**
- Recognize under what circumstances an arrest should be made **[25.III.B]**

Session Time: 2 hours

<p>Resources:</p> <ul style="list-style-type: none"> • Classroom with tables • Laptop, Projector, speakers • Videos- “Primary Aggressor Part 2 Defensive Wounds”, Photographs of Strangulation Injuries • White board, Dry-erase markers • Handouts- Recruit Domestic Violence Reference Documents: (Dominant Aggressor Checklist, Factors to Help Determine the Dominant Aggressor, Dominant Aggressor “Decision Tree”, Lethality Checklist, Strangulation) and Strangulation Quick Reference for First Responders Card, Facts Victims of Choking (Strangulation)Need to Know! 	
<p>Session Summary: The recruit officer will develop the skills and abilities necessary to accomplish responding to a domestic violence call using the proper tactics, identify and define laws associated with the family violence, identify victim/batterer characteristics, identify mandatory resources and explain various protective orders, determine when probable cause exists to arrest, apply appropriate mediation techniques to diffuse volatile situations, utilize CAPRA to resolve disputes among family members, employ crisis intervention techniques and demonstrate the ability to communication via hand held radios.</p>	
Outline	Instructor Notes
<p>I. Recognize the crime elements required to arrest a suspect for the following crimes as applied to domestic violence incidents: [25.I.B.1-7] [25.I.C]</p> <p>[Note]</p> <p>A. Willful Infliction of corporal injury</p>	<p>[Note] Review with the class the assigned homework from session #10. Clarify any question and answer.</p>

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<ul style="list-style-type: none"> B. Battery C. Stalking D. Malicious destruction of telephone, telegraph, cable television, or electrical lines E. Preventing or dissuading a witness or a victim from testifying F. Criminal Threats G. Spousal rape <p>II. Peace officers are responsible for arresting the batterer in a domestic violence situation if there is probable cause to believe a crime has occurred. [25.III.B]</p> <ul style="list-style-type: none"> A. Type of arrest, <ul style="list-style-type: none"> 1. A felony or misdemeanor has been committed in the officer’s presence 2. A felony has been committed outside of the office’s presence 3. A person has been arrested under a private person’s arrest 4. A person has been arrested under the authority of penal code 836(c)(1) and 836(d) B. Once peace officers have entered the premises, they need to determine who is present, their condition, and if a crime has occurred. C. If any party is injured, peace officers should call for medical help. <ul style="list-style-type: none"> 1. Separate the parties 2. Control the suspect, remove from premises if necessary 3. Determine the relationship 4. Note and document the physical and emotional conditions of all parties and witnesses 5. Record all spontaneous statements 6. Obtain statements from witnesses and parties <p>III. Dynamics of Domestic Violence and Dominant Aggressor [25.III.B]</p> <ul style="list-style-type: none"> A. Determining the Dominant Aggressor <ul style="list-style-type: none"> 1. If a crime has occurred and officers determine that there are dual injuries 	<p>Learning Activity # 1 Dominant Aggressor Checklist Exercise. Dominant Aggressor Case packages</p> <p>[Note] LD25 Workbook for reference</p>
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<p>because of the incident, police officers are mandated by state law to determine and to attempt to identify the dominant aggressor in the incident (13701(b) P.C.)</p> <ol style="list-style-type: none"> 2. Dominant Aggressor is defined as most significant aggressor, rather than first aggressor. The penal code section applies to all Domestic Violence crimes. (PWB, Page 3-5) <ol style="list-style-type: none"> a. The officers must consider several issues when trying to determine the dominant aggressor. Some examples: <ol style="list-style-type: none"> 1) The intent of the law to protect victims of domestic violence from continuing abuse 2) Threats creating fear of physical injury 3) Cycle of violence 4) Whether either person acted in self-defense b. Dual Arrest [25.III.B] (PWB, Page 3-9 to 3-10) <ol style="list-style-type: none"> 1) If officers are unable to determine who the dominant aggressor is, or 2) It appears that both parties were equally aggressive, and 3) Self-defense is ruled out, then 4) Officers may make a dual arrest 5) LAPD Policy: Dual arrest only with supervisory approval c. Self-defense <ol style="list-style-type: none"> 1) People have a legal right to defend: <ol style="list-style-type: none"> a) Themselves b) Their property c) A third person such as a child 2) Force must be reasonable, and 3) The person must believe that are about to be assaulted, 4) The assault must be imminent, and 5) The victim is not required to 	<p>Show Video: Primary Aggressor, Part 2 “Defensive Wounds”.</p> <p>Refer & Review Handouts with the class. “Recruit Domestic Violence Reference Documents: Dominant Aggressor Checklist, Dominant Aggressor Decision Tree.</p>
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<p style="text-align: center;">retreat or leave.</p> <p>d. Injury Identification</p> <ol style="list-style-type: none">1) When both parties are injured, it is critical that officers be able to distinguish between defensive and offensive injuries. <p>IV. Refer students to strangulation handout included in the Recruit Officer Domestic Violence Reference Documents.</p> <ol style="list-style-type: none">1) Strangulation is extremely serious, and a change of attempted murder should be considered2) Loss of bodily fluids, Defecation and Urination considered to be a near death experience by SME's3) MT should be obtained if strangulation has occurred4) When responding to a domestic violence incident where a victim has been strangled, it is important that officers recognize the seriousness of the injury and respond appropriately5) Discuss identification and the collection of evidence in strangulation incidents.6) Show photographs of strangulation injuries <p>2. Reinforce key points;</p> <ol style="list-style-type: none">a. Police officers are mandated by state law to determine and attempt to identify the dominant aggressor. (13701 P.C.)b. People have a right to defend themselves.c. Officers must distinguish between defensive and offensive injuries.	<p>Distribute & Review Handouts with the class. "Recruit Domestic Violence Reference Documents: Strangulation. (Distribute) Strangulation Quick Reference for First Responders Card, Facts Victims of Choking (Strangulation) Need to Know!</p> <p>Refer the class to Handout "Lethality"</p>
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Learning Activity # 1
Dominant Aggressor Checklist Exercise

