

Domestic Violence

Concepts and Issues Paper

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I. INTRODUCTION

A. Purpose of Document

This document was designed to accompany the *Model Policy on Domestic Violence* established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

Experts estimate that a woman has between a one-in-three and a one-in-four chance of being physically assaulted by a partner or ex-partner during her lifetime.¹ Crimes classified as domestic violence are unlike most other crimes due to the intimate relationship between the victim and the accused. Traditionally, this distinction led authorities to treat these crimes as though they were not crimes but private family matters.

Law enforcement was, and often continues to be, reluctant to intervene. Police culture and training discouraged arrests in domestic violence incidents, and officers were expected merely to mediate and defuse the situation. Through increased awareness and education, society and law enforcement now have a greater understanding of the dynamics and issues involved in domestic violence, fully recognizing it as a crime.

The response of law enforcement to the crime of domestic violence, however, varies widely from jurisdiction to jurisdiction and officer to officer. There continue to be instances when domestic violence calls are ignored or assigned low priority, when officers fail to make arrests, and when assaults involving extensive physical injury and weapons are treated as misdemeanors. An effective law enforcement response to domestic violence must include the adoption of a comprehensive policy that (1) holds perpetrators accountable and (2) is consistently applied. Any comprehensive policy must be part of a developed, coordinated community infrastructure that can provide support to maximize victim safety, implement sanctions against perpetrators, and offer rehabilitation opportunities for abusers.

To accomplish an effective law enforcement response, every officer should do the following:

- Make an arrest when probable cause exists and when arrest is authorized by state law as the preferred response, instead of using dispute mediation, separation, or other police intervention techniques.
- Treat all acts of domestic violence as criminal.
- Respond with the same protection and sanctions for every domestic violence incident, regardless of race, religion, creed, national origin, gender, sexual orientation, disability, citizenship, and socioeconomic status, including cases where any of the alleged parties may be a law enforcement officer, a public official, or a prominent citizen.
- Immediately report all known or suspected cases of domestic violence, sexual abuse or assault, elder or child abuse, and animal abuse as required by law.

II. PROCEDURES

A. Initial Law Enforcement Officer Response

1. Responding to a Domestic Violence Call

Police can be agents of change—fulfilling a mandate to intervene, holding batterers accountable, and providing protection to victims. A victim's first contact with law enforcement rarely happens after the first or even the second domestic violence incident. Historically, our legal system has become involved only after the pattern of abuse is well established and the level of physical injury has become serious.² A department's priorities and policies will be reflected in the quality of the response given to victims of domestic violence. Ethically, officers should maintain a neutral position throughout the response and investigation. Perpetrators may appeal to officers through a fraternal professional connection as a manipulative tactic to defer a thorough investigation. Of equal importance is the safety of police officers responding to domestic violence calls. These calls for service remain some of the most dangerous due to the often highly volatile nature of the incidents and the fact that when officers arrive it may still be a live crime scene.

2. Victim Behavior

A sensitive response to a domestic violence call is essential due to the complex nature of these crimes and their devastating

effects. Domestic violence victims can display a variety of behaviors, and officers should understand and be prepared for a range of possible responses. Note that some responses, though frustrating, may allow victims and their families to feel safer once law enforcement has left the scene or the perpetrator is released from custody:

Passivity—quiet and reserved; reluctant to answer questions about abuse

Denial—refuse to acknowledge abusive incident occurred; minimize level of abuse or recant their account; deny allegations and do not want investigation to continue; defend perpetrator and verbally or physically attack officers

Anger—angry because prior reports of abuse did not lead to an arrest; say the police do not provide sufficient protection from their abuser (even if arrest is made)

Fear—afraid of retaliation from abuser for police responding; afraid officers will not take action to stop violence; afraid officers will believe abuser and not them; afraid authorities will take their children as abuser has threatened

3. Assessing Injuries

One of the primary duties of the first responder is to assess possible injuries sustained during any type of altercation or assault. The officer should inquire about injuries that are either concealed by clothing or not readily visible, as well as any signs of strangulation. Visual inspection and photographs of these areas may necessitate the response of an officer of the same gender as the victim depending on the location of the injuries. Such investigations should be conducted according to guidelines set by the investigating agency. Once an assessment of the victim's physical condition has been made, the officer should determine whether emergency medical services (EMS) should be summoned. EMS should be called if the officer is unsure of the severity of the victim's injuries or if the victim requests medical attention. The officer should ensure that photographs are taken of visible injuries on both the victim and the suspect. The investigating officer should make arrangements to take follow-up photographs of the victim's injuries (ideally at 24, 48, and 72 hours later in the event the injuries become more visible and pronounced). Color photographs are highly preferred as they provide a more accurate depiction of the extent and severity of injuries and their changing condition over time.

