

FOR LAW ENFORCEMENT OFFICERS IN NORTH CAROLINA

DOMESTIC VIOLENCE BRIEF



THE UNIVERSITY of NORTH CAROLINA
GREENSBORO

**CENTER FOR YOUTH, FAMILY,
& COMMUNITY PARTNERSHIPS**

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Overview

This document is intended to inform law enforcement officers throughout North Carolina responding to cases of domestic violence.

It contains information about how to respond to domestic violence or domestic dispute calls, conducting domestic violence investigations, important safety information regarding domestic violence calls, NC DV Statutes, and contextual factors of violent domestic relationships.

This brief draws from a combination of research materials from peer-reviewed academic journals, and published documents from the NC Department of Justice and Department of Crime Control & Public Safety and is provided to you by the Center for Youth, Family, and Community Partnerships at the University of North Carolina at Greensboro serving as the Research Partner for the Middle District of North Carolina Project Safe Neighborhoods initiatives to reduce gun and gang violence.

Domestic Violence Defined

- Domestic violence is the attempted or actual physical or emotional harm between spouses, intimate partners, former partners, or family members. This sort of violence may be seen as physical beatings, emotional, or sexual abuse; it can range from beatings and rape to intimidation and threats. Typical batterers (men-husbands, boyfriends) tend to keep their victims (typically women-wives, girlfriends) financially dependent on them and isolated from outside friendships and relationships.

Although Domestic violence is more prevalent in households of lower socio-economic status, it occurs in all societies among people of all races, religions, sexual-orientations, and genders.

These efforts are currently supported by Project Safe Neighborhoods funding (180-1-03-001-BB-094) awarded by the U.S. Department of Justice through the North Carolina Department of Crime Control & Public Safety, Governor's Crime Commission.

Responding to Domestic Violence Calls

The following is a brief summary on how to effectively and safely respond to calls of domestic violence and make initial contact with suspects and victims, as outlined by the NC Governor's Crime Commission: Violence Against Women Committee.

About the Source

*"Domestic Violence:
Best Practices for Law
Enforcement
Response,*

*A Model Policy Manual
Prepared Under the
Violence Against Women
Act,*

*North Carolina
Governor's Crime
Commission – Violence
Against Women
Committee.*

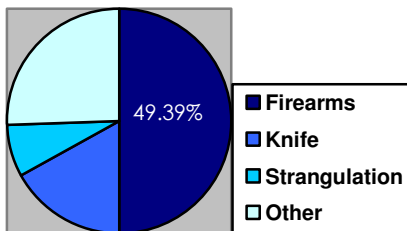
Published in Jan. 1998

Approach

- At least two officers should respond to the scene of any domestic violence call in progress or recently occurred.
- Officers should employ standard precautionary measures in approaching the scene of the incident, including:
 - Parking away from the residence
 - Waiting for backup
 - Checking the outside of the residence for assailants

Entry

- Officers should request entry into the home and ask to see the victim of the emergency call.
 - *If the person who called 911 is someone other than the victim, do not reveal the caller's name and whereabouts.*
- It's important that officers speak to the victim alone, and if access to the victim is refused, be persistent.
 - If officers are unable to contact the victim, they should have dispatchers attempt to contact the victim via telephone.
 - If entry is still refused, a supervisor must be advised of the situation.
- The following options are available to the officers:
 - If there is any evidence to indicate a crime has occurred such as the condition of the scene, or the state of the person talking with officers – they must not leave the scene without making contact with the victim.
 - If the officer has reason to believe that serious injury has occurred or may occur upon their departure – officers must not leave the scene.
 - In some circumstances forced entry may be necessary to prevent the commission of a felony, as stated in NCGS 15-43. However if time allows, officers should contact a supervisor before forced entry is pursued.
 - If officers decide to remain to observe, they should re-locate to public property.
 - If officers decide to leave, they should drive by the residence later to observe any further disturbances.



Approximately half of DV related homicides in NC in 2007 were committed with a firearm.

Based on figures provided by the NC Coalition Against Domestic Violence.