- I. Dominant Aggressor Checklist
 - A. **LEARNING ACTIVITY:** Board work: Solicit from the class factors that assist in determining the dominant aggressor. Be sure to cover the key points on WB 3-5 and 3-6. Also, direct recruit officers to Dominant Aggressor Checklist and the Dominant Aggressor “Decision Tree” handout included in the recruit DV Reference Documents.
 1. **Dual arrests** (PWB pg. 3-9 to 3-10)
 - a. If officers are unable to determine who the dominant aggressor is, or
 - b. It appears that both parties were equally aggressive, and
 - c. Self-defense is ruled out, then
 - d. Officers may make a dual arrest.
 - e. LAPD Policy: Dual arrest only with supervisory approval.
 2. **Self-defense** (PWB pg. 3-8)
 - a. People have a legal right to defend:
 - 1) Themselves
 - 2) Their property
 - 3) A third person such as a child
 - b. Force must be reasonable, and
 - c. The person must believe they are about to be assaulted,
 - d. The assault must be imminent, and
 - e. The victim is not required to retreat or leave.
 3. **Injury Identification** (PWB pg. 3-8)
 - a. When both parties are injured, it is critical that officers be able to distinguish between defensive and offensive injuries.
 - b. Video: Primary Aggressor Part 2 Defense Wounds (4 min)
 - c. Synopsis: *The video contains additional examples of defensive injuries. It also explains the term “primary aggressor” which is no longer correct. The correct term is “dominant aggressor.”*
 4. **Procedure:**
 - a. Divide the class into 4 groups
 - b. Hand out to each group a case study
 - c. Select a spoke person from each group and a scribe
 - d. Using the “Dominant Aggressor” case packages, have the recruits prepare their finding and present it to the class (15 minutes)
 - e. Encourage recruits to utilize CAPRA to solve their investigation.
 - f. Handout only the victim and the suspect’s statements and photos; if only asked or requested by each group, give them the witness’s statement for that case study.
 - g. Have the recruits report both findings before request of the statements

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LETHALITY CHECKLIST

Some batterers are life endangering. It is possible to evaluate whether an assailant is likely to kill his partner, other family members, and/or others attempting intervention.

The following are indicators to be used in assessing a batterer's potential to kill.

THREATS OF HOMICIDE OR SUICIDE The batterer who has threatened to kill himself, his partner, the children, or her relatives must be considered extremely dangerous.

FANTASIES OF HOMICIDE OR SUICIDE The more the batterer has developed a fantasy about who, how, when and/or where to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable "solution" to his problem.

DEPRESSION Where a batterer has been acutely depressed and sees little hope for moving beyond the depression, he may be a candidate for homicide and suicide.

WEAPONS Where a batterer possesses weapons and has used them or has threatened to use them in the past in his assaults on the battered woman, the children or himself, his access to those weapons increases his potential for lethal assault.

OBSESSIVENESS ABOUT PARTNER OR FAMILY A man who is obsessive about his female partner, who either idolizes her and feels that he cannot live without her or believes he is entitled to her no matter what because she is his wife, is more likely to be life-endangering. (Buck Thurman, Torrington, Connecticut, is an example of his behavior)

CENTRALITY OF THE BATTERED WOMAN If the loss of the battered woman represents or precipitates a total loss of hope for a positive future, a batterer may choose to kill.