During a domestic violence investigation, officers should cross screen for sexual assault, strangulation, and, where appropriate, child, elder, and animal abuse. Recent studies indicate that when one form of domestic violence is occurring, there is a greater likelihood that other forms are occurring as well. Studies of battered women also highlight the coexistence of sexual assault with other forms of abuse. One-third to three-quarters of battered women staying in shelters or seeking other forms of help report sexual assaults by their husbands or intimate partners.³ Each incident of sexual assault or rape is a crime to be investigated and prosecuted. In a national survey of more than 6,000 families, researchers found that half the men who frequently assaulted their wives also frequently assaulted their children. Among child abuse cases that resulted in hospitalization, 59 percent of mothers of abused children have been beaten by their male partners.⁴ In a national survey of battered women's shelters, 83.3 percent of victims surveyed responded that they had observed the coexistence of domestic violence and animal abuse.⁵ Given these high correlations, law enforcement should be aware of these connections when they handle incidents involving animal abuse.

Strangulation, often erroneously called "choking," is one of the most common but overlooked injuries in domestic violence cases. The lethality of this form of violence has only recently been brought into focus.⁶ In a San Diego study of 300 strangulation cases during a five-year period, 89 percent of the cases showed a history of domestic violence.⁷ For a victim, the experience of being strangled begins with severe pain that can lead to unconsciousness and can result in brain death. The loss of consciousness is caused by blockage of either the jugular veins or the carotid arteries, thereby depriving the brain of oxygen. Only 4 pounds of pressure for 10 seconds is needed to close off the jugular veins and cause unconsciousness. In comparison, it takes eight pounds of pressure to pull the trigger of a gun. It takes as little as 11 pounds of pressure to close off the carotid arteries and cause unconsciousness. Strangulation can also cause the trachea to close, making it impossible for the victim to breathe. After 50 seconds without a breath, the human body is unable to recover on its own and, in the absence of some form of artificial assistance, the result is death.⁸ Even with minimal pressure applied to the neck, the aftereffects of strangulation can result in internal swelling over time, which can lead to impaired breathing that necessitates examination by medical personnel.

Some initial signs of strangulation that officers can look for include the following:

- Changes in the voice, ranging from hoarseness to complete voice loss
- Wheezing
- Difficulty swallowing
- Difficulty breathing
- Scratches, abrasions, and discoloration to the neck
- Impressions in the skin, which might indicate use of a ligature or object
- Swelling of the tongue
- Petechiae (ruptured capillaries in the eyes, under the eyelids, on the face, or on the neck)
- Defensive fingernail marks on the victim's own face, neck, or chest⁹

Strangulation's deadly nature became evident during the 1980s and 1990s in the area of use of force by law enforcement. A defensive tactic known as the lateral vascular neck restraint was developed and taught as a less-than-lethal method, today considered lethal force, for dealing with unruly combatants and was to be employed in an empty-open-hands situation. (On the use-of-force continuum this technique would fall somewhere after verbal commands and before protective implements.) Officers were instructed to ensure that an individual rendered unconscious by this maneuver was breathing within 30 seconds and, if breathing had ceased, to resuscitate the person. In addition, officers were to call for EMS after any incidents requiring resuscitation. As the tactic was employed more often across the county, the number of in-custody deaths began to rise. Upon review, the culprit in these tragedies was often the use-of-force criteria. Today, departments that do employ this method can do so only in deadly force situations.

In domestic violence incidents where strangulation has occurred, first responding officers often report seeing no visible injuries during the initial interview of victims. Based on the San Diego study, 50 percent of the strangulation victims showed no visible injuries, though temporary symptoms were noted. The study also indicated that due to brain damage caused by oxygen deprivation, victims could suffer stroke, miscarriage, or die up to several weeks later.¹⁰ Therefore, it is critical that first responders

screen for strangulation, caution victims, and assist in obtaining a medical evaluation and treatment.

