

Metropolitan Police Academy



9.1 Domestic Violence Offenses

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Introduction

As a police officer, you will be required to investigate and enforce violations of domestic violence laws on a regular basis. Unlike other laws you enforce, domestic violence/intrafamily offenses include mandatory arrest laws to ensure that each case is handled in a manner that minimizes the risk of violence.

In this lesson, recruit officers will develop a thorough understanding of domestic violence definitions, dynamics, cycles of violence, and abusive relationships. This foundation will enable recruits to understand the seriousness of intrafamily situations and the legal requirements for handling domestic violence, protection orders and resources for victims, safety concerns of police officers, and specific offenses related to these situations. With this information, recruits will be able to effectively investigate, report, and enforce domestic violence laws in the field. Additionally, they will be familiar with detecting forms of abuse and assisting victims in taking steps towards ending domestic violence situations.

9.1.1 Define domestic violence

Domestic violence is defined by the National Coalition Against Domestic Violence as the “intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another.” It includes physical violence, sexual violence, psychological abuse, and emotional abuse. The frequency and severity of domestic violence can vary dramatically; however, the one constant component of domestic violence is one partner’s consistent efforts to maintain power and control over the other.

Domestic violence affects individuals in every community, regardless of age, economic status, sexual orientation, gender, race, religion, or nationality. It is often accompanied by emotionally abusive and controlling behavior that is only a fraction of a systematic pattern of dominance and control.

Domestic violence can result in physical injury, psychological trauma and, in severe cases, even death. The devastating physical, emotional, and psychological consequences of domestic violence can cross generations and last a lifetime for not just married couples, but anyone involved in an intimate relationship, dating, or living together. Furthermore, it not only affects those involved, but friends, family, co-workers, witnesses, and the community as a whole. Exposure to domestic violence in children often leads to social and physical problems, as well as an increased risk of becoming a victim or abuser in the future.

The following statistics were reported in the CDC’s 2015 National Intimate Partner and Sexual Violence Survey:

- One (1) in three (3) women and one (1) in three (3) men have been the victim of some form of physical violence by an intimate partner within their lifetime.
- One (1) in five (5) women and one (1) in seven (7) men have been the victim of severe physical violence by an intimate partner in their lifetime.
- One (1) in six (6) women and one (1) in seventeen (17) men have been stalked by an intimate partner during their lifetime to the point in which they felt very fearful or believed that they or someone close to them would be harmed or killed.
- On a typical day, there are more than 20,000 phone calls placed to domestic violence hotlines nationwide.

- One (1) in five (5) women and one (1) in seventy-one (71) men in the United States have been raped in their lifetime.

Although police officers encounter physical assaults most often, domestic violence includes various other forms of abuse:

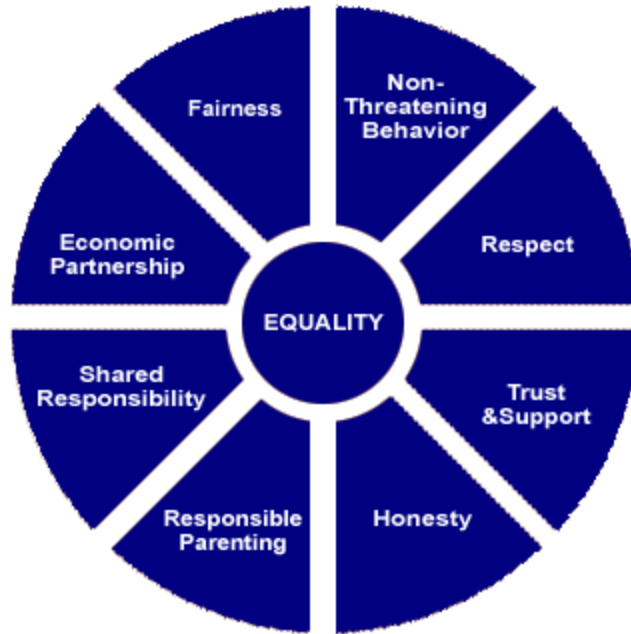
- **Physical Abuse** - Hitting, choking, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are all examples of physical abuse and constitute an unlawful assault. This also includes denying a partner medical care or forcing alcohol or drugs upon them.
- **Sexual Abuse** - Coercing or attempting to coerce any sexual contact or behavior without consent constitutes sexual abuse. Examples of sexual abuse include but are not limited to marital rape, attacks targeting one's sexual organs, forcing one to have sex, or treating one in a sexually demeaning manner.
- **Emotional Abuse** - Undermining an individual's sense of self-worth and/or self-esteem is considered emotional abuse. This includes persistent criticism, disrespectful treatment, diminishing one's abilities, name calling, or purposefully damaging one's reputation and/or relationship with one's children and family members.
- **Economic Abuse** - Making or attempting to make an individual financially dependent by maintaining control over financial resources, withholding access to money, or forbidding access to education or employment.
- **Psychological Abuse** - Elements of psychological abuse include causing fear by intimidation, threatening physical harm to oneself or one's partner, children, family, or friends, destruction of pets or property, and forcing isolation from family, friends, school, or work. Psychological abuse comes in many forms and is often present in cases involving other forms of abuse.

9.1.2 Explain the dynamics of domestic violence

Today, more than ever, there is a high level of awareness of the issues surrounding domestic violence. Though much still needs to be done, resources for victims and training for law enforcement have significantly improved in recent years.

Historically, domestic violence was always seen as males abusing female partners. The truth, however, is that domestic violence has no bias against race, gender, or status. It affects people across all spectrums of society. Males, though often reluctant to reveal it due to feelings of shame or embarrassment, do become victims of domestic violence.

Domestic violence, in all cases involves two major elements: **power and control**.



Power and Control

Abusers normally find ways in which to control their victims and seek to maintain power in the relationship. This often includes using coercion, threats, and intimidation as depicted in the wheel below. Threats by the abuser to leave the relationship or commit suicide are often used to deter victims from filing charges, seeking help, or finding an end to the violence.

Power is often established by provoking fear in a victim through violence or other actions. The tactics used to establish power and control are both violent and non-violent. Officers must be cognizant of these tactics while investigating intra family and domestic violence situations:



Intimidation

Intimidation tactics are used to instill fear in the victim. This can be done through body language, actions, threats, gestures, destroying property, abusing pets, and displaying weapons.

Emotional Abuse

Emotional abuse is the practice of continued and ongoing actions that cause the victim to feel bad, guilty, or worthless. This involves putting down one's partner through insults, demeaning or derogatory comments, name calling, humiliation, causing them to feel that they are crazy, and generally playing mind games with the victim. Such actions serve to convince the victim that no one will accept his or her word over that of the abuser.

Isolation

Isolation involves controlling and limiting what the victim does, who the victim sees and associates with, what the victim reads, where the victim goes, and limiting the victim's outside involvement such as delaying employment or education opportunities. The abuser often does not allow the victim to communicate with family members.

Minimizing and Directing Blame

Abusers often minimize their actions by making light of the abuse and not taking the victim's concerns or troubles seriously. The abuser often denies that his or her actions are abusive or even happened, and often shifts blame and responsibility back on the victim. Abusers may tell their victim that their behavior, actions, or inactions caused the abuse. Abusers often use children to make the victim feel guilty by having the children relay messages to the victim during periods of separation. As a result, the child's visitation time is used as another opportunity to harass and abuse the victim. Furthermore, children are used by abusers to maintain power and control through making threats to take the children away if the victim seeks help or police services.

Male Privilege

Male abusers often use perceived "male privilege" to define their role in a relationship and their abusive behavior. Using these roles, abusers act as though they are the one to make all of the family's decisions, treat the victim as a lesser individual or even a servant, and assume the position of the "man of the house" or "master of his castle." Abusers also attempt to manipulate police officers by playing on the male officer's sympathies and using gender understanding to defend his actions. It is important for officers to remain objective and recognize attempts at using male privilege to influence an officer's perception of the incident. The officer's responsibility is not to pick sides but to determine what exactly happened, whether a crime has occurred, and identify the primary aggressor.

