

Excerpted from:

**“How to Qualify an Expert Witness on
Domestic Violence/Battered Women”**

**MODEL PROTOCOL FOR LAW
ENFORCEMENT, PROSECUTORS AND
JUDGES**

**For the Investigation, Prosecution and Disposition
of Criminal Domestic Violence, Criminal Sexual
Conduct and Stalking Crimes**

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**South Carolina Office of the Attorney General and
South Carolina Criminal Justice Academy**

Provided by:

National Center on Domestic and Sexual Violence
4612 Shoal Creek Blvd.
Austin, TX 78756

Laying the Foundation

A. Occupation

1. What is your occupation?
 - a. How long have you been employed in that capacity?
 - b. of your position.
 - c. How long has the program been in existence?
 - d. What services does your program offer?
 - e. Do you supervise?
 - f. Do you train staff?
 - g. What is the total number of staff?
2. Shelter Employment
 - a. How many contacts do you receive yearly from women identifying themselves as having experienced violence?
 - b. How many crisis calls do you receive yearly?
 - c. How many residents are in your shelter at one time?
 - d. How many residents yearly? Adults? Children?
 - e. How long can residents stay?
 - f. Does your program offer any other services?
3. Counseling/Support Service
 - a. Are your services solely for victims of abuse?
 - b. Are your services solely for women?
 - c. How many persons are served by this program yearly?
4. Do you have direct contact with victims of domestic violence?
 - a. How many do you directly come into contact with yearly?
 - b. How long have you had direct contact?
 - c. What is the nature of your contact with victims?
5. Do you or your program conduct interviews with victims?
 - a. What is the purpose of the interview?
 - b. Are interviews conducted with both crisis calls and clients?
 - c. How long do the interviews last?
 - d. Do you maintain statistics as a result of these interviews?
 - e. What is the purpose of these statistics?
 - f. What kind of information do you maintain? Type of assault?

g. Age of victim and assailant? Length of relationship?

B. Previous Occupation (if relevant)

1. What was your previous occupation?
 - a. How long did you perform these duties?
 - b. What were your responsibilities?
 - c. Did you have direct contact with victims of domestic violence?
 - d. What was the nature of the contact?
2. Have you had any other relevant job experience with domestic violence victims?

C. Education (if relevant)

1. What is the highest degree you have obtained?
2. What was your area of concentration?
3. Did you conduct any fieldwork related to domestic violence?
4. Have you conducted any research in this area?
5. Were the results of your study developed into a paper? Were they published?

D. Professional Affiliations

1. Do you belong to any professional affiliations in the area of domestic violence?
2. What is the nature and purpose of these organizations?
3. Do you belong to any county, state or national organizations, which specifically address domestic violence issues?
4. What is the purpose of these organizations?
5. Are you involved with any committee work of these organizations? What are they?

E. Training

1. When you began your work at your program, did you receive any training in the issues of domestic violence?
 - a. Please describe the training.
 - b. Have you received any additional training in domestic violence issues?
 - c. Please describe that training.
2. Have you conducted any training yourself?
 - a. For whom did you conduct the training?
 - b. For what purpose was the training designed?
 - c. How many attended the training?
 - d. How often do you conduct such training?

F. Conferences

1. Have you attended state or national domestic violence conferences?
2. Who sponsored the conference?
3. What was the purpose of the conference?
4. When and where was the conference?
5. Did you attend any workshops relevant to domestic violence issues?
6. Have you conducted any workshops or presentations at these conferences?

G. Previous Expert Testimony

1. Have you testified previously in court?
2. Was it a criminal or civil case?
3. How many times?
4. For the defense or the prosecution?

Introductory Questions

A. Myths of Domestic Violence Held by the Public

1. In your presentations at conferences, training, or speeches to various groups, have you found the public to be very well informed about domestic violence?
2. What are some of the most common misconceptions you've encountered?
3. Are there any others that come to mind?
4. From your experience, have most people developed these misconceptions from isolated experiences?
5. From your experience, do you find that most people believe the individual woman when they hear talk about violence incidents?
6. From your experience, do most women who have been battered talk about their experience freely?
7. Are you familiar with common reactions of most people when they hear of a crime victim's experiences?
8. Are you familiar with the terms "distancing," "differentiating," and the "Just World Theory?"
9. Would you apply those terms to your experiences with the public reaction to domestic violence?

B. Statistics

1. Can you provide us with an idea of the number of incidents of spouse abuse in the United States?
2. Do you have statistics for South Carolina or the local area?

3. Can you describe the effect of culture, economic class and race on the incidence of spouse abuse?
4. Do you have any opinion about the causes of domestic violence? Please explain your opinion.
5. Are domestic violence victims usually men or women?
6. Is domestic violence more prevalent in one culture or race or class or religion than another?

Effects of Domestic Violence

(Before going through these questions in court, check with the expert to determine which questions apply to the facts of the case.)