Interview questions that will elicit information specific to strangulation include the following:

- Do you have any current pain or discomfort? Where, and to what extent?
 - Have you noticed any change in your voice or speech?
 - Are you having difficulty speaking or breathing?
 - Do you have any preexisting injuries? Are you pregnant?
 - Do you have any injuries hidden by clothing?
 - Did you feel faint or dizzy or as though you might pass out?
 - Did you lose control of your bladder or bowels or did you vomit?
- Did the attacker use one hand or both hands?
- Was the attack from the front or the rear?
- Did the attacker use his forearm?
- Was the attacker wearing rings or a watch?
- How long do you think the throat-grab or strangulation lasted?
- What did the assailant say before, during, and after he or she was strangling you?
 - Did you fear for your life?
 - Can you describe any attempts to protect yourself?
 - Were you able to inflict an injury on your assailant? How and where?
- What caused the assailant to stop the assault?
- Have there been any previous attempts at strangulation?¹¹

B. On-Scene Investigation

Incident Documentation. After responding to an incident officers must complete an incident report. This report is the most important step in determining how successful the justice system will be in protecting victims and prosecuting offenders; therefore, it is critical that the report is completed thoroughly in order to ensure a successful evidence-based prosecution. A supplemental report form must be completed whenever an officer investigates an allegation of domestic violence whether or not an arrest is made. The form should include but not be limited to the following:

- Indicate the officer's observations of injuries on both the victim and the suspect as well as the exact location of those injuries. In addition, officers should record victim claims of injury even if there are no visible signs along with exact location and the fact that there are no visible signs (complaints of pain, abrasions, bruises, minor cuts, lacerations, fractures, or no visible injury).
 - Documentation whether medical treatment was offered, offered and received, or offered and refused. If received, provide documentation of the type of treatment (paramedic or ambulance number, hospital, attending physician, or the victim's own physician).
 - Indicate the emotional states of both the victim and the suspect.
 - Document any evidence that would tend to establish that a crime has been committed as well as the location from which it was collected.
 - Describe any weapons used or threatened to be used (such as hand or fist, mouth, gun, feet, blunt object, bat or club, knife, telephone, ligature, or any other type of weapon).
 - Indicate any action taken in regard to firearms present at the scene.
 - Document any statements made by either the suspect or the victim. In investigations of this type, these comments are consid-

ered excited utterances. Such statements are exceptions to the hearsay rule and thus admissible in court in the absence of testimony, as rebuttal testimony, or both. In order for these statements to be admitted, it is imperative that the officer write down the statement verbatim and put all of the victim's or suspect's statements in quotations. If at all possible, have the victim initial, sign, or both at the bottom of the statement.

- Note statements about the relationship between the victim and the suspect according to both parties.
- Indicate whether there was a screen done for a predominant aggressor. If so, indicate the determination and include an explanation.
- Indicate whether either party acted in self-defense.
- Indicate whether an arrest was made. In cases where an arrest was not made, explain why. If there is not an arrest, explain whether follow-up is needed or planned.
- Indicate whether a dual arrest has been made. If probable cause exists to arrest both parties, write and file a separate report for each arrest and include a detailed explanation of the probable cause for each arrest.
 - Indicate whether or not alcohol, drugs, or both were or appear to have been used by either or both parties.
 - Indicate whether the 911 tapes for the incident were requested for evidentiary purposes.
 - Indicate whether photographs were taken and, if so, identify the subject of those photos.
 - Indicate whether there is an existing protection order. If there is an existing protection order, provide the current or expired date along with the docket number.
 - Indicate whether or not there is a prior history of domestic violence between the parties. Obtain the number of past incidents along with any known case reports numbers and outcomes for past incidents.
 - Record the name of a contact person the police may reach to locate the victim should he or she decide to temporarily relocate for safety reasons. Discretion should be used regarding the extent of the information documented because the report is discoverable by the defense (and therefore the suspect).
 - Record the names and ages of any children present in the household; and their addresses and phone numbers if the children have relocated.
 - Record the names, addresses, and phone numbers of any witnesses who were present along with an indication of whether a statement was taken for each.