Economic Abuse

Economic abuse comes in many forms which prevent victims from acquiring or keeping employment and earning their own money as a potential means for independence and self-reliance. This form of abuse forces victims to rely upon the abuser for money and other basic needs. Abusers in some cases give the victim an allowance, take or deny money from a victim as punishment, and limit the victim's access to money and assets which are ordinarily shared property of the couple or family. In these cases, the abuser has complete control over all financial interest of the family, including the filing of taxes, mortgage payments, payments of rent, etc., and only use the victim when necessary to sign requisite legal forms without explanation.

Coercion

Abusers use coercion and threats to hurt the victim and maintain power and control. These often involve threatening to commit suicide, threatening to leave, threatening to take children, threatening to report the victim for known crimes or issues such as welfare fraud, tax fraud, or immigration issues. Anything an abuser can use against a victim will be used as leverage to prevent the victim from filing charges, obtaining a protection order, or seeking help.

9.1.3 Diagram the Cycle of Violence

Studies have shown that abusive relationships tend to follow a consistent pattern. Most victims do not seek help after the first case of violence. Most calls for police service occur after numerous cycles of violence have happened. After interviewing 1,500 victims of domestic violence, psychologist Lenore Walker developed a social cycle theory of abusive relationships called the Cycle of Violence.

The Cycle of Violence is divided into three stages. These stages are cyclical; however, the starting and time frame of each phase is not easily predictable. It is difficult for police officers to determine which phase an abusive relationship is in, as officers are not involved or familiar with the way victims and family members interact. However, victims typically seek help in the **tension building phase** as violence increases or during the **acute battering phase** after experiencing a burst of violence.

It is important for police officers to understand the Cycle of Violence and each of the phases in order to better interpret situations in the field. The cycle consists of the three (3) phases depicted in this graphic:



Tension Building Phase

The first phase of the Cycle of Violence involves tension building as a result of the abuser's inability to control the victim through power and control techniques. During this phase the abuser becomes increasingly frustrated. As a result, the abuser initiates arguments with the victim over trivial issues, quickly becomes jealous, and has a tendency to become extremely angry. The abuser often shouts, calls

names, and makes verbal threats. During this phase the threats escalate into shoving, pushing, and restraining the victim against their will. As tension builds, incidents become more frequent and more violent. This stage lasts until the first instance of extreme violence occurs.

Acute Battering (Violence) Phase

The second phase of the Cycle of Violence occurs when tension building has reached its threshold and crossed into physical violence. The severity of violence varies in each case and depends on how many times the people involved have been through the cycle of violence. The first explosion of violence might be a single slap to the face. The second incident may include throwing the victim to the ground or punching the victim repeatedly. In later cycles, the violence increases and may involve weapons. The level of injury suffered by the victim increases accordingly. The violence during this stage may last just a few moments or for a few days.

After becoming accustomed to the Cycle of Violence, victims often provoke the acute battering phase in an effort to get it over with. For example, a victim may use methods such as refusing to cook dinner or refusing to sleep with the abuser in an effort to provoke an end to the cycle. Victims do so because they cannot stand to live with terror, anger, and the anxiety of waiting for imminent violence. Victims want to reach a climax in the violence as soon as possible at which time the cycle is known to transition to the calmer third phase of the cycle.

Honeymoon Phase

The third phase of the Cycle of Violence is known as the hearts and flowers, honeymoon, or kindness and contrition loving behavior phase. Following a severe battering incident, most abusers enter this phase of the cycle immediately or shortly thereafter. Abusers become apologetic and beg for forgiveness. Abusers promise that the violence will never happen again and promise to reform. During this phase, the abuser will court his or her partner and attempt to become again the person the victim initially fell in love with. Many abusers honestly believe that they will reform their behavior during this phase. Victims often want to believe the abuser however, without outside intervention, the cycle will eventually repeat itself and transition back into the tension building phase.

9.1.4 Identify the dynamics of ending an abusive relationship

Ending or removing oneself from an abusive relationship is far more difficult than most people expect. Furthermore, police officers often struggle with becoming frustrated with victims of domestic violence and their inability to leave the relationship. Although many victims do eventually leave, some remain in the relationship even after police intervention. The control that abusers develop over victims and the obstacles that must be dealt with prior to leaving often provide victims limited options.

The fear of leaving an abusive relationship is also a significant factor. The more abusive the relationship, the greater the threat of danger is to the victim if he or she attempts to leave. This danger (i.e., physical violence or death) also applies to police officers who are forced to intervene and become involved in domestic violence situations.

Obstacles preventing victims from leaving often involve the following factors:

- Economic dependence
- Childcare issues

- Fear of losing children
- Religious beliefs
- A perception that it is the victim's role to take the abuse
- Unemployment
- Language barrier
- No family or social network
- Victim feeling ashamed by the situation or by the behavior of his or her partner
- Failures of the criminal justice system

Failures of the Criminal Justice System

When police officers respond to incidents involving domestic violence, numerous outcomes are possible depending upon the circumstances present. If no action is taken, victims often feel penalized for seeking help and abusers often feel even more empowered. This can lead to worsening violence during future cycles of violence and discourage victims from seeking help in the future. There are other entities (i.e., court services, prosecution) that are critical links in the criminal justice system.

Another factor which often prevents victims from leaving abusive relationships is a psychological condition developed over the course of the abusive relationship. The most common condition is a form of post-traumatic stress known as **Battered Woman's Syndrome** or more recently **Battered Person's Syndrome**. Although both men and women are victims of domestic violence, this condition was initially used as a defense in cases involving female victims who murdered their abuser when they believed there was no other solution to stop the violence.

The condition develops when a victim believes escape is impossible due to the extreme level of fear brought about by the cycle of violence. The syndrome is a recognized psychological condition found in persons who have been the victim of consistent or severe domestic violence. To be classified as a battered person, one must have been through at least two cycles of violence.

Battered Person's Syndrome includes four stages:

- **Denial** - Stage one occurs when the battered person denies that a problem exists, both to his- or herself and to others. Most victims make excuses for the partner's behavior and generally believe that it will not continue.
- **Guilt** - Stage two occurs when the victim recognizes or acknowledges that a problem exists in the relationship. The victim understands that he or she is a victim of abuse and that the potential for future violence exists. During this stage, victims take the blame and responsibility for the violence they receive and question their own character, still attempting to live up to the expectations and requirements of their abuser.
- **Enlightenment** - Stage three occurs when the victim begins to understand that he or she does not deserve to be abused. Victims come to understand that the violence and abusive behavior is not justified and that the abuser has a serious problem. However, the victim during this stage still has hope that the relationship will improve and remains with the abuser with the goal of saving the relationship.

- **Responsibility** - Stage four occurs when the victim recognizes that the abuser's problem cannot be fixed by the victim. During this stage, victims come to understand that nothing they do or say will help the abuser or improve the relationship. Only then do victims begin making the decision to leave their abusers and seek help.

9.1.5 Illustrate the legal requirements for law enforcement regarding domestic violence

Due to the seriousness of domestic violence and the challenges involved in detecting and preventing it, several acts have been passed which affect the way in which police officers and court systems approach such matters. These laws often define the way domestic violence incidents are to be handled by police officers and limit the discretion officers otherwise have in their decision-making and problem-solving processes.

Reauthorization of the Violence Against Women Act of 2022

Congress approved and President Clinton signed the Violence Against Women Act (VAWA) which includes a number of federal statutes regarding domestic violence. Most importantly, it created federal penalties for abusers who cross state lines to continue abuse and requires that all states enforce stay-away or protection orders issued by other states. Additionally, it created a federal offense for those subjected to stay away/protection orders who receive or possess a firearm. The reauthorization of this act provides grant programs until 2027, expands special jurisdiction of Tribal courts, increases services and support for survivors from underserved and marginalized communities, and improves prevention programs.

DC Prevention Against Domestic Violence Amendment Act of 1990

Washington, DC City Council passed this act which creates an exception for officers in making warrantless arrests based upon probable cause for all intrafamily offenses. It defines intrafamily offenses and ends the practice of using dispute resolution or mediation in handling Intrafamily Offense calls for service.

Intrafamily Offenses are defined as offenses involving interpersonal, intimate partner, or intrafamily violence. An intrafamily offense is any act punishable as a criminal offense which is committed or threatened to be committed by an offender upon a person:

- to whom the offender is related to by blood, adoption, legal custody, domestic partnership or
- with whom the offender has a child in common, or
- with whom the offender shares or has shared a mutual residence, or
- who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a or seeking to be in a romantic, dating or sexual relationship with the offender.