A. *Have you observed a pattern to spouse abuse?*

1. Would you describe the pattern?

B. *Are you familiar with the phrase “the Cycle of Violence?”*

1. Would you explain the Cycle of Violence?
2. Who identified the Cycle of Violence?
3. Please diagram the Cycle of Violence.
4. Have you personally observed the Cycle of Violence and its effects in victims of abuse?
5. How do victims commonly react at each step of the cycle?
6. Does the violence always repeat? Doesn't it always escalate?

C. *Are you familiar with the “Power and Control Wheel?” Mark a piece of paper for identification and have it posted where the jury can see it.*

1. Who identified the “Power and Control Wheel?”
2. Please diagram the “Power and Control Wheel.”
3. Have you personally observed the effects described by this theory?
4. What is the effect in the victim?

D. *Are you familiar with the term “Battered Woman Syndrome?”*

1. Please explain the term.
2. Are there common characteristics of battered women you have identified yourself or that have been identified?

E. *Are you familiar with the term “Post Traumatic Stress Syndrome?” Please explain the term.*

F. *Are you familiar with the term “Hostage Syndrome” or “Stockholm Syndrome?” Please explain the term.*

G. *Please describe the effect of abuse, according to these theories, on the beliefs, perceptions, and behavior of battered women.*

H. *Are you familiar with the terms “flat voice,” “piecemeal memory,” “flashbacks?” Please relate these terms to your experience with battered women.*

Hypothetical Questions

- A. *Now please assume the following facts: (Describe the facts in evidence from the testimony of the police officer, the victim, and witnesses.)*
- B. *In your opinion, are these facts consistent with someone who has experienced spouse abuse?*
- C. *Now, assume the circumstances that I have described are related to the Cycle of Violence, where would you place the victim on the Cycle of Violence?*

Specific Facts of the Case

A. Specific Types of Victims

- 1. In your experience, does the Cycle of Violence and the other theories apply only to persons who are married?
 - a. Does this apply to gay relationships?
 - b. Does this apply to people who are dating, formerly married, living together?
- 2. In your experience, does the Cycle of Violence and the other theories apply to persons of all religions, racial backgrounds, etc.?

B. Demeanor of Victim

- 1. Assume the following facts: Describe the victim’s demeanor on the stand (angry and argumentative or flat, unemotional response).
- 2. Are these facts consistent with someone who has experienced the level of violence I have described?
- 3. Please relate the terms “flat response,” “piecemeal memory,” or “delayed anger reaction” to your response.
- 4. If the victim is very shaky, hesitant on the stand:
 - a. Is it common or usual for abused women to be frightened to describe the acts of violence? Why?
 - b. Relate your answer to any experience you may have had with women feeling like collaborators with the batterer in the cover-up.

C. Victim Minimizing the Level of Violence

- 1. From your experience, is it common for victims to minimize the violence they have experienced?
- 2. Why is this so?
- 3. Does the victim usually present a minimized version to her family? Friends? Herself? Why?

4. Have you personally observed victims having difficulty relating the actual facts of the violence? Why is this so?
5. How does the minimizing relate to the Cycle of Violence?
6. In your experience, do victims often deny the level of violence as the incident passes in time?
7. If the victim continues in the relationship with the abuser, does that have an affect on her ability to remember the level of the abuse or the details of the abuse?
8. How does that related to the Cycle of Violence?

D. Denial and Reluctance to Testify

1. From your experience, is it common for a victim of spouse abuse to completely deny the incident? Why?
2. From your experience, is it common for a victim to be reluctant to testify at trial? Why?
3. From your experience, do victims often deny the incident of violence as time passes? Why?
4. How does that relate to the Cycle of Violence?
5. Is it common for the victim to protect the abuser? Why?

E. Victim Continues to Live With or Have a Relationship with the Batterer

1. Have you ever had experience with victims who have continued to live with the batterer?
2. Have you ever had experience with victims who have continued to date, have a relationship with the abuser even though they have experienced violence in the relationship?
3. From your experience with battered women, is this a common situation?
4. Would it be unusual for a woman to stay in a relationship after experiencing the level of abuse I have described?

F. One Incident of Violence

1. From your experience, have you encountered women who have experienced one incident of physical abuse?
2. From these encounters, is it possible for one violent incident to have an emotional impact on the victim?
3. Please describe the possible effects only one violent incident can have in a relationship.
4. Must the violence be ongoing to have an emotional impact on the victim?
5. Please relate your answer to the Power and Control Wheel.
6. Would that victim also be likely to minimize the level of the violence, be reluctant to testify, deny the incident? Please explain.

G. Invited Restraining Order Violations

1. In your work, have you encountered battered women who have obtained domestic violence restraining orders against the batterer, then made arrangements for visits or other contact that were in violation of the court order?
2. Have these battered women explained their reasons to you?
3. What were they?
4. Based on your experience, please explain these reasons.

Knowledge of Present Case

- A. Have you interviewed the victim in this case?*
- B. Have you read the police report in this case?*
- C. Have you met the victim in this case?*
- D. Your testimony today is based on your experience with battered women who have come to you for assistance, is that correct?*