C. The Arrest Decision

An agency's proactive, hard-line stance against domestic violence is reflected by the implementation of proarrest policies, the discouragement of dual arrests, and the promotion of predominant aggressor determination and arrest.¹² Determining the predominant aggressor (the individual in the relationship posing the most ongoing threat) is not always an easy task. In order to intervene effectively in domestic violence cases, it is important that officers understand the complex issues of violence in intimate relationships, including (1) the intent of the offender, (2) the meaning of the act towards the victim, and (3) the effect of the violence on the victim—in other words, the context in which any given act of violence occurred.¹³

In cases such as the use of violence in self-defense, the context is relevant to the issue of criminal culpability. Given the facts and circumstances presented, the officer is challenged to establish whether the individual in question believes he or she or another

household member was in imminent danger when he or she acted in self-defense. The officer must also determine whether or not the amount of force used was reasonable given the facts and circumstances presented. When determining who is the predominant aggressor and who used self-defense during an investigation of domestic abuse, the officer should consider whether either party had reason to believe any of the following:

- That he or she or another party was in imminent danger
- That he or she had to use a reasonable amount of force against another to protect himself or herself or someone else
- That he or she had reasonable grounds to believe that death or serious bodily harm was imminent
- That the amount of force used was reasonable based on the facts provided

Officers should be aware that incidents of dual arrest should be rare. Dual arrests should be made only in cases where the investigation reveals that both parties used violence, neither party was found to be acting in self-defense, and neither party was found to be the predominant aggressor. If the officer determines probable cause exists to arrest both parties, the arresting officer should write and file a separate report for each arrest and include a detailed explanation of the probable cause for each arrest. Officers should never put victims in a position of stating whether or not they want the abusive partner to be arrested. If an arrest cannot be made because the abusive party has fled or because the officer cannot establish probable cause that an act of domestic violence took place then the victim must be provided with the following:

- An explanation as to why an arrest was not made
- Any planned follow-up actions by the department
- Information on available resources and his or her rights with respect to the criminal justice system

D. Victim Safety and Protection

Perhaps one of the most discouraging aspects of handling a domestic violence incident for law enforcement is seeing victims stay with or return to the abusive partner. Understanding the dynamics of domestic violence and trauma response, and knowing why it is common for victims to remain in abusive relationships, can help officers provide the best possible response each call for service; it can also improve officer morale and job satisfaction. Failing to understand these issues can lead to less empathy for victims who make repeated calls for emergency help. Battered women use complex strategies to try to reduce risks for themselves and they must consider a myriad of consequences when pursuing options for safety. If the victim calls the police, gets a protective order, or decides to leave the abuser, it might stop the current attack. But the abuser might escalate the violence, threaten to take away or harm children, or threaten to kill the victim.

Some reasons why victims stay include the following:

- Love or emotional attachment to abuser
- Promises that the abuse will end or never happen again
- Guilt caused by the victims' belief that the abuse is their fault
- Fear they may never be able to escape from the abuser's control
- Fear of increased physical harm to self, children, abuser (homicidal or suicidal) if they try to leave
- Lack of support, fear of being alone, fear of losing family and friends
- Fear of not being believed or of being judged

- Belief that they can change the abuser
- Financial dependence on abuser
- Fears involving the children: safety, loss of custody, kidnapping
- Religious or cultural beliefs

Law enforcement officers are in a unique position to help and empower victims with information on their rights and referrals to appropriate services in the community. Under no circumstances should officers compromise their response to any incident or any victim based on personal judgments or frustrations. Officers should never do or say anything to discourage a victim from reporting an act of domestic violence or indicate that subsequent requests for assistance from law enforcement could result in the possible arrest of the victim or all parties involved.

In order to augment victim safety, whether or not an arrest is made, officers should take the following steps:

- Remain at the scene of the incident until the situation is under control and officers can reasonably believe that further violence is unlikely.
- Verify and enforce permanent, temporary, or emergency orders of protection.
- Exercise reasonable care for the safety of the officers and parties involved.
- Provide the victim with notice of the legal rights and remedies available.
- Explain options available to the victim including the prosecution and protection order process.
- Provide the victim with the police incident number and the officer's name, badge number, and telephone number.
- Explain the follow-up procedures and ensuing criminal proceedings should there be an arrest.
- Advise the victim (verbally and in writing) of the availability of a shelter and other services in the community and offer transportation.
- Stand by, upon request, while victims gather their necessities, such as clothing, medication, and documents, for short-term absences from the home.
- Arrange, if necessary, for translation of the documents and investigative questions. (For the safety of the victim, children, or witnesses, do not depend on family members to perform translation services).
- Advise the victim that his or her name and contact information will be provided to a domestic violence counselor before the end of the officer's shift so that the officer can contact the victim to offer further assistance, clarification, referrals, services, and the like.
- Conduct safety planning or refer the victim to a service provider who can do so. Safety planning should include safety for victims choosing to stay, victims choosing to leave (both to include the children), home security measures, visitation, and workplace safety.