As a result of this act, when such intrafamily relationship exists between the offender and victim, officers in Washington, DC *shall* make an arrest on the scene based upon probable cause rather than obtaining an arrest warrant.

A **Family Member** is a person whom the offender is related to by blood, adoption, legal custody, marriage, or domestic partnership or who is the child of an intimate partner, regardless of who the child resides with.

A **Household Member** is a person who in the past year shares or has shared mutual residence(s) with the offender and has maintained a close relationship beyond being mere acquaintances.

This act is reinforced by the following law which requires officers to make an arrest on the scene of such offenses.

Washington, DC Mandatory Arrest Law (DC Code § 16-1031)

This Mandatory Arrest Law provides that a law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:

- committed an intrafamily offense that resulted in physical injury, including physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the law enforcement officer; or
- committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.

This law requires officers to make an arrest for intrafamily domestic violence offenses when probable cause exists. Furthermore, in section (b) the law requires that the person arrested be presented to the US Attorney for charging. As such, those arrested for domestic violence or any intrafamily offense are not eligible to be released on citation or bond. They must appear before a judge in person, at which time a determination will be made about charging, releasing, and/or holding the arrestee.

Officer Liability

Failure to make an arrest in a domestic violence case requiring such action can result in officer liability. Liability is defined by Black's Law Dictionary as "the state of being legally obligated or accountable; legal responsibility to another or to society, enforceable by civil remedy or criminal punishment." Police officers have a responsibility to society and others and can be found liable by the courts. If found liable, they are said to have failed to carry out certain aspects of their job, responsibilities, and duties. When this occurs, police officers face civil, criminal, and/or administrative sanctions. Police supervisors have the added burden of being liable for failing to train, direct, supervise, hire, retrain, assign, and entrust subordinate officers. Supervisors can also be liable for participating in an act or misconduct and for ratifying the misconduct of a subordinate.

Civil liability results in the required payment of monetary damages. Criminal liability can lead to imprisonment, fines, or another form of criminal sanction. Administrative liability can result in dismissal, demotion, transfer, reprimand, or another form of employment sanction authorized by agency policies, guidelines, and collective bargaining agreements.

As a police officer, you may be held responsible under any of these types of liability for performing or omitting to perform a singular act. The provision against double jeopardy of the Fifth Amendment does not apply. As such, a police officer can be both sued civilly and charged criminally for the same incident.

Targets of liability include individual officers, supervisors, and the government agency or police department. Individual officers are obvious targets because they are the persons who committed the violation. If the injury caused by an officer can be linked or traced to a failure on the part of a supervisor to do his or her duty, the supervisor, too, can be held liable. A government agency can be held liable as the entity that employs the responsible officer and failing to enact appropriate policies.

Civil Liability (DC Code § 16-1033)

A law enforcement officer *shall not* be civilly liable solely because he or she made an arrest in **good faith** and without malice.

Good Faith

This concept refers to a state of mind consisting of honesty in one's belief or purpose, and faithfulness to one's duty or obligation.

Immunity (DC Code § 16-1045)

The District of Columbia and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of the court, or any state or local government official acting in an official capacity, are immune from civil and criminal liability for conduct arising out of the registration or enforcement of a **foreign protection order** or the detention or arrest of an alleged violator of a **foreign protection order** if the conduct was done in good faith. This statute provides a degree of protection for police officers and others when enforcing certain domestic violence offenses in good faith.

9.1.6 Outline interagency cooperation between the Metropolitan Police Department and other city agencies regarding domestic violence

Law enforcement intervention is one of many resources and options for victims of domestic violence. Law enforcement can generally only arrest the abuser, which is not always considered the best solution for a victim of domestic violence or an abusive relationship. As such, MPD advises victims about **community services** which offer different types of support and resources for victims of domestic violence.

Although making an arrest for an intrafamily offense may bring closure to the officer's case, it is often only the first step of a victim's effort to leave an abusive relationship. Furthermore, cleared cases do not necessarily mean that the domestic violence situation is resolved or that a permanent solution has been reached. As such, numerous resources are available to victims at this stage, such as assistance in making arrangements for housing, child-care, pet-care, and/or transportation, advocates, communication devices, and addressing other needs of a victim which may otherwise deter him or her from ending the relationship.

MPD has a close partnership with other agencies and victim advocates in an effort to effectively end domestic violence and prevent future incidents, including:

- **Domestic Violence Intake Center (DVIC) or Domestic Violence Intake Center Southeast Satellite (DVICSES)** – Members shall provide victims with the location and hours of operation. These facilities provide victims with an advocate, help for obtaining protection orders and child support, information about criminal cases, social services referrals, language services, legal representation, and assistance with crime-related expenses.

- **DC SAFE (Survivors and Advocates for Empowerment) Crisis Response Line-** This resource consists of advocates who assist and support victims of domestic violence and provide them with resources as needed to protect them from further abuse. Advocates are also available to MPD members at all hours (24/7) who need assistance in handling a domestic violence situation. DC SAFE advocates often ride with patrol officers and respond to intrafamily-related calls for service. When a DC SAFE advocate is not present, members need to only notify OUC so an advocate can be called to the scene of an intrafamily offense.

The immediate crisis intervention resources offered by DC SAFE Crisis Response Line assist in finding shelter for a victim, creating a safety plan, and providing resource referrals, legal information, and education about the Cycle of Violence. In certain circumstances, DC SAFE Crisis Response Line advocates also assist in offering Crime Victim's Compensation Program applications and hotel placement until shelter resources become available.

Transportation services are available for the victim and family members, as well as supplies for child care. Each victim is assigned to an advocate who assists them throughout the court proceeding and guides them through the process of obtaining a Temporary Protection Order from the abuser. When needed, a 911 cell phone is also provided to the victim.

Officers are required to offer DC SAFE Crisis Response Line services when handling domestic violence and intrafamily situations. When doing so, officers can contact the DC SAFE Crisis Response Line directly or provide the victim with the contact information. *Officers should not guarantee the victim any specific service or assistance* and should instead allow DC SAFE Crisis Response Line advocates to conduct an interview, evaluate the situation, and make arrangements with the victim.

SAFE Ride-Along Program

To further expand the services available to victims of domestic violence, SAFE and MPD have created the SAFE Ride-Along Program which brings SAFE advocates to the scenes of intrafamily calls for service. SAFE and MPD have agreed to a recurring schedule that also brings SAFE advocates or MPD Domestic Violence Liaison Volunteers to the police districts for ride-alongs with MPD members for up to eight (8) hours. This initiative offers direct and immediate in-person support services to domestic violence victims.

DC SAFE Risk Assessment Screening

When communicating with victims, DC SAFE response line advocates use a domestic violence assessment tool to identify victims who are in a potentially high risk or lethal situation. The top five (5) criteria that indicate a particularly heightened risk of lethality are determined by asking the following questions:

- Does the person who hurt you have access to any weapons such as a gun?
- Does the person who hurt you control most or all of your daily activities or is the person violently jealous?
- Have you ever been strangled by the person who hurt you?
- Has the person who hurt you ever forced you to have sex?
- Has the physical or sexual abuse increased in severity or frequency over the last twelve (12) months?

My Sister's Place

My Sister's Place is a partner advocacy group for domestic violence victims in Washington, DC. Its primary function is to provide victims with confidential emergency temporary housing after an act or threat of

violence and enable transition, when necessary, to permanent housing. This group also provides support programs, counseling, education, and advocacy to domestic violence survivors.

Humane Rescue Alliance

The Humane Rescue Alliance (HRA) is an MPD partner which offers resources and a safe-haven for household pets. In domestic violence cases where a victim is concerned about the care of a pet or preventing abuse of a pet in his or her absence, members can reach the law enforcement officer at the HRA Safe Haven program twenty-four (24) hours a day.

9.1.7 Describe a Domestic Violence investigation

Although officers may come across or be flagged down for domestic violence offenses while on patrol, officers will most often receive a radio run through the dispatcher for these events. The offenses will typically be classified and dispatched as a Domestic Violence Assault or a family disturbance.

