

**Beyond the Obvious
Interpreting the Power,
Control and Manipulation**

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**The investigating officer needs
to build a contextual picture of
the crime**

C-A-L-M

- Control
- Apart
- Look
- Moderate

C-A-L-M

CONTROL

- Control Yourself and Disputants
- APART
- Separate the Disputants
- Be cautious if a lone officer
- Avoid kitchens, bedrooms, and bathrooms (may be weapons in bedrooms, will be weapons in kitchens)
- LOOK for weapons
- MODERATE the mood
- Seat disputants
- Voice Instructions

Identifying the Victim Establishing Probable Cause

- Physical signs of abuse
- Socio-psychological signs
- Financial signs -- lack of knowledge about money management
- Signs of Denial of Civil Rights
- Trauma

Signs of Self-Defense

- Forearm injuries
- Scratches on the neck
- injuries don't match the story
- Lower back injuries
- Pulled hair
- Bite marks on the chest
- Bruises on arms (upper)
- Injuries hidden beneath the clothing line

Self-Defense or Predominant Aggressor?



Is a pre-emptive strike OK?

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It's a matter of:

- Who is dominant?
- Who is creating the fear?
- Who is in fear?
- Who is more significant aggressor?
- Who needs protection?

- **It is not who started it.**

Factors to Consider

- Size of parties
- Use of weapons
- Who is stronger?
- Who is afraid of whom?
- Is one party specially trained in martial arts, boxing, or hand-to-hand combat techniques?
- Who in the relationship poses the most danger to the other?
- Who has the more serious injuries?
- Location and nature of injuries – Offensive vs. Defensive
- Did one party escalate the level of violence?

Factors to Consider

- History of abuse
- Demeanor of the parties
- Use of alcohol and other drugs
- Criminal history
- Existence of court protective orders
- Existence of corroborating evidence or witnesses
- Other legal defenses such as self defense

Considerations of when to arrest

- The question should be do we have probable cause to arrest for an unlawful assault committed by someone.
- We should not make an arrest solely because someone in a domestic violence relationship has an injury and we cannot determine how it occurred.
- We should not arrest both because we cannot "figure it out."

Summary

- Follow your agency policy
- Do not rush your decision who is dominant
- Look at the history of the parties
 - a look, or a gesture can in the context of the parties' history signal danger
- Look at self defense issues
- New information may be discovered that changes your decision who to arrest. Be familiar with your agency policy on how to release someone who has been arrested.

Negative Consequences of dual arrest

- What are the negative consequences of a dual arrest?
- Rarely Prosecuted
- Children removed placed in protective custody
- Victim not protected (release agreement, R.O., etc.)
- Batterer gains more power
- Victim experiences the fright of arrest
- Victim may not call police in the future
- Victim gets a criminal record
- Department may be sued

Positive results of not making a dual arrest

- Reduce the number of inappropriate arrests
- More cases are prosecuted
- Child stays with one parent vs. shelter home
- Remove the person who is abusing and maintaining power in the relationship
- Remove the person who is the serious threat in the home
- Stop the re-victimization of DV victims
- Reduce lawsuits

Realities of VAW Crimes

Common characteristics of violence against women crimes

- Course of conduct vs. incident-based
- Multiple concurrent crimes
- Traumatic impact
- Minimization by victim
- Underreported
- Serial nature of perpetrators

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Context is Everything

- The Criminal Justice System is by design and necessity, incident focused
 - What is the intent of the offender?
 - What is the meaning of the act to the victim?
 - What is the effect of the violence on the victim?
 - What is the **context** of any given act of violence?
 - Consider the particulars, how much violence, coercion or intimidation accompanying the violence

"A victim of domestic violence calls the crisis line for the first time on average after the fifth assault".

— SA, Dr. Judith Resnik

Minimizing
by the Victim

Minimizing
by the Offender

Minimizing
by the Officer

Probable Cause
Who is the primary aggressor?

Fear

**Who talks or appears scared?
Remember your last use of force report**

Section Two, Handout #5

Probable Cause

Body Language

**Who displays an aggressive stance?
Consider the physical size of the parties.**

Probable Cause

History of Abuse

**Medical records, 911 tapes, police reports,
shelter stays and protective orders. Examine the
paper trail.**

Probable Cause

Neighbors &
Witnesses

Probable Cause

Excited
Utterances

"a statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition."

Probable Cause

Crime Scene

Probable Cause

Injuries

Will the offender use power and control against the responding officer?

Power and Control Tactics

Intimidation.....

- Following you from room to room
- Aggressive stance
- Read the body language – they will read yours

9/8/2016

Power and Control Tactics

Isolation.....

- **Wont let the officer in the residence**
- **Children told to hide or leave the home**
- **" My wife is in the shower"**

09/2018

Power and Control Tactics

Economic abuse.....

- **" I can't trust her with the money"**
- **Victim has no knowledge of family money matters**
- **" I'm the bread winner....."**

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Power and Control Tactics

Using Male Privilege.....

- **" I wear the pants in my family"**
- **Ownership language about the spouse or children**

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Power and Control Tactics

Threats.....

- “ You are violating my rights.. Do you have a warrant”
- “I’ll sue”
- “I’ll have your badge”
- “I’m the taxpayer”



08/2016

Power and Control Tactics

Minimizing - Denying - Blaming.....

- “ It’s not that bad.. She bruises easily”
- “She/he is crazy”
- “It’s all in his/her head”
- “Nothing happen”
- Not taking responsibility
- “ I’m very sorry we bother you officer”

06/2016

Power and Control Tactics

Using the Children...

- “The kids will agree with me”
- Dragging the children into the arrest or court
- Sending the children away or into hiding

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