RAGE The most life endangering rage often erupts when a batterer believes the battered woman is leaving him.

DRUG OR ALCOHOL CONSUMPTION Consuming of drugs or alcohol when in a state of despair or fury can elevate the risk of lethality.

PET ABUSE Those batterers who assault and mutilate pets are more likely to kill or maim family members.

ACCESS TO THE BATTERED WOMAN AND/OR FAMILY MEMBER If he cannot find her, he cannot kill her. If it is concluded that a batterer is likely to kill or commit life-endangering violence, extraordinary measures should be taken to protect the victim and her children. These must include the exercise of all possible powers regarding bail, conditions on bail, and other protections available for victims, as well as referrals and follow-up. The victim should be advised that the presence of these indicators may mean that the batterer is contemplating homicide and that she should immediately act to protect herself and should contact the local battered women's shelter to further assess lethality and make a safety plan.

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Adapted from: LACDVC/CA/10-94

STRANGULATION

Historically we have been treating attempt strangulation like a slap. This has occurred because most of times there are no visible injuries, or the injuries are very minor. This under estimation of the seriousness of attempt strangulation cases could possibly be life threatening for the victim. Ten percent of violent deaths per year in the United States of America are due to strangling (Male/Female ratio is 1:6).

Strangulation is the ultimate use of power and control, taking away of the victim's voice and ability to scream to defend themselves.

Issues of Concern

- Generally little or no visible injury
- Hard to prove without medical treatment/photos
- Developing expertise among officers and investigators
- Medical treatment is critical
- Strangulation may cause brain damage/death due to loss of oxygen.

The following are Signs and Symptoms to beware of and to document in reports:

Symptoms (What the victim feels)

- Voice changes
 - this occurs in half of the cases
 - hoarseness
 - loss of voice
- Swallowing changes
 - difficulty swallowing
 - painful swallowing
- Coughing blood
 - usually due to facial injury/broken nose
- Breathing difficulty
 - may appear mild initially but may kill victim within 36 hours
- Loss of consciousness/fainting (partial or complete)
 - nausea
 - ears ringing
 - head rush
 - loss of bodily function

Signs (What you may see or hear)

- Scratches
 - inflicted by the suspect
 - victims may claw at their own necks to release the suspect's hold
- Bruises
 - may not be immediately visible
- Spots (Thieu's spots)
 - tiny blood vessels (capillaries) burst from the pressure of the strangling may be visible

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- on the neck, eyelids and inside the mouth
- Blood red eye(s)
 - due to capillary rupture in the white portion of the eye
- Rope or cord burns, or other linear injuries caused by an object used to strangle the victim
- Neck swelling (subtle to massive)
 - due to vessel injury
 - due to voice box fracture with air escaping into neck tissues
 - front of neck may appear flattened with no “Adam’s apple”
 - may shut victim’s airway in a matter of hours
- Raspy breathing
 - gasping for air - Extremely dangerous
- No physical signs at all but underlying damage may be very serious

STRANGULATION

Questions You Can Ask to Identify the Extent of The Strangulation Case

- ✓ Was the victim shaken simultaneously while being strangled?
- ✓ How much shaking was involved? (little to excessive whipping back and forth)
- ✓ Did the suspect use one or two hands?
- ✓ How long did the suspect strangle the victim?
- ✓ How much pressure was used?
- ✓ How hard did the suspect grab the victim’s throat?
- ✓ Did the victim have difficulty breathing?
- ✓ Did she faint or lose consciousness?
- ✓ Was there a loss of bodily function?
- ✓ Was there any vomiting or nausea?
- ✓ Did the victim complain of any pain or discomfort or trouble swallowing?
- ✓ Were there any visible injuries? If so, take photo.
- ✓ Were there any prior incidents of strangulation? If so, include information in the report.
- ✓ Were there any pre-existing injuries?
- ✓ Did the victim show the injuries to anyone?
- ✓ If an object is used to choke the victim, book as evidence or photo.
- ✓ Was the suspect wearing any rings?
- ✓ Did detectives take any subsequent photos?

Considerations:

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- 664/273.5 PC – Attempt Spousal Abuse – does not require traumatic condition, an injury is not necessary. If you have a situation where the victim has no visible injury and is refusing medical treatment, but you have probable cause to believe that the attempt strangulation occurred this section may provide an option.
 - 40 Cal App 4th 1621 People vs. Kinsey (1995)
- 245 PC – ADW – assault by means of force likely to produce great bodily injury
 - People vs. Covino (1980) 100 Cal App 3rd 600
- 273.5 PC – Spousal Abuse – if the situation meets the relationship and traumatic condition criteria this may provide an option.
- 664/187 PC is also an option depending on the seriousness of the strangulation.