Domestic Violence and **Intrafamily** are not distinct offenses and are often used interchangeably to describe the nature of an offense or incident taking place. Both can be applied to numerous offenses defined in the DC Code, such as Simple Assault, Felony Threats, Assault with a Dangerous Weapon, etc.

For example, a Simple Assault between a husband and wife would be classified as Simple Assault Domestic Violence. Intrafamily refers to a domestic relationship but is not used in classifying the offense. Intrafamily merely distinguishes incidents and offenses from non-domestic/non-family offenses and incidents. For example, cases involving intrafamily relationships are assigned to domestic violence detectives and are handled by the Family Court section of DC Superior Court rather than the general section.

Intrafamily Offense

When responding to a call for service in which a Domestic Violence offense has occurred, dispute resolution and mediation practices are not to be used in lieu of arrest. Officers must conduct a thorough preliminary investigation and make every effort to interview the complainant/victim at the scene of the alleged offense.

Preliminary Investigation

Upon arrival at the scene of an intrafamily related call for service, members *shall* conduct an initial investigation. In addition to obtaining the basic information required for completing requisite reports, officers *shall* perform all of the following tasks:

- Determine the location and condition of the victim.
- Provide aid to the injured and request an ambulance, if needed.
- Determine whether the suspect is still on scene.
- Secure the scene.
- Locate and ensure the welfare of any children or other persons at the scene.
- Separate the victim, the suspect, and the witnesses.
- Remove the victim and any witnesses from the suspect's line of sight and hearing, and never leave victims or witnesses alone with the suspect.
- Advise all victims, witnesses, and suspects that it is protocol to interview them each separately.
- Recover and seize all related items of evidence.
- Distinguish the primary aggressor in the offense, if possible.

Victim Interviews

It is important to obtain a statement from victims of domestic violence in order to conduct a thorough investigation. However, victims are often uncomfortable answering questions, especially if the abuser is present. The intimidation and control exerted by an abuser may cause a victim to refuse questioning or remain silent. For this reason, all parties should be separated. When possible, they should not be within the line of sight of one another and should be far enough from one another that neither can overhear what is being said.

It is imperative that officers keep in mind the seriousness of domestic violence incidents. Although they may be routine for the patrol officer, these incidents are traumatizing and life-changing events for victims. Be patient and compassionate when interviewing victims, allowing them to explain what happened rather than initially asking too many questions. Keep in mind that victims may also be extremely angry or distressed. Set the tone for the interview and assure the victims that you are concerned for their safety.

When questioning a victim after receiving their initial statement, do all of the following:

- Do not be judgmental.
- Ask specific questions about the crime scene and abuser.
- Acknowledge the victim's fear, anxiety, anger, or ambivalence about the offense.
- Express empathy with and be considerate of the victim's feelings.
- Ask about abuse and look for physical signs of abuse such as injuries, swelling, and bruising as well as signs of previous injury such as scars, a spongy scalp, marks from strangulation, etc. Photos should be taken of all injuries.

During the interview process officers may be presented with an **Address Confidentiality Program Authorization Card (ACP Card)**. Members of this program are required to show this as proof of participation in the program. This program serves as an extra safety measure to protect an ACP member's address from being released to the public. There are many reasons why a person would want to keep his or her address safe and it is an officer's job to be cognizant of this when interacting with the community member and completing a report. MPD members shall be guided by **GO 304.11** for reporting requirements.

Witness Interviews

All witnesses should be interviewed during the preliminary investigation. Witnesses can include anyone who observed the offense or who has knowledge of past abuse, including children residing in the home or present at the time of the offense, family members, friends, neighbors, strangers who may have observed the offense, and employees or co-workers who have knowledge of past abuse, etc.

Children are often present when domestic violence occurs and are a valuable source of information. While conducting the preliminary investigation, always interview children about the current incident or offense and any previous case(s) of abuse that he or she observed. Remember that children are often traumatized by the nature of these incidents. Be compassionate, build rapport, and interview them separately from other parties involved.

In cases where children have been exposed to domestic violence, officers should contact **Child and Family Services (CFSA)**. Exposure to domestic violence in the home may impact a child's safety and well-being. Exposure is an inclusive term which goes beyond merely witnessing and can include watching or hearing the violence, having direct involvement (e.g., trying to intervene), experiencing the buildup of tension leading to the violence, or experiencing the aftermath of an assault (e.g., seeing injuries or observing

maternal depression). CFSA provides a variety of services related to the care of children including emergency temporary housing.

Evidence Collection

Evidence includes anything that is used to establish probable cause that a crime occurred or that abuse has taken place. All evidence should be documented and/or seized, processed, and photographed. Items of evidence in domestic violence cases includes injuries, blood, broken or destroyed property, torn clothing, weapons, journals, letters, notes, emails, text messages, and phone records.

When conducting the preliminary investigation, officers should determine and document the following information concerning whether:

- the victim has called the police on previous occasions (by reviewing reports/confirming with dispatcher).
- there have been prior intrafamily-related offense arrests of either party (by reviewing Cobalt records)
- the suspect has harmed the victim on previous occasions.
- the victim received medical treatment or was hospitalized because of a prior intrafamily offense.
- the victim has obtained a CPO, TPO, or foreign protection order against the suspect.

Determining Probable Cause

All calls for intrafamily and domestic violence incidents require a preliminary investigation to determine what happened, and whether an offense occurred. Officers use the same techniques as always in classifying offenses and weighing the evidence, statements, and circumstances to determine whether probable cause exists. There are, however, common indicators unique to intrafamily offenses of which officers must be aware.

The following indicators can be used to assist officers in their investigations and determining whether an offense has occurred and if probable cause exists to make an arrest:

- The existence, nature, and extent of visible injuries.
- Evidence of non-visible injuries (complaints of pain, etc.).
- The victim's need for medical treatment.
- Furniture and property in disarray.
- The presence of weapon(s).
- Threats made in the officer's or a credible witness' presence.
- The demeanor of the victim, suspect, and any witness.
- The existence of a TPO, CPO, or Foreign Protection Order.
- A prior history of violence, including but not limited to intrafamily offenses, previous reports for intrafamily incidents, and prior protection orders against the suspect.
- Handwritten notes or journals kept by the victim documenting abuse.
- Electronic messages (text, phone, email) saved by the victim.

Remember that domestic violence occurs in a variety of ways among all genders, races, economic levels, religions, and sexual orientations. As such, officers must approach each case objectively and ensure that laws are being enforced fairly.

The following aspects of a domestic violence scene should *never* influence your decision to make a lawful arrest, or hinder your standards for developing probable cause:

- The marital status of the involved parties.

- The race or ethnicity of the involved parties.
- The sexual orientation or gender identity of the involved parties;.
- The cohabitation of the victim and the suspect.
- The potential financial or employment consequences of an arrest.
- The failure of the victim to report prior complaints.
- Verbal assurances by the suspect or the victim that violence will cease.
- The location of the incident.
- Speculation that the victim may not proceed with the prosecution or that the case may not result in a conviction.
- Evidence that the suspect or the victim has been abusing alcohol or drugs. Although intoxication and impairment can affect the reliability of the person being interviewed, it should not be a sole determining factor.
- Any claim(s) that the victim provoked the violence by making the suspect angry in some way.
- The existence of a lease which the victim or suspect is not listed on.
- A statement from the victim that the victim does not want the suspect arrested.
- The fact that the suspect or victim is a law enforcement officer or public official.

After conducting the preliminary investigation and interviewing all victims, witnesses and suspects, if the member conducting the investigation determines that probable cause exists to believe that the suspect has committed an intrafamily offense or violated a TPO, CPO, Foreign Protection Order and the suspect is present or can be located, the member shall make an arrest for the offense.

If, after conducting the investigation, probable cause exists to believe that the suspect has committed an intrafamily offense but the suspect is not present, the member shall obtain a description of the suspect and shall diligently canvass the area in order to locate the suspect.

If after conducting the investigation probable cause exists to believe that the suspect committed an intrafamily offense but the suspect is not present or able to be located, an Event Report shall be completed to initiate an investigation to be conducted by Domestic Violence detectives.