E. Protection Orders and Full Faith and Credit

A protection order includes any injunction or other court order issued for the purpose of preventing violent or threatening acts, harassment against, contact or communication with, or physical proximity to another person.¹⁴

Full faith and credit means that jurisdictions must honor and enforce protection orders issued by all 50 states, Indian tribal lands, the District of Columbia, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam. The federal Violence Against Women Act (VAWA) requires jurisdictions to give full

faith and credit to protection orders issued by other jurisdictions (18 U.S.C. 2265). If a violation of a protection order requires arrest in the enforcing jurisdiction, then the law enforcement agency in the enforcing jurisdiction must arrest.

The laws of the enforcing jurisdiction apply to the enforcement of a foreign protection order regardless of the laws that would apply in the issuing jurisdiction. Verification, if required, of foreign orders of protection can be accomplished by one of the following methods:

- Confirm the elements of an order in the National Crime Information Center Protection Order File.
- Review the elements of an order in state or local registries of protection orders in the issuing jurisdiction.
- Confirm the elements by communication with the issuing court.
- Review the elements of an order if previously filed with designated authorities in the enforcing jurisdiction.
- Draw upon personal knowledge or information obtained through an interview.

Under full faith and credit, a protection order issued in another jurisdiction must be enforced in the following cases:

- Even if the protected party would not be eligible for a protection order in the enforcing jurisdiction
- Even if it remains in effect for a longer period than protection orders issued in the enforcing jurisdiction
- Even if it includes relief that is not available in the enforcing jurisdiction

In 2002 the Armed Forces Domestic Security Act (10 U.S.C. 1561a) was signed into law to afford civilian orders of protection the “same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.” The secretary of defense of the United States is responsible for drafting regulations to guide implementation of the law.

F. Risk Assessment

There are several factors that have been associated with domestic violence and homicide (after a murder had taken place).¹⁵ The best predictor of future violence is past violence. The victim’s risk is often heightened at certain times: at separation, during pregnancy, and in situations where the victim has been strangled.

It is important to note that while there are ways to assess the risk of a particular situation, the absence of these conditions does not assure low risk or minimal danger. Risk assessment of a domestic violence incident is not an exact science and lethality or serious injury cannot be absolutely predicted. Interventions must be case specific, based on the totality of circumstances. Officers should establish whether risk is inherent in a particular situation or an attempt to safeguard against future violence. Information gleaned from the assessment should be incorporated into all aspects of safety planning as well as into the court and protective order processes. The elements of risk assessment should include the following:

1. Assessing Threats

- Are the threats credible to the victim?
- How detailed or specific are they?
- Are they consistent with past behavior?
- Can the abuser carry them out?
- Have there been any rehearsals by the abuser?
- Do the threats extend to others?
- Do the threats involve murder, suicide, or both?

2. History of Violence or Use of Force

- Has there been abuse of former partners or family members?
- Has there been a recent increase in frequency and intensity of violence or both?
- Is there a history of violence toward children?
- Has prior violence involved strangulation or choking?
- Has prior violence involved head trauma?
- Did any violence occur during pregnancy?
- Was there sexual abuse?
- Has there ever been abuse toward animals?
- Has there ever been destruction of the victim’s property?

3. Weapons

- Are there any weapons in the household?
- Are there any illegal or exotic weapons (if weapons are present)?
- Did past violence involve weapons?
- Does the victim possess any weapons?

4. Centrality

- Do the parties live together?
- Do the parties have any children in common?
- Do the parties have any legal ties?
- Is the victim financially independent upon the abuser?
- Is the abuser possessive?
- Does the abuser exhibit excessive jealousy?
- How much does the abuser’s sense of self depend on the relationship?
- Is the abuser socially dependent on the relationship?

5. Stalking

- Does the offender check up on the victim? If so, how?
- Has the offender engaged in surveillance of the victim?
- Does the offender enlist others to monitor the victim?
- Has the offender contacted or threatened the victim’s friends, family, or coworkers?
- Have there been unwanted communications (phone calls, e-mails, written communications, and so on) from the offender (either positive or negative)?

6. Control

- Does the abuser control the finances?
- Does the abuser attempt to control the victim’s activities?
- Does the abuser attempt to control what the victim is allowed to do?
- Has the abuser attempted to isolate the victim?
- Does the abuser feel entitled to be in control?
- Does the abuser equate compliance with loyalty?