Contact

- Once inside the residence, officers should immediately:
 - Identify potential weapons,
 - Separate the victim and the assailant,
 - Assess injuries and notify EMS if needed,
 - Separate witnesses from the victim and the accused, keeping them out of hearing range to avoid influencing their statements,
 - If a firearm is involved, follow appropriate gun screening protocol

Interviews for Preliminary Domestic Violence Investigations

- After the aggrieved parties have been separated and the situation is under control, interviews may proceed. Conducting interviews in an uncontrolled environment may prove to be ineffective.
- Maintain visual contact with all individuals involved at all times.
- Avoid allowing individuals to go into kitchens, bathrooms, or bedrooms.
- Eliminate distractions by turning lights on, turning off TV's or radios, and asking people not directly involved to step aside momentarily.
- It may be beneficial for officers to take one individual outside while another officer stays inside with the other individual, keeping the individuals out of sight from the other and out of hearing range if possible.
- Witnesses should also be questioned separately from the victim and suspect, especially children who are frequently witnesses to domestic violence.
- Adopt a non-hostile interview approach by keeping aware your voice and body language – with a calm, direct speaking voice and a posture or stance that ensures you are in control of the situation while trying to make the interviewee relaxed and at ease. Stay in control of the situation by remaining calm.
- Ask open ended questions to determine injury, if arrest is necessary, and to assess patterns of abuse, such as:
 - Can you tell me what's going on?
 - How did he/she hurt you?
- In order to more accurately assess truthfulness and perceived differences, ask the victim and suspect a few identical questions, such as:
 - Why did this happen?
 - Who hit who first? How did it start?
 - Has this ever happened before? How often?
- Re-interview victims and suspects in order to clarify statements and be mindful for inconsistencies in statements.
- Be prepared to record verbatim spontaneous declarations from victims or suspects that may be used later in court.

Boyfriends accounted for 21% of DV Homicide Suspects in NC in 2007. Husbands accounted for 20%, Ex or Estranged Husbands accounted for 8.3%, and Ex or Estranged Boyfriends/Girlfriends accounted for 9.5%.

Based on figures provided by the NC Coalition Against Domestic Violence.

About the Source

“Response to Domestic Violence,” the course text-book for a domestic violence training course offered and published by the North Carolina Justice Academy, Salemburg, NC.

14 % of NC homicides in 2007 were related to Domestic Violence.

Based on figures provided by the NC Coalition Against Domestic Violence and the NC State Bureau of Investigation.

Safety Tips for Responding to DV Calls

1. Weapons are used in 30% of domestic disputes. When the situation is controlled, if a firearm is involved, contact a gun screener to ensure appropriate procedures are followed through.
2. Injuries are inflicted on someone by the participants more than half of the time, and an assault with injury occurs every 2 minutes.
3. In one-third of the cases, force is used by the responding officers.
4. If an assault does occur on a domestic violence call, there is better than a one-in-three chance that it will result in injury to the officer.
5. These calls are always unpredictable and warrant your full attention.
 - Other considerations when approaching a DV scene:
 - a. 1/3 of all officer assaults occur on domestic disturbance calls
 - b. 20% of every officer killed on duty die responding to these calls

NC Statutes on Domestic Violence

- Under G.S. 50B-1 of the North Carolina General Statutes:
 - “Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts or self-defense:
 1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
 2. Placing the aggrieved party or member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment; or
 3. Committing any act defined in G.S. 14-27.2 through G.S. 14.27.7.
 - For purposes of this section, the term “personal relationship” means a relationship wherein the parties involved:
 1. Are current or former spouses;
 2. Are persons of opposite sex who live together or have lived together;
 3. Are related as parents and children, including others acting in *loco parentis* to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
 4. Have a child in common.
 5. Are current or former household members;
 6. Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

Contextual Factors of Domestic Violence Relationships

- Social Factors
 - Economic dependence
 - Fear of greater physical harm to themselves and children if they attempt to leave
 - Fear of psychological/social damage to the children
 - Fear of losing custody of children
 - Lack of alternative housing
 - Lack of good job skills
 - Social isolation resulting in lack of support from family or friends and lack of information regarding alternatives
 - Fear of involvement in civil/court processes
 - Cultural, social, and religious constraints
 - Fear of an unknown future
- Emotional Factors
 - Fear of loneliness
 - Insecurity over potential independence and lack of emotional support
 - Guilt about failure of marriage
 - Fear that husband is not able to survive alone
 - Belief that husband will change
 - Ambivalence and fear over making formidable life changes