For example, you and your partner receive a radio run for an unknown emergency in which the caller hung up after screaming into the phone for police to come. You and numerous officers respond directly to the scene and find a woman (Carol) in the front yard with a torn shirt and the house phone in her hand. She is crying, screaming, and cursing at a man (James) who is calmly sitting on the front steps leading to the residence. Carol has swelling and discoloration around her left eye and is bleeding from the lip. A request for DC Fire and EMS is made at which time you assure her that help is on the way. Meanwhile, two of your partners take James inside the house to conduct an interview in a separate location from Carol.

Carol says that James beats her regularly and has been arrested for it in the past. A check reveals that James has been arrested for Domestic Violence and that Carol has had a protection order against him in the past. She states that they have had an on and off romantic relationship for five (5) years and that although they live together, she tried to kick him out tonight which led to the assault. She reports that he threatened to put her head through the wall and then punched her in the face numerous times while preventing her escape by holding her shirt, which is how it was torn. After the assault, she fled from the house and called 911 from the front yard.

James reports that nothing happened and denies being involved in any type of altercation. He has a few scratches on his forearms which are apparently fresh and still bleeding. He maintains a very calm demeanor and reports that Carol has mental health issues and lies to police regularly in an effort to get him arrested. He says he received the scratches at work earlier that day. He shows you his hands and says, "Go ahead and arrest me. I know that's what you're going to do. You always believe her anyway but that doesn't change anything." A chair inside the house has been knocked over, and a glass lamp has been shattered. When asked, James says that Carol did that herself in anger. Carol says it all happened while she struggled to get away from him.

A neighbor comes out and asks Carol if she is okay. Carol responds that she is. An officer interviews the neighbor who discreetly reports being aware of their abusive relationship for years, calling 911 in the past, and observing James beat her on numerous occasions. The neighbor states that she has called domestic violence advocates for Carol before, which helped, but Carol has been unable to permanently separate from James.

In this case, based on the evidence, injuries, statements, and past abuse history, it would be determined that an assault did take place and that James was the primary aggressor. As such, based upon probable cause, James would be arrested on the scene for Felony Assault Domestic Violence. Additionally, Carol should be issued a Domestic Violence Brochure, offered DC SAFE Crisis Response Line services, and instructed on what further steps can be taken to proceed with the case and obtain a protection order.

Intrafamily Incidents – Family Disturbance

If the preliminary investigation does not establish probable cause that an intrafamily offense occurred, the member shall:

- complete an incident report documenting what occurred using the classification of **Family Disturbance**.
- complete and provide the victim with a **Victim's Resources Domestic Violence Brochure (PD 378A)**.
- offer DC SAFE Crisis Response Line services to the parties involved in the family disturbance.
- warn the parties that future threats, abuse, or destruction of property constitutes a criminal offense and may result in arrest.
- inform the victim/complainant that he or she is entitled to receive a free copy of the incident report from a police station or from the Public Documents Section in person by showing proof of identification.
- include the type of intrafamily relationship between the parties involved in the incident report.

Radio assignments will often be dispatched as a Family Disturbance. These cases normally involve intrafamily disputes or arguments which have not developed into violence or criminal acts. Although no offense has occurred, it is important to remember that you may be entering into a stage of the Cycle of Violence. As such, just like domestic violence calls in which no probable cause exists to believe an offense occurred, the incident must be documented in an Event Report with the classification of Family Disturbance.

Loud Argument

Officers will often receive radio calls for service placed by a neighbor or uninvolved witness for a loud argument taking place. These incidents are often found to be intrafamily-related and should be handled in the same manner. A preliminary investigation should be conducted and if probable cause that an

offense occurred does not exist, an Event Report documenting the argument and police response should be completed and classified as Family Disturbance.

For example, you receive a radio assignment for a family disturbance at a residence in your PSA. You meet your assisting unit out front and approach the home. Once inside, you determine that a husband and wife were in a dispute over financial concerns. You separate the couple and conduct interviews about what occurred. You also interview a 12-year-old daughter about the incident. All parties report that they were involved in an argument that became loud but that neither parent became violent. There are no visible injuries, all parties report that the police have never intervened at the home before, and the parents relay that their arguments have never resulted in violence.

In this case, officers should complete a report for Family Disturbance to document the incident without making any arrests. Officers should complete a **Victim's Resources Domestic Violence Brochure (PD 378A)**, offer DC SAFE Crisis Response Line services, and advise all parties that future violence or threats may lead to an arrest. This should all be documented in the Incident Report.

Assist with Clothing

A common radio assignment related to intrafamily incidents is dispatch to an Assist with Clothing call. This is when someone requests police assistance in retrieving personal property from a shared residence. Police involvement is often provided to avoid a confrontation or in an attempt to ensure access to the property at the time.

Service of a TPO or CPO

Officers will often receive radio calls for service to assist in serving a protection order. When a protection order is issued, it must be served—that is, formally delivered to the other party—to make the other party aware of the order's existence. Since this often involves the victim having to confront his or her abuser, individuals who obtain a protection order from the court often request police assistance in serving the order to the other party to avoid confrontation and have a police officer witness the serving of the order. Police officers facilitate the serving of protection orders to ensure compliance with the order and to prevent conflict. Remember to read the order and confirm the identity of those involved prior to enforcing and serving the order.

Reciprocal Complaints (Criss-Cross)

When investigating Domestic Violence offenses, officers must attempt to determine which party was the primary aggressor in order to prevent the arrest of a victim who was acting in self-defense. In many cases this is apparent and obvious based upon statements, injuries, and evidence; however, it will not always be easy to determine. Reciprocal Complaints refers to cases in which both parties committed a Domestic Violence offense, and both parties must be arrested as a result of the investigation. This is commonly referred to as a criss-cross arrest situation.

When you determine that one party was the primary aggressor and the other party is the victim, only the primary aggressor is to be arrested even if the victim used force or violence in defending him- or herself. When officers are unable to make this determination, request a detective or MPD official to respond to assist in making the determination.

Ensure that the following steps have been completed as part of your preliminary investigation prior to determining whether a criss-cross arrest situation exists:

- Obtain a history of the relationship and any pattern of abuse such as:
 - Assaults
 - Previous complaints
 - Calls for service
 - Neighbor statements
 - Children statements

Some victims will be able to produce documentation of past abuse, MPD central complaint numbers for previous reports or arrests, and the names of advocates who have knowledge of previous abuse. Officers equipped with mobile tablets or computers can also research the address and parties involved to see whether any previous incidents involving either party exist. Additional information from children, witnesses, and neighbors may assist in obtaining a history of the relationship and pattern of abuse.

- Evaluate the history (if applicable) of violence by assessing:
 - Arrests
 - Reports
 - Frequency
 - Type/nature of incidents
 - Protection orders

In much the same way as patterns of abuse should be determined, officers can use different techniques to determine a history of violence in the relationship which may indicate one party consistently being the aggressor or victim. Additionally, officers can check previous reports, the nature of the reports, and the frequency of documented violence to assist in determining a pattern. Victims may also provide documentation of previous protection orders.

- Evaluate injuries received by all parties:
 - Determine the severity of injuries to each person.
 - Consider the size and strength of each person.
 - Analyze injuries for signs of offensive or defensive marks/injuries.

Injuries are a valuable tool in distinguishing aggressors from victims. Defensive wounds, marks, and injuries should all be documented and questioned. Defensive wounds are often present on the hands and arms and are caused by shielding one's head or body from an assault. They often consist of bruises, lacerations, and abrasions depending on the type of body part or weapon used. Victims who receive injuries while on the ground often receive defensive injuries to the legs and feet while using them to protect their bodies.

- Evaluate any threats that were made:
 - Who made the threats?
 - The severity of the threats.
 - The mental capacity of the person making the threats.

It is important to ask all parties involved as well as all non-involved witnesses, children, etc., about any threatening statements that were made. Victims can often provide documentation of threats made through text and email which were saved or photographed, and, in some cases, threats will

be made in your presence. Threats can help to indicate which party is or has been the primary aggressor.

When the member, detective or supervisory official determines that both parties have committed an Intrafamily offense and neither was acting in self-defense, both parties shall be placed under arrest.

All reports completed in a criss-cross arrest situation will also be reviewed by the patrol district watch commander.