7. Other Concerns

- Does the abuser drink, use drugs, or both regularly or excessively?
- Has alcohol or drug use escalated?
- Does abuser have a childhood history of domestic violence, child abuse, or sexual abuse?
- Is there an upcoming traumatic incident anniversary date from the abuser’s past?
- Have holidays been flashpoints?
- How does the abuser respond to change?

Upon assessing the risk and potential level of danger, clarify the following:

- Are there protection orders or ordered conditions of parole or probation?
- How does confidentiality apply when it comes to information and communication?
- What are the limits of the protective actions the criminal justice system can take?
- What are the additional services the criminal justice system can provide?
- What information needs to be known of the victim to best assist the victim?

Inform the victim that no one can predict what will happen in any given relationship, but there are certain dynamics of domestic violence, particularly as it relates to deescalation-phase behaviors, separation violence, stalking, and dangerousness, that should be noted with caution.

G. After the Incident

Law enforcement agencies should establish procedures to provide follow-up services and communication with victims.

Officers can assist in the following areas:

- Obtaining warrants
- Filing an order of protection
- Answering questions about the criminal justice process
- Locating and contacting a shelter
- Referring to support or social services agencies (to include help with safety planning)
- Creating open lines of communication so that the victim feels comfortable contacting the agency in the event of another incident

In addition, departments should develop memorandums of understanding with the victim service providers, child protection agencies, and prosecutors for follow-up and ongoing communication with the victim to provide information and services whether or not a criminal prosecution is pursued.

Officers should ensure that the victim is notified in a timely manner when a perpetrator is released from jail, as this is a period of heightened risk. If at this time the perpetrator contacts the victim (if a protection order is in place), threatens, harasses, or harms her in any way, the department should arrest the perpetrator on criminal charges related to these subsequent acts.

Acknowledgment

This Concepts and Issues Paper was prepared by Dave Thomas, a retired officer Montgomery County Police Department in Rockville, Maryland. He is the assistant director of the Domestic Violence Education Program in the Division of Public Safety Leadership at Johns Hopkins University.

Endnotes

¹ American Bar Association (ABA) Commission on Domestic Violence, <http://www.abanet.org/domviol/cdv.html>.

² State of New York, "Criminal Justice, Legal, and Judicial Systems," *Model Domestic Violence Policy for Counties* (January 1998), www.opdv.state.ny.us/coordination/model_policy/crimjust.html.

³ Wellesley College Stone Center, Wellesley Centers for Women, National Violence Against Women Prevention Research Center, *The Wife Rape Fact Sheet*, by Patricia Mahoney (Wellesley, Massachusetts: 1998), www.vawprevention.org/research/wiferape.shtml.

⁴ Janet Carter, *Domestic Violence, Child Abuse, and Youth Violence: Strategies for Prevention and Early Intervention* (Family Violence Prevention Fund), <http://www.mincava.umn.edu/link/documents/fvpf2/fvpf2.shtml>.

⁵ Frank Ascione, Claudia Weber, and David Wood, "The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered," *Society and Animals* (1997): 5 (3).

⁶ New York State Office for the Prevention of Domestic Violence, "Strangulation in Domestic Violence and Sexual Assault," *New York State Bulletin* (Fall 2003),

http://www.opdv.state.ny.us/public_awareness/bulletins/fall2003/strangulation.html.

⁷ Maryland Network Against Domestic Violence and the Maryland Police and Correctional Training Commissions, *Investigation of Strangulation: A Model Protocol for Maryland Law Enforcement Officers* (June 2002), <http://marcpi.jhu.edu/marcpi/DVProtocols/InvestigationofStrangulationCases.pdf>.

⁸ Penny Clute and Dr. Alexander Kuehl, *Know the Law: Resource Materials on Strangulation*, <http://www.correctionhistory.org/northcountry/html/knowlaw/strangulation3.htm>.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² Gael Strack, "She Hit Me, Too: Identifying the Primary Aggressor: A Prosecutor's Perspective," http://ncdsv.org/images/She_hit_me.pdf.

¹³ Loretta Frederick and Julie Tilley, *Effective Interventions in Domestic Violence Cases: Context Is Everything* (Minneapolis: Battered Women's Justice Project, 2001).

¹⁴ This includes any permanent, temporary, or emergency orders issued by a civil or criminal court (other than a support or child custody order issued pursuant to state divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other federal law) whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

¹⁵ J. Campbell, "Risk Factors for Femicide in Abusive Relationships; Results form A Multi-Site Case Control Study," *Assessing Dangerousness* (Newbury Park: Sage, 1995).

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Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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