For example, you respond to a domestic violence assault in progress. The dispatcher reports that a female caller named Ms. Rose is witnessing an assault between her 23-year-old son and her boyfriend inside their apartment. Upon arrival you find and separate all three parties. The son and Ms. Rose's boyfriend both have minor face and hand injuries, and both report being assaulted by one another. Both claim to have acted in self-defense. The caller, Ms. Rose, reports that the two were arguing over her son's behavior, which lead to both making threats of violence. At some point the two were face-to-face screaming, at which time they began to fight. Both physically assaulted the other before wrestling on the ground and splitting up when Ms. Rose called 911.

You have sufficient information to believe an Assault occurred and that both parties committed the offense. There is no evidence to indicate that either party was the aggressor. You notify an official of the situation and report that it may be a reciprocal complaint. A sergeant responds to the scene, conducts an investigation, and confirms that both Ms. Rose's boyfriend and her son committed a reciprocal Assault. As such, both shall be arrested for Simple Assault Domestic Violence.

9.1.8 Identify forms related to Domestic Violence investigations

All Domestic Violence offenses and incidents will be documented with a formal police report. These reports should include a detailed description of the event; the names of all parties involved; a description of injuries, police ,and medical services provided; notation of any pattern and history of abuse; and the type of intrafamily relationship that exists to include the type of relationship, length of relationship, etc.

In addition to completing an Event Report, officers shall complete and issue a Victim's Resources Domestic Violence Brochure (PD 378A) to all victims. A space is provided on the form for the reporting officer to write his or her name, badge number, the date of the report, and the central complaint numbers corresponding to the Event Report. With this information, victims are able to contact numerous resources, obtain protection orders, find housing, child care, and advocates, and continue the process of leaving an abusive relationship after the police intervention ends and/or the abuser is arrested.

Officers should always have copies of the PD 378A form in their possession while on patrol.

In addition to the Victim's Resources Domestic Violence Brochure (PD 378A), officers should offer DC SAFE Crisis Response Line services and explain the process for obtaining a Temporary Protection Order. Both of these services are listed on the Victim's Resources Domestic Violence Brochure (PD 378A) and should be shown to the victim. Document in your Event Report that all three (3) of these services were offered to the victim.

9.1.9 Differentiate Temporary Protection Order (TPO) from Civil Protection Order (CPO)

In an effort to prevent intrafamily incidents and domestic violence, Washington, DC courts issue two types of protection orders which contain specific restrictions on a person or partner. These orders are intended to protect victims and can result in arrest if violated. MPD enforces protection orders on a regular basis. Simply put, these are written orders issued by a judge which require another person to do or refrain from doing certain things.

The two types of protection orders issued in Washington, DC are a **Temporary Protection Order (TPO)** and a **Civil Protection Order (CPO)**. The person requesting the order is referred to as the **petitioner**. This is usually the victim of domestic violence. The person whom the petitioner is filing the order against is referred to as the **respondent**.

Temporary Protection Order (TPO)

TPOs can be applied for at the domestic violence intake center. Any person, regardless of police intervention or a pending criminal case involving domestic violence, who feels that he or she is in immediate intrafamily danger may petition for a TPO. The process involves making a sworn statement under oath about the abuse.

That same day, the petitioner will see a judge who will ask questions about the situation and restrictions that the petitioner requests be included in the order. If the judge believes that the petitioner is in danger, a TPO is issued that same day.

The petitioner will be issued a court date which directs that he or she must return to court to present his or her case for a Civil Protection Order (CPO). TPOs last *fourteen (14) days* and can be extended in a 14-day increment, up to twenty-eight (28) days. TPOs must be served to the respondent, which MPD members often assist in doing. Once served, the TPO becomes active and any violation of the terms of the order is a criminal offense. The TPO served to the respondent includes an order to appear in court on the same day as the petitioner.

In all cases, a Temporary Protection Order now includes that a respondent shall relinquish possession of any firearms and ammunition.

Emergency Temporary Protective Order (ETPO)

The ETPO process is available twenty-four (24) hours a day for urgent/emergency situations. A DC SAFE Crisis Response Line advocate will contact the court to have a judge review the petition and determine if a hearing will be held. If a hearing is to be held, the DC SAFE Crisis Response Line advocate will send the petitioner/victim to the Seventh District to be connected with a judge and a Seventh District watch commander or the on-duty official (sergeant or above) at that time.

While the court and watch commander are finalizing the ETPO petition, members shall conduct a WALES/NCIS check for any prior protective orders, active warrants, and previous criminal activity related to the petitioner and respondent. If the petitioner has a warrant on file, he or she shall be arrested.

Once the ETPO petition has been approved, the DC SAFE advocate will instruct the petitioner on the service process and what to do if the suspect is seen.

Civil Protection Order (CPO)

After receiving a TPO, a petitioner must prepare his or her case and attend a hearing. The petitioner is allowed to introduce evidence and witnesses. Evidence often includes text messages, emails, voicemails, police reports, and phone records, and witnesses include family members, neighbors, friends, and co-workers. A CPO may be issued by a judge based upon the case presented in this court hearing.

This process can occur simultaneously with a criminal case, and could continue regardless of the outcome of the criminal case. If the judge concludes that the respondent has assaulted, threatened, stalked or destroyed property of the petitioner, a CPO will be issued. Likewise, if a guilty verdict is received in any related criminal case, a CPO is automatically issued.

CPOs are much the same as TPOs, but they last one (1) year. The petitioner can apply to have the order renewed as it approaches the 1-year expiration date.

Violating any part of a CPO is also a criminal offense which MPD members enforce. Petitioners often carry the order with them at all times to present to police officers upon any violation by the respondent. Petitioners are not required to carry the order, however, and a criminal check (10-29) of the alleged respondent through a dispatcher or mobile device will provide proof of a valid TPO or CPO.

Foreign Protection Orders

Any valid form of a protection order or restraining order issued by another state or jurisdiction is considered valid in Washington, DC. Orders from another state are referred to as Foreign Protection Orders. MPD enforces Foreign Protection Orders in the same manner as TPOs and CPOs. Remember to read the orders carefully as they are not always the written in the same manner as CPOs and TPOs issued in Washington, DC.

Stay Away Order Enforcement

When members are presented with a Stay Away Order, they shall read the order thoroughly to ensure that it is current and to confirm that the location and respondent are identified. If a member is notified of a Stay Away Order but the subject cannot provide a copy, the member shall contact the Command Information Center (CIC) to confirm the stay away order. Once the Stay Away Order has been confirmed and a violation has occurred, members shall arrest the suspect according to MPD procedures. Enforcement includes pre- and post-trial, probation, supervised release, or parole.

Enforcement of Protection Orders

In addition to Domestic Violence offenses, MPD members shall make mandatory arrests in cases involving violations of protection orders originating in Washington, DC. (CPO/TPO) or elsewhere (Foreign Protection Order) when probable cause exists to believe that a violation occurred.

The narrative portion of reports documenting these violations should include all of the following:

- The date the order was issued.
- The issuing Judge's name.
- The related protection order remedies and restrictions that were violated.
- The manner in which the order was violated.
- The way in which the respondent and petitioner were identified.

Violation of Protective Order (DC Code § 16-1041)

All persons found to be in violation of a TPO, CPO, or Foreign Protection Order shall be charged with Violation of Protective Order which is a misdemeanor punishable by imprisonment for not more than 180 days.

For example, you receive a radio assignment for a family disturbance. The call notes state that a man (Mark) and a woman (Jean) are arguing over custody of a child in common. Your investigation reveals that no assault occurred and that they were only arguing. A WALES check of both parties reveals that a valid Foreign Protection Order is on file from Maryland requiring that Mark have no contact with Jean. When asked, Jean confirms that she obtained a protection order after a previous assault at their previous address. As such, Mark should be placed under arrest for Violation of Protective Order. Jean would be issued a Victim Resources Domestic Violence/Sexual Assault Brochure PD 378A and offered DC SAFE services.

9.1.10 Appreciate the special officer safety considerations involved in Domestic Violence calls for service

Victims and suspects involved in domestic disturbance situations are often in a highly emotional state due to the nature of the relationship. This has the potential to pose serious danger to officers intervening in such situations.

The FBI's report on law enforcement officers assaulted and killed responding to Domestic Violence calls shows that between 1980 and 2006, 113,236 officers were assaulted and 160 officers died. During 2022 alone, fifty (50) officers died from felonious killings and four (4) of those were during domestic disturbance calls. Furthermore, many of these calls are to a victim and/or suspect's private residence, which poses a uniquely different type of danger. In an unfamiliar residence, suspects have the upper hand and may have weapons easily accessible which officers cannot detect. It is imperative to use situational awareness while inside of others' homes.

On April 4, 2009, two Pittsburg police officers responded to a domestic disturbance call at a private residence. The caller was requesting assistance in having her adult son removed from the home after an argument. After entering the house, both officers were immediately shot by the son in an ambush-style assault. An off-duty officer heard the officer's calls for assistance and responded. He, too, was shot upon arrival. All three died from their injuries, and numerous others were injured in an attempt to secure the scene. Over 600 shots were fired during the four-hour barricade situation. At some point during the stand-off, the suspect was shot in the leg and eventually surrendered. He is currently awaiting death by lethal injection for the three murder convictions. This case clearly demonstrates the dangers involved when entering an unfamiliar residence. Officers *must always* practice situational awareness and ensure that scene safety is a priority while conducting a Domestic Violence investigation.

From January 1, 2022, through June 30, 2022, MPD received 15,255 calls for domestic violence incidents. That translates to one (1) call every seventeen (17) minutes. As a result of this high frequency of calls, handling domestic dispute situations can mistakenly be considered "routine." All of these calls, however, must be treated with extreme caution due to the dangers they pose while officers also effectively provide police service.

The following are situational awareness and safety techniques that should be used by officers in the field when responding to and investigating calls for Domestic Violence offenses:

- Dispatchers will continue receiving information about the scene from the caller while you respond. Be sure to receive these notes either over the radio or on a mobile tablet or computer *prior to* entering the scene. If you do not receive this information, request it prior to entering the scene. The information provided can contain crucial information about weapons that may be present and threats that may be made to intervening first responders. This information can save your life.
- Additionally, information is usually provided about whether the suspect is still present on the scene as well as a lookout for the suspect and victim. The potential for violence, likelihood of someone being under the influence, and the presence of weapons can be forecasted prior to your arrival, which significantly increases your level of safety. However, you need to keep in mind that sometimes the information received by the dispatcher is not accurate and you need to constantly assess whether what you are observing correlates to the information you have been provided.
- Do not park directly in front of the address of the call. This applies to all assignments. Park a safe distance away to avoid any potential ambush. This gives you a chance to observe the location and detect threats before they are upon you. This also gives you a safe place to briefly discuss the situation with your partner and share any previous knowledge of the location or involved parties prior to entering the situation. It also allows you to call for additional back-up before entering if it appears as though you will need it based upon what you see and hear from outside the location.

The same principle applies for knocking on the door. Do not stand directly in front of the door. Chances are the suspect inside knows that it is the police responding to the residence. Doors, windows, and staircases are not bulletproof and make for a vulnerable place to be standing in front of. Stand to the side, blade your body, and announce your presence, all the while remaining observant and listening to what is happening inside.

- If no one answers the door, make a request through the dispatcher for a callback. The dispatcher will make a return call to the complainant or person who placed the 911 call. If someone is communicating through the door but refusing to open it for you, use persuasion techniques as well as the callback request. Making a forced entry into the home is only authorized under certain conditions which necessitate such an entry. If exigent circumstances exist to necessitate this type of entry, officers may do so. For example, if you see or hear that someone's life is in imminent danger and have an official's approval, you may force entry into a home.
- Separating the parties involved is an important step in the investigation. If you need more officers to facilitate this step, request them through the dispatcher. Victims may be coerced by the abuser to report that no offense took place or that everything is fine. Furthermore, the 911 call may have been made secretly by a victim who is afraid to seek help. In order to obtain an accurate account of what occurred, separate all parties involved so as to avoid a victim being afraid to communicate with you.
- Constantly be on the lookout for other people who may be present on the scene or in the residence. Although the call may involve both people in a domestic relationship, more people may

be present and all may have valuable information about the offense. Also be on the lookout for weapons and objects that can easily be used as weapons. Avoid conducting interviews in kitchens and garages where knives and blunt objects are commonly stored. Monitor the movements of everyone involved as they access different areas of the house. In many cases, especially on more emotional scenes or scenes where numerous people are involved, it may be best to ask everyone to step into the front or backyard so as to maintain a secure scene.

- The use of handcuffs is justified and significantly helps to maintain control of the scene when any involved person poses a threat to you or any other witness, victim, etc. Handcuffing an involved person does not mean that he or she is under arrest. Use handcuffs to establish control of individuals that pose a threat and advise the persons involved that they are not under arrest, but handcuffed solely for safety purposes. Maintain communication and a line of sight with your partners and remain vigilant while conducting your investigation and practicing situational awareness.

The use of handcuffs and the act of effecting an arrest on a domestic violence scene can be extremely dangerous. Family members and even victims often become agitated or assaultive after seeing this take place due to the emotional state that they are in. Maintain the separation of parties during the arrest and remain observant of everyone who is present in order to safely effect the arrest. Some suspects will request to be handcuffed away from view of their children or family members. When feasible and safe to do so, accommodate this request so as to limit the likelihood of violence.

9.1.11 Classify the elements of offenses commonly encountered in domestic violence situations

The most common offenses encountered in domestic violence situations are Assault and threat-related offenses which you have already learned. In addition to them, the following offenses are commonly encountered during domestic violence and abusive relationships.

Stalking (DC Code § 22-3133)

Under this statute, “It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:

1. With the intent to cause that individual to:
 - A. Fear for his or her safety or the safety of another person;
 - B. Feel seriously alarmed, disturbed, or frightened; or
 - C. Suffer emotional distress;
2. That the person knows would cause that individual reasonably to:
 - A. Fear for his or her safety or the safety of another person;
 - B. Feel seriously alarmed, disturbed, or frightened; or
 - C. Suffer emotional distress; or
3. That the person should have known would cause a reasonable person in the individual’s circumstances to:

- A. Fear for his or her safety or the safety of another person;
- B. Feel seriously alarmed, disturbed, or frightened; or
- C. Suffer emotional distress.”

Stalking is generally a misdemeanor punishable by one (1) year in jail.

Stalking can be a felony punishable by a term of imprisonment of up to ten (10) years “if the person:

- At the time, was subject to a court, parole, or supervised release order prohibiting contact with the specific individual;
- Has one prior conviction in any jurisdiction of stalking any person within the previous 10 years;
- At the time, was at least 4 years older than the specific individual and the specific individual was under the age of 18; or
- Caused more than \$2,500 in financial injury.”

Stalking has a close connection to domestic violence. This type of behavior often involves people in an intrafamily relationship, but such a relationship does not have to be present to charge the offense. Stalking involves severe intrusions into a victim’s personal privacy and autonomy and has a long-lasting impact on the victim’s quality of life and safety.

Stalking actions often become increasingly violent over time. As a result, this statute not only includes a pattern of following or monitoring the victim, but also includes a wide variety of actions that meet the elements regardless of the means. Stalking does not apply to constitutionally protected activities such as First Amendment protests.

Jurisdiction of Stalking (DC Code § 22-3135)

Due to the nature of the offense, actions which constitute the crime can cross state lines and occur in a number of different places. As such, the DC Code has defined the jurisdiction for this offense and when it is considered to have occurred in Washington, D.C.

- “An offense shall be deemed to be committed in the District of Columbia if the conduct on at least one occasion was initiated in the District of Columbia or had an effect on the specific individual in the District of Columbia.”
- “A communication shall be deemed to be committed in the District of Columbia if it is made or received in the District of Columbia or, if the specific individual lives in the District of Columbia, it can be electronically accessed in the District of Columbia.”

Essentially, if any part of the offense occurred in the District of Columbia, MPD can report and enforce the Stalking statute even if other aspects of the case occur elsewhere.

Definitions (DC Code § 22-3132)

The following terms are defined as used in the context of the Stalking statute:

- **Course of Conduct** “means directly or indirectly, or through one or more third parties, in person or by any means, on 2 or more occasions, to:
 - Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;
 - Interfere with, damage, take, or unlawfully enter a person’s real or personal property or threaten or attempt to do so; or

- Use another individual's personal identifying information.”
- **Any Device** “means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.”
- **Any Means** “includes the use of a telephone, mail, delivery service, e-mail, websites or other methods of communication or any device.”
- **Communicating** “means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message.”
- **Financial Injury** “means the monetary costs, debt, or obligations incurred as a result of the stalking by the specific individual, member of the specific individual's household, a person whose safety is threatened by the stalking, or a person who is financially responsible for the specific individual and includes:
 - The costs of replacing or repairing any property that was taken or damaged;
 - The costs of clearing the specific individual's name or his or her credit, criminal, or other official record
 - Medical bills;
 - Relocation expenses;
 - Lost employment or wages; and
 - Attorney's fees.”
- **Personal Identifying Information** “includes, but is not limited to, the following:
 - Name, address, telephone number, date of birth, or mother's maiden name;
 - Driver's license or driver's license number, or non-driver's license or non-driver's license number;
 - Savings, checking, or other financial account number;
 - Passport or passport number;
 - Citizenship status, visa, or alien registration card or number;
 - Birth certificate or a facsimile of a birth certificate;
 - Credit or debit card, or credit or debit card number;
 - Credit history or credit rating;
 - Signature;
 - Personal identification number, electronic identification number, password, access code or device, electronic address, electronic identification number, routing information or code, digital signature, or telecommunication identifying information;
 - Biometric data such as fingerprints, voice print, retina or iris image, or other unique physical representation;
 - Place of employment, employment history, or employee identification number; and
 - Any other numbers or information that can be used to access a person's financial resources, access medical information, obtain identification, or obtain property.”

For example, in June, Melinda broke up with her boyfriend of three (3) years and moved into a new apartment. After an uneventful month in her new apartment, her ex-boyfriend Marcus began showing up

outside her place of employment a few days each week around the time she leaves work because he did not know where she had moved to. After a few days, she confronted him, advised him that he has no business there, and asks him to stop showing up. Melinda no longer sees Marcus after work but finds notes on the windshield of her car from him each day and receives phone calls at the office from him each day, which she ignores.

Melinda finally answers one phone call and warns Marcus that she is extremely disturbed by his behavior and intends to report him to the police if it continues. Marcus begins calling with even greater frequency, which Melinda's secretary documents through caller ID. Melinda also begins saving the notes left on her car which have become increasingly threatening in nature. One day, after leaving work and removing another threatening note from her windshield, Melinda drove home and discovered Marcus sitting on the steps leading to her front door. Afraid for her safety, Melinda called 911 and waited for police before entering the apartment or making her presence known to Marcus.

Due to the repeated actions of Marcus, which demonstrate a course of conduct which he knew or should have known would put her in fear for her safety and cause her emotional distress, he has committed the offense of Stalking. With Melinda's description of the course of conduct, the documented calls, and numerous threatening notes saved by Melinda, probable cause exists to arrest Marcus for Stalking. And, because of the intrafamily relationship which exists along with Melinda's fear of imminent injury, Marcus would be mandatorily arrested on the scene without obtaining an arrest warrant.

A court may issue a **temporary anti-stalking order** if the safety or welfare of a person, household member, or animal is in immediate danger. This order shall remain in effect for an initial period of fourteen (14) days. Anti-stalking orders are used in cases involving persons *without* intrafamily relations.

Prohibited Acts - Parental Kidnapping (DC Code §16-1022)

Due to the nature of intrafamily incidents and the common issues that arise during these incidents concerning the custody of children, this statute was established to prevent and criminalize certain actions resulting from the conflict that arises over child custody.

This statute makes it illegal for any parent or person acting on directions from the parent to intentionally conceal a child from the child's other parent.

Furthermore, it is illegal for any relative or person acting on directions from the relative, who knows that another person is the lawful custodian of a child, to:

- "Abduct, take, carry away a child with the intent to prevent a lawful custodian from exercising rights to custody of the child;
- Abduct, take, carry away a child from a person with whom the relative has joint custody pursuant to an order, judgment, or decree of any court, with the intent to prevent a lawful custodian from exercising rights to custody of a child;
- Having obtained actual physical control of a child for a limited period of time in the exercise of the right to visit with or to be visited by the child or the right of limited custody of the child, pursuant to an order, judgment, or decree from any court, which grants custody of the child to another or jointly with the relative, with intent to harbor, secrete, detain, or conceal the child or to deprive a lawful custodian of the physical custody of the child, keep the child for more than 48

hours after a lawful custodian demands that the child be returned or makes all reasonable efforts to communicate a demand for the child's return;

- Having custody of a child pursuant to an order, judgment or decree of any court, which grants another person limited rights to custody of the child or the right to visit with or be visited by the child, conceal, harbor, secrete, or detain the child with intent to deprive the other person of the right of limited custody or visitation;
- Conceal, harbor, secrete, or detain the child knowing that physical custody of the child was obtained or retained by another in violation of this subsection with the intent to prevent a lawful custodian from exercising rights to custody of the child;
- Act as an aider and abettor, conspirator, or accessory to any of the actions forbidden by this section;
- After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining custody rights to a child, take or entice the child outside of the District of Columbia for the purpose of depriving a lawful custodian of physical custody of the child; or
- After issuance of a temporary or final order specifying joint custody rights, take or entice a child from the other joint custodian in violation of the custody order.”

Parental Kidnapping is a felony which is punishable by a term of imprisonment of one (1) year if the child is out of the custody of the lawful custodian for more than thirty (30) days, or a misdemeanor punishable by 180 days in jail if the child is out of the custody of the lawful custodian for less than thirty (30) days.

Definitions (DC Code § 16-1021)

In the context of the Parental Kidnapping statute, the following terms are defined as follows:

- **Lawful Custodian** “means a person who is authorized to have custody by an order of the Superior Court of the District of Columbia or a court of competent jurisdiction of any state, or a person designated by the lawful custodian temporarily to care for the child.”
- **Child** “means a person under the age of 16 years of age.”

For example, George and Leanne are divorced. They have an 8-year-old child together. Due to George's history of and conviction for Domestic Violence offenses, custody of the child was granted to Leanne through a court order. George is allowed to visit twice per week at a scheduled time. During a recent visit, George requested permission to take the child overnight to celebrate the child's birthday and see a movie. Leanne agreed under the condition that he gets the child to school on time the following morning.

Leanne receives a call the following morning from the child's school reporting the child's absence. Leanne calls George who says that it is only fair that he has custody of the child regardless of the court order. George refuses to return the child and turns off his phone. Unable to contact George or her child, Leanne calls 911. George has committed Parental Kidnapping. After confirming

Leanne's court-ordered custody of the child, George can be arrested and the child returned to Leanne.

Destruction of Property

Although this can occur during a domestic violence event or family disturbance, remember that a person cannot be arrested for destroying property that he or she owns or property that the couple jointly owns.

For example, if during an argument between a husband and wife, the husband throws a ceramic lamp at a wall smashing the lamp and leaving damage to the wall, an offense may or may not have occurred. If the husband owns the house and the lamp or the husband and wife both own the house and its contents together, no offense has occurred. If, however, the husband and wife are separated and this event takes place inside the wife's house during a visit, the husband would have committed Destruction of Property.

Summary

The information contained in this lesson is used on a regular basis by police officers in the field. Understanding the dynamics of abusive relationships and the cycle of domestic violence taught in this lesson will enable officers to conduct thorough investigations when answering calls of this nature.

The laws and procedures for handling domestic violence offenses should now be understood and followed in order to be an effective police officer. Recruit officers should now have a thorough understanding of the procedures for both incident and offense situations involving intrafamily matters which they can now use when handling these types of situations. Furthermore, recruits should now understand the officer safety concerns that arise in highly emotional situations involving domestic violence.

REFERENCES

GO 304.11	Handling Intrafamily Offenses	07/14/2022
GO 201.26	Duties, Responsibilities and Conduct of Members of the Department	04/05/2011
GO 204.04	Ride-Along Program	03/17/2022
GO 401.01	Field Reporting System	07/19/2012
DC Coalition Against Domestic Violence	Statistical Snapshot	2021
National Coalition Against Domestic Violence		
CDC National Intimate Partner and Sexual Violence Survey		